

Written evidence submitted by Diana Larfynn (BAHons) to The Children's Wellbeing and Schools Bill Committee (CWSB142).

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1. Who am I?

- I am an Outdoor Community Practitioner and set up **Stomping Ground CIC 15 years** ago of which I am still Director. I work in Cumbria and Lancashire. I am a certified **Outdoor Mental Health Practitioner, Level 3 Forest School Leader and Level 3 Safeguarding Adults and Children**.
- Using Forest School training I have worked with the **Home Education** community for 5 years in a Lancaster park and Chadwick High **Pupil Referral Unit** , which is the first stop for children after being expelled from mainstream or referred out for mental health issues, for 3 years in the local nature reserve.
- I am part of a group setting up another organisation which will provide 2 days a week to the Home Education community in South Cumbria, which may fall now under **Independent Educational Institution** guidance.
- I have offered Home Education to my son, who has chosen that path for secondary education starting September 2025.

2. Why am I submitting evidence?

My work has meant i have a professional understanding of what it means to home educate and the differences between elective home education and children not in school. I also have a professional understanding of safeguarding practice and am a Designated Safeguard Lead for my organisation. I have worked with many families who have come out of school voluntarily, some who have never been, expelled children who are still in the system and those struggling with mental health within the system.

This work also means i have got a good grasp of **neurodiversity** and the impact of school trauma on Neurodivergent people. I believe, at least 90% of those not in school are Neurodivergent and every child in the pupil referral unit I work in is Neurodivergent (with or without diagnosis).

The current mainstream education system is discriminatory against neurodivergent people and does more harm than good in these cases. De-registration is a hard road and many parents have tried *everything* before accepting their child does not fit into the current educational culture. It is a painful feeling of rejection for the child for the duration of this process as the parent, under pressure from the the LA, is pushing the child to their limits to get them into school and while at school the child feels panicked and therefore unable to access learning . Sometimes they go through all this just for an hour a day so that a box can be ticked. This means that the relationship between the parent and the child is already damaged by the time de-registration occurs. When

the parent finally accepts their child's needs the mental health of the whole family is usually at crisis point and de-registration is the beginning of their recovery.

De-registration is a financial burden for parents and takes people away from the careers they have been forging but **it is in the best interest of their child's welfare so they do it.**

A significant proportion of the Young People in my groups have single parents on Universal Credit and they did not plan to home educate but now feel that is best for their child.

An important thing to note is this: The LA try to get the child into school by whatever means because there is a lot of pressure from Ofsted to increase attendance and they see it as part of their job.. Families already have visits from 'attendance officers' to say whether they think the child should go in to school. **The feedback I get regularly is that the LA (attendance officers etc) are not trained or experienced in the nuances of Neurodiversity or poor mental health to see what is in the best interests of the child. It has been, without exception, the parent who can see that the best interests for the child's welfare would be educating at home.**

I consistently see extremely poor mental health being the tipping point that triggers de-registration rather than a family being supported to make that move before poor mental health has worsened. This is under the current legislation with ½ the jail term! More pressure for kids to stay in school will decrease positive mental health outcomes.

(A note here to say that, during a meeting, the headmaster of the PRU said "The kids who struggle to get into school can teach themselves at home using the internet these days and his provision provided space for those children who NEEDED to be in school". Their register doubled has doubled in the last few years and they are transitioning to an academy.

3. Some key points:

- **It is not appropriate to try and legislate away a mental health crisis through attendance orders.**
- **Henry VIII powers should be kept to a minimum.**
- **An unacceptable amount of power is being handed to the LAs as in this bill they can legislate without scrutiny.** What training will the LAs receive in Neurodiversity, discrimination, trauma-informed practice and Home Education Culture so that they are not projecting their personal values into legislation?
- **It is important to support the systems already in place and not put up barriers through unnecessary administration.**
- **It is important to recognise Home Education, in its many forms, as a valid and valuable choice and not as a last resort.**
- **There is a difference between Home Education and Children Not in School which is not recognised enough in this bill.**
- The concept of 'knowing where every child is at any time between 9am and 3pm Monday to Friday' should be addressed as unrealistic and it would not stop safeguarding issues. A register of drop-off settings should be enough.
- What is defined as 'best interests of the child'? This should be safeguarding based and NOT educational. These things need to be treated separately.

