

# Written evidence submitted by M King to The Children's Wellbeing and Schools Bill Committee (CWSB261).

## EXECUTIVE SUMMARY

As a dedicated home-educating parent for nearly eight years, I submit this executive summary to highlight critical concerns associated with the proposed Children's Wellbeing and Schools Bill 2025. I aim to represent the voices of parents, particularly those supporting children with speech, communication, and hearing challenges. It is pivotal that the legislation respects children's rights and voices with respect to the Equality Act 2010 and the European Human Rights Act 1998, and any other Bill of Rights regarding UK person rights protection, while acknowledging the unique challenges faced by home educators compared to other educational arrangements.

## SUMMARY OF FINDINGS AND CONTENTS

### RECOMMENDATIONS for the Children's Wellbeing and Schools Bill 2025

**BILL CONCERN 1:** Status of Home Educators versus Children not in school.

1a) Case Study of Home Educators,

1b) Reasons why Children are not in School,

1c) Parents with Philosophical, Conscience or Faith reasons for home education.

1d) Children's voices in healthcare and educational decisions.

It is essential for the voices of home-educating parents to be acknowledged as a form of educating on human rights, fostering an environment where children can thrive under tailored guidance from informed and responsible parents with parental responsibility.

**BILL CONCERN 2:**

Parental Responsibility duty

2a) Care meetings and decision making regarding educational placements and/ or care. Voice of the child.

2b) Intention to home-educate has always followed a process – Case study.

2c) Parental Responsibility accountability versus corporate parent accountability and funding, with regards to the Children not in School register.

The bill must delineate the roles and responsibilities of parents responsible for educational decisions and legal parents, versus corporate parents, ensuring clarity around who holds

parental responsibility in various educational contexts. This distinction is crucial for establishing accountability and support for children's educational and welfare needs (or missing learning) that may form part of the register.

BILL CONCERN 3: Register (436C Content and maintenance of registers)

3a) Register :Sections relating to giving information regarding providing external providers or tutors of education

3b)Register and Information that could be provided by Home-educators -Hours supplied- Reports on educational progress.

3c) Education settings: Does it have a social care function, or does it satisfy the function of education and learning?

3d)Isolation within the community and discrimination

A transparent framework for the maintenance and content of local authority registers for home educators is critical. But it is essential that the 'light-touch approach' continue for those who are home-educating.

BILL CONCERN 4: Potential misuse of data in a register of children out of school.

Human rights with respect to register data (section 436 5 provision of information to local authorities).

4a)Substantial threat to Home Educators and children identified as having a disability as a protected characteristic due to environmental disruption.

4b) What is being done to diminish harm done to women and children on public transport? (

4c) Is the register a prevent duty fit? Will it be used for this purpose?

4d)Right to dignity, right to a private family life and data privacy concerns.

4e) Right to liberty and security and the right to be free from torture or degrading treatment.

4f) Registers of a relevant child who wishes to access part time work.

There are considerable concerns regarding the potential misuse of sensitive data shared with local authorities, particularly about the provisions outlined in Clause 5. Safeguarding children's human rights and children's welfare must remain a priority, ensuring that data is managed and overseen responsibly and ethically to protect families from unwarranted scrutiny and potential discrimination.

CONCLUSION and

RECOMMENDATIONS after executive summary.

## FINDINGS

### RECOMMENDATIONS

Greater support for kinship carers and other relevant children being cared for would benefit from the publication of 'local offer(s)' in their area, which some local authorities previously published as free booklets.

Local authorities could offer rooms, either discounted library, or museum meeting rooms, so that home-educated children can meet to engage in group meetings to discuss their learning.

Regular inspection of corporate care homes housing young people, make sure their voices are heard in terms of healthcare and education with fully informed consent as would be the case for adults who should choose to be fully informed on matters concerning their future. I have a concern regarding the increase in these types of corporate care homes also offering tuition or education.

Make it transparent that Home-Educators are not considered or treated as unregistered independent institutions in terms of Section 32 schedule A1 section 2. In section 379 of the Sentencing Act 2020, in the table in subsection (1) the entry for the Serious Crime Act 2007 insert— "Education and Skills Act 2008 .Schedule A1 offence conducting an unregistered independent education institution in England".

