

Written evidence submitted by [member of the public]

[Note: This evidence has been redacted by the Committee. Text in square brackets has been inserted where text has been redacted.]

My Name is [member of the public] and I am a retired Solicitor. In the 1990's I ran the family law department of a 14 partner practice. In that context I acted for Guardians and parents in public law children's cases. Subsequently I taught law at University including in respect of Public Law children cases. I then worked for a small Local Authority in Wales until I retired. While doing so I ran a Company providing Child Protection training to Health professionals. My submissions arise out of my own views formed as a result of working with both educational and child protection professionals.

1. It is vital to preserve the difference between issues of education as a matter of choice and issues of child protection. In the latter regard a child can under the existing law be at risk of significant harm as a result of the impairment of their education. If they are then an order can be made (supervision or care order). Furthermore if the Local Education Authority are being denied access then they can ask the Social Services department to apply under section 43 of the Children Act for an assessment order. The "bar" for such an order is very low requiring only that the applicant have reasonable grounds to suspect that there is a likelihood of significant harm and an order is required to establish whether in fact such a risk exists. In this context the word "likely" means only that it is a real possibility as opposed to a fanciful one.
2. So the bar is very low and it is hard to imagine a case where there would not be some grounds for a reasonable belief of risk going beyond the fact that the parents were not co-operating (see below in respect of [name]).
3. In the other case where there is no reasonable ground for believing a risk of harm then the parent is entitled to educate their child as they see fit. The notion of "the quality of home education" is extremely subjective and the State should be very wary of involving itself in such a nebulous idea. Surely the State exists in a free society to hold a space within which people can be free and that must extend to the freedom to bring up their children as they see fit in the absence of harm to those children?
4. This leaves the issue of the state not knowing and so not turning its mind to the issue of risk. As I understand it it is in this respect that the need for a register is put. If the argument is put in wider terms than that ie more to do with ensuring "quality" education is being provided then that merely takes us back to my former point.
5. In itself a register does very little. All births are registered already and thus with available information it should be possible to form a view of numbers. From the fact that this approach is not being followed it seems that the issue is not numbers but specifics. Thus a register implies the next step ie actual knowledge of the children concerned. Ie inspection. Even if not resorted to at this stage it will be the next step if only because there is an almost inevitable train of thought which runs: "We know a child lives here. We have the interests of that child at heart. We want to see the child. The parents wont let us. Therefore they do not have the interests of the child at heart".

6. The fallacy of that thinking would be revealed by any application for an assessment order for, low as the bar is, the State does not have a reasonable ground for believing that a child is at risk merely because its parents choose not to engage with the State on the matter of how they raise their children.
7. Inspection would force parents to engage without any legitimate grounds for taking that step. It is easy to say that when the interests of children are at stake this is not unreasonable but it is the parents job to concern themselves with the interests of their children. Only if they fail by placing the child at risk of harm should the line be crossed into forced engagement.
8. The only remaining issue on which I wish to comment is the prayer made to past cases of child neglect by those seeking new powers.
9. There are various of these but close inspection of their facts does not support the case made.
10. [redacted]

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