4. Why are children home educating?

Many families believe:

- 4 is too young to start writing and phonics as they should be concentrating on learning through play (a lot of scientific research to back this up). They start Home Ed and realise it meets their needs fine.
- Many would like to use secondary schools but there aren't any which would support their child to thrive as the scope is too narrow.
- They want their children to be led by what makes them tick – to find their passions. The curriculum is too full for a child to explore the things **they** want to learn.
- Homework brings home the dynamics of school and entrenches class divides within the education system as many households simply can't facilitate this. If a child 'feels stupid' at school they don't get to go home and do what they need to feel better as they have home work. **Taking away school-led homework would be the single best thing a government could do for children's mental health and to address the class divide.** Child-led non-compulsory homework (which is not graded) would be able to meet more needs.
- The punitive 'discipline' structures of secondary schools around uniforms and tardiness (introduced in academies) create a mental health issue and leave no room for individual needs. They prioritise the needs of the Neurotypical and marginalise further those who are Neurodiverse – no matter what academic ability they have.
- Many families want choice in how many qualifications their child does – 10 is too many for most children and means they have no time to do the exams they are good at to the best of their ability. Being able to choose less and using free periods to study would increase grades and take up of secondary.
- Every family will have its own unique set of circumstances as to why they have chosen to Home Educate.

How can we help those educating at home?

- Make education **easier** at home. Talk to Home Education Advocacy groups.
- Financial support (already given through Disability Living Allowance for some is very helpful) – **free exams**.
- Make the government education offer in the UK more diverse and the Nat Curriculum optional in secondaries.
- Reverse the changes that were made to KS1 And KS2 Nat Curriculum by the Tories so phonics and ESPECIALLY WRITING starts later. The current method is damaging children's self esteem before they even begin – research available. Look to the continent.

5. Amendments in order of the Bill – Children Not in School

Clause 24 434A (3)

Condition A -

- I believe it is **discrimination** to include SEN children here. They are legally required to register under other parts of the bill and should be able to follow the parents expertise.. The LA can always follow up – this is different to the LA having the power to stop them home educating.
- Unlike the cases of safeguarding on Condition B, Condition A is a whole community being singled out and left vulnerable to regional policies and personal values of the LA and their staff.
- I have seen too many times LA attendance officers pushing children to their limits as they simply do not see the whole picture in their short visits (see above).

- Leaving this key decision to LA staff will also compound discrimination against minorities who wish to educate at home. It is not realistic to assume LA staff are not prejudiced or that they have a proper grasp of Neurodiversity and how that presents.
- DO NOT CRIMINALISE THIS COMMUNITY. USE THE LAWS ALREADY IN PLACE.

The LA already has powers to talk to families and ask Qs about the education and welfare they have in place (or plan to do). Safeguarding issues can be followed up using legislation already in place. This is not necessary and is discriminatory.

Clause 24 434A (6)

There is not currently enough understanding of the Home Education community for the LA to decide what is best for the child or what their education should look like.

Many people believe it should look like 'School At Home' (Home Schooling). This is not the case and I see the benefits of educating alternatively in the Home Ed groups I run. The children have a self-understanding which takes **several years** for the kids who come out of school later to match.

Many of those who have Home Educated from the beginning are Neurodiverse with no diagnosis and are unaware of their Neuroprofile as they are able to follow their strengths. I also see that diagnoses of Pathological Demand Avoidance are reduced in this community as sometimes PDA has been diagnosed in children who actually have Post Traumatic Stress Disorder from their experiences in school (this is called systemic trauma). I can see that these Elective Home Ed kid's confidence would not be what it is without the alternative style of education they have received.

The LA do not have enough experience to understand the different styles of Education and therefore should not be legally responsible for saying what a 'suitable education' is.

The LA and the internet makes excellent provision for people to learn at any age and in many ways. MORE emphasis on welfare and mental health and LESS emphasis on prescriptive education is OK in this day and age.

The SoS will have their work cut out in **(10) and (11)** if LAs are to decide whether or not a family's home education style is 'suitable'.