It is advised that long term known home-educators with parental responsibility should be exempt from Section 30 Section 1 being relevant (amendments to The Education and Skills Act 2008 clause 94 (1) ,(2)(3)(3)).

For the purposes of this Chapter "independent educational institution" means an institution in England, other than an excepted institution, that provides full-time education for— (a) at least five children of compulsory school age, or (b) at least one child of compulsory school age who is looked after by a local authority or who has special educational needs. (7) A child has special educational needs if an EHC plan or an individual development plan is maintained for the child (see section 579(1) of the Education Act 1996 or the meaning of "EHC plan" and "individual development plan").

Home-educators should be exempt from Section 33 Material Changes unless for the purposes of running an independent school, otherwise it is a parental responsibility.

(1) The Education and Skills Act 2008 is amended as follows. (2) In section 98 (applications for registration)— (a) in subsection (3)— (i) (ii) in paragraph (e), after "students" insert " , including under arrangements with other persons"; after paragraph (e) insert— "(ea) the address and description of buildings occupied by the institution and made available for student use (within the meaning given by section 101(2B));"; (b) after subsection (3) insert— "(3A) Regulations may make provision about what constitutes a type of special educational need for the purposes of subsection (3)(g)."

☐ If there is a register, meetings will not be required for home educating parents. A letter of correspondence stating the intention to continue home educating full-time and simple information on progress or a statement of full-time equivalence should be stated.( 436C 1d ) There should be a quantifiable code for parent Home-educators of a full-time equivalence for known home-educating parents who may not be following the national curriculum. This code should be issued by local authorities and understood by those parents with parental responsibility who have chosen that option, to lessen the burden.

☐ If home educated children should be on a register, it should be centralised and managed by the DfE. Section 436C(5) If protected characteristics are published, they should not be used by data processing bodies to harass those families, either physically or mentally nor with acoustic violence that inflicts psychological distress. 436G Educational progress in relation to a child's literacy skills provided is 'insert', 'fit, moral and proper', suitable for the child's age, ability and aptitude and any provision for learning difficulty or disability' in line with the protected characteristics. Education and learning via whatever method of curriculum should be broad and encourage literacy skills in order to achieve independence in adult life. All parents are responsible, so all parents known to be involved with the education should be registered. Otherwise, families who are long term home educating will be treated as though they have just deregistered. There needs to be a structured plan according to 436A (3) . It refers to efficient full-time education which means that parents should have a coherent methodical plan if not on an arranged EOTAS plan through the local authority.

☐ There needs to be an impact assessment with regards to long term home educators. Will there be a similar register or data area within the CNIS register for documenting incidents of sound abuse or other abuses regarding the introduction of recent technologies, whether within a provider, educational institution, school, pupil referral unit or transport?

☐ Unique Identifiers for children should not be used against children to stop them from accessing opportunities outside of the home, particularly learning experiences. If the UIN will be shared with other private companies for the purposes of monitoring, then parents and children should be able to access the file, any other information held on them, and which private companies are accessing their data in accordance with the data protection act 2018.

☐ The unique identifiers will probably be used for identification across the board in terms of data processing otherwise the Bill would be covering kinship care and care as separate to the learning needs of children within the school or home education sector. Otherwise, they would be separate issues.

☐ Local authorities should have clearly published guidelines on the process taken if parents choose to remove a child from a school. These should also be sent to parents by formal mail. Meetings should not take place without warning unless there is concern about

the relevant child, if they are required, they should take place in a mutually agreed setting, which could also be communicated in writing.

☒ Guarantee that home educators will not be subject to excess monitoring or harassment in public spaces or around or within their residential address. New section 436C(5) means that if protected characteristics are published such as religion or similar as well as disability, it should not be used against the families.

