

Home educating families are horrified at the first reading of The Schools' Bill

Wednesday 18 May, 2022

The Schools Bill: Press release

Executive summary

Home educating families and others that focus on the development of children are horrified at the first reading of The Schools' Bill, introduced in the House of Lords on 11 May 2022.

Education Otherwise say that the Bill will destroy the very basis of home education: provision of an individualised education to a child, suitable to the child's age, ability and aptitude.

By introducing a compulsory register of all home educated children, the Bill gives Local Authorities near enough unlimited powers to demand any and all information with threats of substantial fines and year long imprisonment. Experience tells us that while some LAs will act reasonably, a sizeable number have demonstrated a continued propensity to abuse their powers, causing long lasting distress and harassment to children and parents.

Wendy Charles-Warner, Co-Chair of Education Otherwise states: "This Bill provides for repeated prosecution of parents for an administrative matter than bears no relation to the suitability of their child's education. It opens up parents to abuse of power by local authorities, many of whom already abuse their current powers, and risks exposing adult and child victims of domestic abuse to perpetrators."

Dr Ambroz Neil, Co-Chair of Education Otherwise says, "This Bill will be yet another nail in the coffin of parental choice over the education of their children. Education is compulsory; schooling is not."

He adds, "This Bill takes a catch all approach to education providers which will put many excellent tutors out of business and destroy the current provision sourced by home educating families. You do not safeguard children by removing their established provision."

Context:

Home educating families are concerned about the following points:

The duty to register children not in school carries an implication of a requirement for consent to remove from the school roll to home educate.

The clause on content and maintenance of registers states that the parent must provide information, creating a duty to do so regardless of circumstances. There should be exceptions to this for domestic abuse victims and where the details of the parents are unknown to the parent with care.

The clause on mandatory provision specifies '**any other information the local authority consider appropriate**'. This will increase the post code lottery of LAs who demand information that is unreasonable allowing them carte blanche to make any demands of parents that they see fit.

The clause on provision of information to local authorities creates duties on parents which the parent may not reasonably be able to fulfil.

The clause on provision of information to local authorities: education providers. This section provides no parameters for the requirement on the LA that its belief is reasonable or evidenced.

The definition of a person providing out-of-school education to a child is far too wide, allowing the LA to apply monetary penalties to undefined members of the population.

The clause on use of information in the register gives the LA the right to disclose any information that it wishes, based on its own judgment, without it necessarily having reasonable cause to do so, as required by GDPR.

The clause on support creates a non-duty on LAs as it does not create a duty to provide support other than that which the LA thinks fit.

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The clause on a preliminary notice for school attendance order provides for too short a notice period to reasonably allow a parent to respond.

The clause on school attendance orders (SAO) mandates that a child must attend school throughout compulsory school age, because a parent has failed to comply with an administrative requirement. Children will be punished for matters beyond their control.

The clause on revocation of school attendance order on request provides no realistic means of obtaining revocation of a SAO in the face of an obdurate LA.

- The clause on failure to comply with school attendance order completely overturns the 'double jeopardy' rule which has stood for over 800 years and which is an important protection for individuals against the abuse of state power. This is by introducing a provision that a person ***'may be found guilty of an offence under this section again if the failure continues'***.
- Penalties introduced are extreme (significant fines and imprisonment) and will harm children and families.
- Exceptions to the scope of regulation of educational institutions do not go far enough and could bring in individual tutors, tutoring services, childminders, relatives or even some family members (for example, grandparents). Tutoring facilities currently available to home educated children will be lost to them as businesses will not accept the administrative burden.

Notes:

Education Otherwise was founded in 1977

Membership, service and group users of the charity number 32,000

A full briefing document is available

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