Clause 25 436C (1) Content and maintenance of registers

- At the 2nd reading many MPs spoke about 'not knowing where children are' in parliament. 'Not knowing where children are' is different from 'not knowing whether children are being abused'. The government does not know where most children are most of the time. The key piece here is "where are children unsupervised by parents".
- Please do not legislate a data harvest – this can be done in other ways.
- Prioritise the wellbeing of the child and keep admin workload to a minimum to enable the best interests of the child to have a suitable education provided for them.

(b) should be scrapped as could harm victims of domestic abuse and is not needed for this purpose and **(c)** used only.

(d) and (e) seem written by people who do not have an understanding of this community and think of home education as 'school at home'. This fundamentally needs to change.

- How long is spent in education is a red herring for alternatively educating families – this is not necessary, will manipulate a child-led education away from their best interests and will cause headaches for anyone administering it.
- The bill makes provisions elsewhere for information from providers in **436E** (Provision of information to local authorities: education providers) and from Independent Educational Institutions.
- Putting pressure on families will discriminate against Neurodiverse populations who may struggle with forms (there are many dyslexic families in the home ed community).
- With only 15 days to comply this is too much information. (possibly an annual report?)
- The LAs already have the power to safeguard children and abuse is dealt with in other laws.
- The LAs already have the power to investigate the education of a child do they need this much info all the time?
- This register should not be used to deem whether or not a child is receiving a 'suitable education' or whether that education is 'full-time' enough for that child. This should be more personalised.

(e) (i) – to be **amended** to *'the names and addresses of any individuals and organisations involved in providing that education **without any parent of the child being actively involved in the tuition or supervision of the child.**'*

- This is an appropriate level of information to safeguard children and is in line with other legislation.
- Parental abuse is dealt with elsewhere in legislation and does not need to be addressed in this bill as parents are ultimately responsible for their child when they are present.

(e) (iii)

- There is no postal address where I provide my Forest School sessions – it is a public park.

Clause 25 436C

(2) (k)

- **The SoS should not be able to legislate this later using Henry VIII powers without public scrutiny.** This leaves Home Ed families vulnerable to the current values of the government and the SoS which may change over time.

(3) *A register under section 436B may also contain any other information the local authority considers appropriate.*

- LA (attendance officers etc) are not trained or experienced in the nuances of Neurodiversity or poor mental health to see what is in the best interests of the child.
- **They should not be allowed to legislate unscrutinised!**
- This would cause chaos and would leave vulnerable families open to discrimination.
- Please limit their powers IN THIS BILL!

(4)(c) and (f) *publication of the register;*

- Inappropriate for 'individuals' as recorded on the register in (1 e) where education is shared and the address is a family's home. **How will a child's Right to Privacy be upheld?** **Article**

16 (UN convention of the Rights of a Child) "Every child has the right to privacy. The law should protect the child's private, family and home life."

(4) (e) *how time is to be recorded for the purposes of subsection (1)(d)*

- If the register is to be used as a tool for assessing 'full time education' (which I hope it is not) then this should not be left to the LA. In Cumbria we have many rural families who may spend 3 hours a day in a car and some LAs may not deem this as 'educational' meaning the families will then have to make this time up in evenings and weekends.
- How long is spent in education is a red herring for alternatively educating families – this is not necessary, will manipulate a child-led education away from their best interests and will cause headaches for anyone administering it.

Clause 25 436D

(1) 'A parent' is too vague. Is it parent(s) responsible for education in 436C (1) (c)?

2 a) 'on request' suggests the parent should have it to hand.

- This is discriminatory for those who need support to manage paperwork through Neurodiversity – which is prevalent in the Home Ed community.
- They should not have to run their family like a drop-off setting.
- Please set a time limit. 30 days preferably where safeguarding is not an issue.

b)

- This is not realistic.
- If the parent is providing a suitable education then they should be trusted to make decisions which are in the best interests of their child.
- Parental abuse is dealt with elsewhere in legislation and this will not safeguard against that.

4 c) 15 days is not enough time. In my setting it can take a month to know whether someone will continue attending. 15 days will create a lot of paperwork.

436E Provision of information to local authorities: education providers

This may include my provision – 2 hour Forest School Sessions for families and drop off for 8yrs+. We are happy to be on a register but our financial margins are small as there is already a large financial burden on Home Ed families. We can not afford more paperwork than necessary meaning our provision may become untenable.

As an organisation we have Risk Assessments, DBS checks, Policies etc which are easily provided.