☒ There is also a difference between a child protection inquiry and the intense pushing of child protection inquiries to insist on a school attendance order due to funding or otherwise. There needs to be protections in place for parents so that they can decide what is in the best interests of their child which can be professed by laying that out in an individual education plan which would not require a home visit within a private residential address. Otherwise, local authorities would have the power to inspect academies or other units which have proven unsuitable to the needs of some children with SEND or additional learning needs. What happens to children in temporary settings, canalboats, caravans or motorhomes? Section 26-29 introduces, the School attendance orders process, but it needs to be clear, transparent and not automated. The process needs to be clear for parents and the relevant child who may have suffered from ill-health, emotionally trauma-related incident or bullying. It needs to be clearer for long term home-educators as a separate group.

☒ Subsection (10)(b) how will parents make an appeal to the Secretary of State or Department of Education with respects to challenging decisions or referring questions.

☒ Home educators should also not suffer harm due to 'duties on parents and certain providers of out-of-school education to provide information on settings for the register'. The information supplied should not be used in the harassment of families in accordance with the human rights act. Providers of out-of-school education or childcare are normally advised to register with councils and to have a safeguarding lead.

☒ Requests to remove children from Special Schools mean the children are as vulnerable as any other home educators with SEND, but the high-level care needs mean that additional support may be recommended and/or required in order to successfully educate at home particularly where parents are vulnerable, dealt with in line with other reporting duties.

☒ 436E Provision of information to local authorities: education providers, "SCHEDULE 31A Section 436E FAILURE TO PROVIDE INFORMATION UNDER SECTION 436E: MONETARY PENALTIES. The fines and penalties, with no clear definition, in times of poor health and bereavement seem very harsh and discriminatory. Gaining this information should be a partnership between the parents, education providers, safeguarding leads and the local authorities.

☐ Greater transparency on this section is necessary for home-educating parents and their children.

Section 26 (2)( After section 436G (as inserted by section 25) insert— “School attendance orders: England 436H Preliminary notice or school attendance order)School attendance orders (Inserted). A “preliminary notice” means a notice requiring the child’s parent on whom the notice is served to satisfy the local authority that— (a) the child is receiving suitable education, where condition A, C or D is relied on to serve the notice; (b) the child is receiving education that is in their best interests, where condition B is relied on to serve the notice.

☐ There needs to be clear information about what would constitute incorrect information and whether the 15-day relevant period will be every year, or only when a child is deregistered from a school or at risk of other factors. It should be made clear and transparent that parents are able to ask for support with social care and this is a different scenario than if the child is at risk from significant harm.

Section 26 (7)(Section 236I) Condition D is that the child’s parent is under a duty to provide information to the local authority under section 436D(2) in relation to the child and (a) has not provided the information before the end of the relevant period (as defined in section 436D(4)), or (b) has provided incorrect information.

☐ Intrusive inspections of settings are suitable for corporate parents only. For the purpose of determining whether an order must be served under this section in respect of a child, the local authority— (a) must consider all of the settings where the child is being educated and where the child lives, (b) must consider how the child is being educated and what the child is learning, so far as is relevant in the particular case, and (c) may request the child’s parent on whom the preliminary notice has been served under section 26 (insert 436H) to allow the local authority to visit the child inside any of the homes in which the child lives.

☐ Could it be stated clearly what the process is to revoke a school attendance order if it is clearly inappropriate and doesn’t meet needs, via tribunal or judicial review.436O Revocation of school attendance order on request(p65/66).

☐ Could there be some information supplied on how an unregistered independent school or institution could differ from a tutoring business that conducts face-to-face lessons. Lack of clarity does mean that home educators don’t know where they stand with regards to community groups.

☐ All children should have access to some form of moral, spiritual, social, and cultural worship or guidance. Children should have the opportunity to dance or do movement therapy, make music, sing, or do art as a form of therapy in schools, academies, or education otherwise.

☒ Ideally more funding could be put aside for carers and kinship carers to access supportive, calm, and peaceful community groups. Children with speech, language and communication difficulties should have their voices heard, their accessibility needs should be met in line with the equality act.

☒ Create transitional learning plans to help children learn by creating goals for creative learning when a relevant child does not have access to quality education due to not being in school or education otherwise. Children who have been expelled from school should also have access to learning plans and goals arranged by an appropriate fit and proper 'parent,' social worker' or 'education specialist.' Individual learning plans are an informed exercise.

