

Response to the Children's Wellbeing and Schools Bill

As a parent who has home-educated for 16 years, an academic researcher in home education, and an educational consultant, I raise the following concerns regarding the Children's Wellbeing and Schools Bill:

This bill fails to clarify the longstanding tensions between parental autonomy and state oversight in the provision of education for home-educated children. In my analysis, I draw on the bill and its supplementary documents, the Education Act 1996, evidence from the Education Select Committee (2022), as well as my PhD research and wider empirical studies in this field. My research, alongside existing academic literature, highlights the complexities of home education governance, the impact of policy changes on families, and the need for a more nuanced approach that balances safeguarding concerns with respect for diverse educational philosophies.

Legal Framework and Parental Rights

- Home education is a legal parental choice, protected under Section 7 of the Education Act 1996.
- The primary legal responsibility for education lies with parents, while the state provides and regulates schooling.
- The UNCRC places responsibility on the state to provide education, creating tensions between parental autonomy and state oversight.

Concerns with Specific Clauses in the Bill

- Clause 24, Page 46: Parents must seek permission to home educate under specific conditions:
 - Condition A: Applies to children in special or independent schools. These children are in special schools for a reason. If anything is wrong at that school or the parent do not see the school is meeting the needs of their child, this puts extra burden on the parents.
 - Condition B (a): Applies to parents under investigation, which could include malicious social service referrals, divorce, or domestic violence. This needs to be defined further and needs to be consulted with social services specialises. I have been referred myself in the past due to malicious neighbours and racist people. If I had been under investigation based on those false allegations I would not have been able to provide the fantastic education I have been for my 5 children in the past 16 years. I would recommend a time line or something more specific or different stages of investigation when a parent should not be allowed to home educate.
 - Condition B (b): No objections to this clause. Absolutely behind this 100%.
- Clause 5B: Requires schools to notify local authorities if parents move without informing the school. Raises concerns about privacy and autonomy.
- Clause 46, 434 (6): Requires local authorities to decide on consent "without undue delay."
 - Issue: The phrase is vague and lacks a defined timeline. Also it will still leave a loophole for those parents deliberately trying to harm their child by not informing the school where they are moving or giving mis information.

- Impact: Delays in decision-making could negatively affect the child’s education and well-being.
- Clause 6b (ii): States that “no suitable arrangements have been made for the education of the child otherwise than at school.”
 - Issue: Incorrect assumption, as home education itself is a suitable arrangement.
 - Recommendation: Use clearer and more appropriate wording that suits the context of home education and home education approaches.

Misconceptions and Discriminatory Assumptions about Home Education

- The Bill assumes all unregistered children are “missing an education.”
- Families from minority backgrounds (e.g., Muslim and Traveller families) are often viewed with suspicion, while white middle-class families are seen as making informed choices.
- A lot of home educators feel there is an equivalence between an EHE register and a sex-offender register, which unfairly stigmatises home-educating families.

Existing Register and its Limitations

We already have a register with all local authorities (LAs) of individuals who are home educating. However, there has been no investment in this register or the local authorities to demonstrate how it could serve as a supportive network and foster a meaningful connection with LAs. Due to misinformation and a lack of understanding about home education and its diverse approaches, home educators have lost trust in local authorities and their officers. Neither the existing register nor the proposed one addresses systemic issues such as the lack of educational support or inequalities in access to resources.

Sara Sharif Case and Misuse of Tragedy to Justify the Register

- Sara Sharif was on both a school register and an EHE register before her tragic death.
- Safeguarding concerns had already been raised, yet the system failed to protect her.
- A register alone does not prevent harm; effective safeguarding mechanisms must be strengthened instead.

Financial and Practical Burdens on Home-Educating Families

- The Bill does not propose additional support for home-educating families, despite increasing education cuts.
- Home-educating parents receive no financial assistance for exams, resources, or special needs support. My research has shown that this causes a significant educational injustice, as only the privileged children who are home educated can access exams, or that exams can cause hardship for families.
- A proposed register is estimated to cost £500 million (~£1000 per child) without addressing fundamental educational concerns (from education committee evidence statements)

State Overreach and Potential Intrusion

- The Bill suggests home inspections to assess the “suitability” of education.
- Raises concerns about what criteria will be used and who will conduct inspections.
- Many local authorities lack expertise in diverse home-education methods, leading to unfair assessments. We already see this today, and will continue to see this if there is no investment made in training LA officers in home education, its practice and its approaches.

Conclusion and Recommendations

- A compulsory register should not be introduced without addressing systemic educational failures, or without
- The focus should be on supporting families, not increased scrutiny and suspicion.
- Safeguarding mechanisms should be improved for all children, not just those who are home educated.
- The government must engage with home-educating families to create policies that respect parental choice while ensuring child welfare.
- I agree that there is a lack of data and information on the outcomes, challenges, and impact of home education. Before considering a nationwide compulsory register, we urgently need to upgrade the existing register and assess how much support local authorities (LAs) can provide. This will allow us to determine whether a national register would genuinely improve home education.
- Additionally, home-educating families with children who have special educational needs (SEN) must be supported by educational psychologists and SENCOs. Many of these children do not thrive in mainstream schools, and even specialist SEN schools may not be available or suitable for them. It is essential to ensure they receive the necessary support at home so they can continue to develop in a way that best suits their individual needs.

The Children’s Wellbeing and Schools Bill, in its current form, imposes unnecessary bureaucracy, reinforces stereotypes, and fails to provide meaningful support to home-educating families. A more balanced approach is required to foster trust and cooperation between home educators and the state.

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