(1)

- It is not clear whether out of school clubs would need to provide this information for home ed families. These clubs do make up the education of that child but their financial models do not accommodate the admin meaning they may exclude home ed kids.

(3)

- References to the amount of 'time' are not helpful as 'full time' education is a red herring for the Home Ed community who are a very diverse community with very diverse needs.
- This amount of information, coupled with a monetary fine or 51 weeks in jail, may lead to some universal groups excluding home ed kids

(4)

- 2 of the sites we use are public parks. Leaving a notice there would not work.

436F Use of information in the register

- While safeguarding has a lot of legislation already in place and information sharing is vital, why is it vital to share information around a family's educational style?
- How can this bill protect families from biased LAs?

436G Support

- At the 2nd reading it was suggested to include free examinations for Home Educating families – where requested. This would significantly increase the qualifications coming out of the home ed community as there are large financial barriers – averaging £215 per topic. Is it important there are not conditions on this to ensure free and fair educational opportunities. I appreciate there may be limits which are not the same as conditions.

2) Offering advice which 'the LA sees fit'.

- How can this bill protect families from the LA using this 'advice' to form part of the 'suitable education' the LA might be biased towards?
- Providing advice is great but it becomes something else when the LA is holding all the power.
- The solution would be that the LA would not decide whether a child should be in school or not, with no risk of harm present, which would make advice helpful and did not bring the pressure into the home which many families have escaped at school.

Schedule 31A

- When considering the amount of information LEGALLY being required by families involved in the home education community this punishment is too much and discriminates against those who will find it difficult to keep up with the register's 15 day requirements covering a guesstimate of 20 different settings a week.

436H Preliminary notice for school attendance order

- Attendance Orders are a direct contravention of freedom of movement in this country.
- In 99% of cases they damage the mental health of a child contravening the UN rights of Child article 24 - "Every child has the right to the best possible health".
- They target the most vulnerable children and unacceptably damage their mental health.
- It is not right to legislate away the crisis in our education system by forcing children into school with the consequence of non-compliance being separation from a parent (through jail).
- For those who so desperately do not want to be in school – can the government make sure they can educate when they are ready instead of compounding mental health issues?

- These orders do not address the real issues behind Children Not in School.

(1) and (2) This is extremely worrying.

- All conditions should be 'may' (2) not 'must' (1). Making it a law that they 'must' will give no wiggle room for the best interests of the child. There is already legislation which safeguards children and that needs to be applied properly and not mitigated here.
- A biased LA could prejudice an entire community LEGALLY and wipe out home education in their area.
- These orders should be decided by a court not an unqualified LA staff member – as this will criminalise people.
- This contravenes Article 5 in the UN rights of a child – **Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up.**

(4) Condition A is that the child is not receiving suitable education, either by regular attendance at school or otherwise.

- An LA should not decide what forms a suitable education if the consequence for a parent is punishment under schedule 31A. Many parents will not continue to push their child into school as they can see it damages them. LAs will be able to criminalise parents who are acting in the best interests of their child.
- Might a suitable education be defined by the UN Rights of a child - Article 29 (goals of education) Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment. This article includes respect for their parents as, globally, colonisation practices include taking children away from their parents to educate them in a prescribed way. This is now seen as deeply traumatic. Attendance Orders hark back to those practices. Giving the LA more powers here is NOT proportionate.

(5) Condition B is that—

a)

- We have some families who are going through investigations due to domestic abuse. These children are based with their primary caregiver and educational provider but still see the other parent. They have home educated all their lives. Making a law they **must** attend school is not the right approach and would harm them.

b)

- Children are not in school for a reason – forcing them to go does not address the REAL ISSUES and criminalises families who are already on the margins.
- Attendance Orders are NOT the answer. More community learning support, children's services and a reformed education system are!

c)

- The LA should not decide what is 'in the best interests of a child' where there is not risk of harm.

436I School attendance orders

(1) (c) *in the opinion of the authority it is expedient that the child should attend school.*

- Why is this up to the LA? It should be a legal matter and not someone's 'opinion' above the opinion of the parent.

2 (b) '*what the child is learning*' opens up a can of worms and is very subjective. It may mean Home education is held up against the National Curriculum standard which is not appropriate. Will there be standardised tests? This is left to 'opinion' about what is valuable to learn. **The LA do not have enough experience of alternative education.** This will **harm** already vulnerable families.