☒ Cultural heritage in England, and Wales, Scotland and Northern Ireland, forms an important part of educating the next generation and can only be imparted by employing a more unifying national curriculum or from parents or carers willing to pass down moral, spiritual, folk, cultural and social guidance, and skills.

CONCERN ONE: Status of Home Educators versus Children not in School

1a: Case study of home education and the billing time to fulfill duty

A parent, who is home educating and is not using other tutors or educational institutions or schools, can potentially expect to deliver a rich learning experience and curriculum covering British and/or Celtic culture, history, literature, music, heritage crafts and STEM as well as moral, spiritual, folk cultural and religious guidance which is a full-time equivalent to any other educational offering that satisfies educational duty. The home-educated children may access local offers from the council if they apply for it, but in the main, they are not requiring other services from the council, as usually there are few available that are applicable. These parents are career home educators, and carers, who are parents that have earned that status.

CONCERN ONE

1b: Children not in School and other factors pertaining to the S.E.N&D CRISIS

They are not on equal footing in terms of a register to those parents who are pulling their children out of school without deregistering due to the behavioural needs of their children, ill health or factors caused by the environment or culture within an academy or school. They are also not on equal footing to private company care providers. If those parents decide to home-educate then the procedure and registration process should be made with clear intention to home educate in a letter.

It is genuinely concerning to be made aware that children are leaving the education system traumatised due to bullying, sometimes not receiving education for many years due to trauma or avoidance.

It is also not acceptable that children are being placed in unsuitable settings for their ability or needs such as a child in mainstream put in a special school which is not suitable, so the child avoids the placement then is left without any motivation or attainable learning goals at all. I have also met parents with that situation in reverse, where the mainstream setting seeks to be inclusive, but they are not trained to help with the assistive technology and additional learning needs of higher needs children.

1c: Parents with Philosophical, Conscience or Faith reasons for home education

There has been a lack of voices regarding parents (and/or their children) that expressly have reasons of conscience or a religious reason for home educating, they can now expect to also go on to home educate their grandchildren as the policies do not seem to recognise or respect their valid Human rights (Article 9: Freedom of thought, conscience and religion) with respect to ideas contrary to current world views or secular education. In addition, disabled children are facing discrimination with respect to their additional learning needs not being met, leading to carers often facing burnout.

#### CONCERN 1

1d: Children's voices in Healthcare and Education

Children should have a voice regarding their own health care which is independent and not subject to pressure from external companies or organizations that may not be working in their best interests to give them or their parents fully informed consent.

"The child's best interests right to health"

The child's right to health ( Article 24 of the United Nations Convention on the Rights of the Child (UNCRC)) and his or her health condition are central in assessing the child's best interest. However, if there is more than one possible treatment for a health condition or if the outcome of a treatment is uncertain, the advantages of all possible treatments must be weighed against all possible risks and side effects, and the views of the child must also be given due weight based on his or her age and maturity. In this respect, children should be provided with adequate and appropriate information in order to understand the situation and all the relevant aspects in relation to their interests, and be allowed, when possible, to give their consent in an informed manner.

#### CONCERN TWO:

2a: Care meetings and decision making regarding educational placement

Voice of the child

The voice of the child especially in their teenage years is paramount. I can see there is pressure to take away decisions from young people or the relevant child.



If the decision differs from the views of the child, the reason for that should be clearly articulated.

If, exceptionally, the solution chosen is not in the best interests of the child, the grounds for this must be set out in order to show that the child's best interests were a primary consideration despite the result in accordance with their human rights.

A best interest's assessment should always take place, to demonstrate that the best interests have been assessed must be motivated, justified and explained.

## CONCERN TWO

2b: Intention to home-educate has always followed a process and is not a welfare concern—  
Case study.

When I removed my child I spoke about my concerns to the school in a meeting in reception year, I wrote a deregistration letter with intent to educate in lawful standing and had an additional meeting with the LA, who were at that time employing a knowledgeable educational consultant. After these initial meetings, it would not be helpful to have future meetings unless they were leading to financial support or accommodation(s) regarding a learning plan or in working towards examinations.

I am aware that there is financial support for children who are 14 years+ who are home educated to attend courses at colleges by the Education and Skills agency, if they don't intend to continue home educating, but it is something that the local authorities don't provide advice on and may not be suitable for certain disabilities and learning needs.

2c: Parental Responsibility Duty or Corporate parent with regards to the Children not in School register

☐ The bill lacks clarity as does the current legislation as to what is expected of parents with parental responsibility and who have made an intention, usually long term, to home educate their child or children.

☐ Make clear the expectation of those with parental responsibility versus a legal or corporate parent. What happens if they do not consent? How does the equalities act come into play? What retaliation will there be during times of 'substantial threats? The expectation of a report when families are working hard to home-educate and care for the welfare of the 'relevant child' is an unnecessary demand.

☐ Home visits are not required, nor should monitoring agents be used where the parents have responsibility for home education. (Respect for private and family life: Article 8 of the HRA). Define what is meant by a home visit and why this is necessary for home educators, compared with children subject to any other protection plan known to the parent. If the Bill wants to address corporate parents or care providers, rather than home educating parents then it should insert explicit terms with regards these points.

## CONCERN TWO

### 2C: Great expectations

- ☐ It should be made clear, in accordance with law, to home-educating parents with parental responsibility what is expected of them, year on year in line with the Equalities Act and the Human Rights Act.
- ☐ The status of home educators should not be subject to excess pressure from local authorities where a decision to home educate is final and where no additional support has been provided.
- ☐ The local councils are well known for letting down children who are home-educated but need specialist provision due to disability as they will not provide any support or EHCPs, which could leave a child with no adequate support or accommodation for their additional needs, no budget for education or examinations.
- ☐ So, it is left to the parent(s) to provide all of the education, learning tools and equipment which many are doing out of conscience and parental duty.
- ☐ Many parents are also home educating as they wish to exercise their human rights to freedom of expression, conscience, or religion (Freedom of thought, belief, and religion: Article 9 of the HRA ) not being provided by the academy system.

## CONCERN THREE

### 3 a: Register: Sections relating to giving information regarding providing external providers or tutors of education

I do agree that any educational provider that acts as a private company or charity in law should be giving information to the local authorities regarding any children in their care or any children that they are teaching. This is in line with normal safeguarding guidance and would be recommended. It would not be necessary for home educating informal groups of assembly organised by parents in a park or library, even if they are being monitored by CCTV surveillance. But the policy will have to make that clear, but it is against the Human Right of Assembly and Association (Article 11 of HRA) as political groups have that right preserved, but it also applies to other groups.

### 3 b: Register and Information that could be provided by Home-educators.

#### Hours supplied

Although it is stated that home educated families need to report on hours spent on home education. It is still vague as to what is expected as children work on independent projects as well as receiving lessons, but it isn't being cost assessed or billed to a client, so for parents caring for their own children, and not corporate parents, totalling up the hours would be a complex mission.

If I am providing a curriculum of English, Mathematics , Ancient and Foreign languages, History and Geography, STEM, Arts and Crafts as well as a child doing independent creative projects such as writing, art, animation that equates to full-time equivalent in education.

☐ A code to indicate hours supplied of home education should be given to home educating parents for that reason to make the process clear every year.

Submitting reports on educational progress for home educating parents, referred to as Education Otherwise, but is not EOTAS.

At what point, is it obvious that there is an inequality of expectation so that local authorities are ruling out support by requesting reports from home educating parents that are already on a register kept by the council, so that they can ignore the needs or request for EHCPs or personal budgets towards specialist tutoring. Parents and Carers can burnout because the support towards the educational rights of the relevant child is not being delivered because there is a sudden SEND crisis in the academy system.

3c: Does it have a social care function, or does it satisfy the function of education and learning?

Home education should not just be considered as board games, soft play and playing computer games which are extracurricular activities and ways of providing social care.

3d: Isolation and discrimination

I would say that local authorities are assisting in the isolation of children, who are home educating, due to their specialist learning needs, and a lack of suitable local offer placements or events particularly in rural areas where the area is focused on becoming a smart town or city.

Social media groups have increasingly been taken over by businesses that require payment for groups and are not appropriate for setting up informal community groups for the purposes of education or making friendship groups in a calm and peaceful setting.