2 (c) Is it legal for the LA to enter a home without a warrant? This seems disproportional where there is not risk of harm. It is illegal for good reasons and these rights should not be eroded! This will harm the family and drive the child into further distrust for the LA (due to systemic school trauma many ex-school students are fearful of 'officials'). Where there is risk of harm other legislation already exists.

436P Offence of failure to comply with school attendance order

- why is it necessary to increase this to 51 weeks? If a parent is jailed then the shortest term possible is important for the wellbeing of the child.
- This contravenes **Article 9 in the UN convention of a Child's rights – Children must not be separated from their parents against their will unless it is in their best interests (for example, if a parent is hurting or neglecting a child).**
- Parental jail terms should not be equal to professionals.

6. Independent educational institutions – an overview

We are about to set up an alternative setting for secondary aged kids (10 kids) in Cumbria to support the Home Ed community. This will be 2 days a week and paid for by parents. It is 2 days so the kids can follow other interests on other days but we wanted to create a regular community setting for them.

We would be happy to be on a register and provide info about our setting and show why it is a safe setting. It would not be appropriate to have to reach Ofsted Regs for Secondary aged kids. We are not curriculum linked.

- It is generally thought by the sector that if many of the alternative institutions were to come under those standards it would make our positions untenable.
 1. Firstly because we prioritise the wellbeing of children over the education and skills they acquire.
 2. Secondly because learning is led by the student and may not fall under the National Curriculum or specific topics.
 3. Thirdly because margins are already small and we would not be able to pass the cost on to families.
- Ofsted does not have enough experience (yet) to be able to support institutions like mine. There needs to be a panel which includes Home Ed advocacy groups and a VARIETY of Alternative Education settings to advise The Department of Education.
- It is possible this legislation will take away the wellbeing offers which support the children experiencing the Out-Of-School crisis.

7. Amendments to the Bill - Independent educational institutions

Clause 30 Expanding the scope of regulation

(2) 92 1)

- Please define Full-time Education/majority etc. What is education? What is full time?

(3)

- Please define Full-time, majority, part-time.
- If the Secretary of State for Education were to decide that our hours of operation were in fact 'full-time', as a registered 'Independent Educational Institution' we may not be able to continue running, as the business management side of things would become unsustainable.

(5) Regulations may—

- Henry VIII powers are not acceptable as it leaves 10,000's of families and workers open to the current political climate.
- Leaving these crucial elements to Regulations rather than primary legislation creates instability in a valuable sector meeting the needs of so many vulnerable children in the community.
- Please safeguard our jobs and define this by doing the research. Until the research has been done – protect the families and children who rely on this provision and the jobs they create.

(8) In section 138 (interpretation of Chapter 1 of Part 4)—

(b) after subsection (1) insert—

*“(1A) For the purposes this Chapter, education is provided at an institution if the institution provides instruction or guidance **on any matter** (and for this purpose it does not matter whether, or by whom, students attending the institution are supervised).”*

- I can see everyone would be included in this. Girl Guides, Forest School sessions, Gym sessions.... This could cause chaos and may lead to groups excluding home ed kids. Is there evidence children are being abused at these groups? There are already things these groups do to keep children safe and it has proven enough.

36 Powers of entry and investigation etc

127B Entry without warrant and powers of investigation

(1) *The Chief Inspector may, without a warrant, enter **any premises***

- Why? Why not get a warrant? OR send the police in if its an emergency? This is open to abuse and misunderstandings and means Ofsted could enter the home of a family without a warrant.

41 Academies

- The Pupil Referral Unit that I worked at for 3 years needed to teach National Curriculum and was held to the same standards as a mainstream school. This was not appropriate for the students and their best interests could not be met educationally. The school are in the middle of transitioning to an academy and this will support them more. The Children are at this school because mainstream education was not working for them – the national curriculum is not always the answer!

- We need a DIVERSE Education system for a DIVERSE workforce. Can we not build on the academies to provide this?
- Being able to hire DIVERSE staff is helpful for them.
- I do not approve of the privatisation of Education - make the public offer more DIVERSE.

How can we create an education system which celebrates Neurodiversity and shows an appreciation of diverse education for a diverse workforce.

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