#### CONCERN FOUR

##### Register and Potential Misuse of Data

4a: Substantial Threat' to Home Educators due to social and environmental disruption.

I have seen schoolchildren being anti-social in public spaces like bus shelters while in uniform which is likely due to adult influence and disruption in some areas of the country, but home educated children are not necessarily also safe on any public transport which are no longer calm and peaceful spaces even if accompanied by parents. Children are watching adults disrupting public spaces and not enforcing laws with so many out of work or are in those spaces to intentionally disrupt.

4b:What is being done to diminish harm done to women and children on public transport? (Article 5 of the Human Rights Act – the right to liberty and security).So, I will say that it is largely women who are genuinely home educating and it is largely women taking on the role of kinship care, who are a protected characteristic in the Equality Act 2010, but it is largely men exercising their right to break the law in front of children, where home education particularly does not form part of their worldview.

4c:A register to fit with the 'prevent duty' does not focus on learning the needs of real children nor with human rights.

☐ The register could appear in its format to be a clear register that fits with the prevent duty, which could be used against children by groups and/or companies.

☐ Parents and their children should be able to have a voice regarding their conscience and legal rights(Right to be free from discrimination: Article 14 of the HRA).

#### CONCERN FOUR

4d: Right to dignity, right to a private family life and data privacy concerns

☐ Private companies contracted by councils as well as employees of the council(s) or authorities should understand the concept of 'vicarious liability' with regard to any reports made in speech or writing.

☐ Private companies contracted by local authorities do not have an automatic right to inspect private residential homes or to interfere with family life in person or by using technological agents.

☐ Section 436C When maintaining registers the Bill states that 'No information from section 436B may be published, or made accessible to the public, in a form— (a) which includes the name or address of a child who is eligible to be registered under that section or of a parent of such a child, or (b) from which the identity of such a child or parent can be deduced'.

☐ So, it is clear that parents should know who is sharing their data and what companies have accessed the register similar to a credit file.

☐ Data Privacy Concerns: There are concerns about how the data collected on the register would be used, stored, and protected from potential misuse.

☐ The bill should be in two parts, but it is evident that it isn't as it conceals the data processing element which needs to be more transparent to the public.

☐ Stigmatization: The very existence of a register could stigmatize home education, implying a need for closer monitoring compared to traditional schooling when the opposite should be the case. Home education should not be used as a scapegoat for institutional safeguarding problems that are not directly involved with home educating families.

☒ Cameras used in the area, as well as other monitoring technology, may be used to monitor home educators who are travelling between locations which might include a library or educational outing to a museum during the day.

#### CONCERN FOUR

4e: Right to liberty, security, and the right to be protected from torture.

☒ Lack of safety on public transport such as excess noise and anti-social behaviors which has and is causing intense mental and physical suffering (Article 5 of the Human Rights Act – the right to liberty and security and Article 3 of the Human Rights Act 1998 protects people from torture and inhuman or degrading treatment).

☒ Increased Surveillance: A register could lead to increased scrutiny of home-educated families by private companies, potentially including unwarranted home visits or demands for excessive documentation.

☒ Erosion of Parental Rights: Some argue that a register could infringe on parental rights to educate their children as they see fit, potentially leading to government overreach if it chooses to see them as fitting into a category covered by the prevent duty.

4f: Registers of a relevant child who wishes to access part time work. It also needs to be clear whether this information will be kept on the same register as that regarding education for CSA children.

☒ It should also be clear that children should be able to take on a small part-time 'light work' job, charity or work experience outside school or home education hours or in the summer holiday. Some councils offer online forms to access permits on their council websites. Companies should take clear steps to follow child employment regulations which include sticking to hours permitted and breaks.

#### CONCLUSION

The Children's Wellbeing and Schools Bill represents a pivotal opportunity to advocate for the rights of all children, particularly those requiring specialized care packages and educational approaches. Incorporating a more inclusive understanding of home education, alongside clarifications around parental responsibility, government or corporate responsibility, and accountability, benefits the educational landscape in England and across the United Kingdom as good practice.

***February 2025.***