

July 11, 2022

To the Secretary of State for Education, the Rt Hon James Cleverly
cc Baroness Barran, Parliamentary Under Secretary of State at the Department for Education

Dear Ministers,

The Schools Bill passing through Parliament poses a grave threat to the most marginalised or vulnerable children in society and will make them less safe, not more. We write to ask you to remove the dangerous new registration duties on parents, as drafted in Clause 49 and the unnecessary associated powers of part 3.

Fear of punitive overreach from other authorities, including the police accessing these records, will dissuade some families from seeking contact and support they receive today from local services including public health. Often precisely the children that the government claims to want to help most will suffer the greatest detriment.

The muddled thinking on children out-of-school will mean dual registration of many children already on school rolls, and it won't be clear to parents that they were required to register at all. This lack of clarity about foreseeable consequences is inadequate in law for the level of punitive steps that may follow, which could include "fast-tracked" interventions by Local Authorities encouraged to be more heavy handed than today. Lords are being asked to agree in this Bill to broadening the path to an imprisonable offence but at the whim of Local Authorities, without clear limits.

The more rapid route to criminalisation for non-attendance will wipe out hard won trust between schools and parents of children with irregular attendance patterns especially as a result of long term illness, additional educational needs, or the lack of access to children and young people's mental health services.

The list of what can be demanded offers no understanding of current practice, so that it is likely to confuse Local Authority staff what should and should not be collected under this power compared with existing data registers, which we have thoroughly researched over the last twelve months. The unlimited powers to be granted to the Secretary of State to expand what confidential data can be demanded from families is both unworkable and unacceptable for fairness and compliance. No new Local Authority powers are needed to identify children not in receipt of suitable education, beyond those already in s436a of the Education Act 1996. Every child who leaves state education, is already recorded under one of fifteen different reasons. What is missing today in Local Authorities is consistent practice and staff confidence in data processing and data "sharing" and we suggest a Code of Practice on existing practice will help address these difficulties. Parents already have a duty under Section 7 of the Education Act 1996 to ensure a child receives a suitable education. The Secretary of State already has powers to receive such information under the Education Act 1996 c.56 Part I Chapter VI Section 29 Provision of information.

The changes designed in the Bill are in parallel to the plans for the Department for Education's new real-time attendance data tracking of 9 million children on school rolls, and more centralised joined-up data on 'vulnerable' children to come. Why the Home Office and Met Police are part of this work remains publicly unexplained.(1)

Michael Gove summed up well in 2008, why the big data project, ContactPoint, had to be scrapped and the same reasons apply here.(2) *“ContactPoint can never be secure. We are taking this action because we are determined to protect vulnerable children from abuse, ContactPoint would increase that risk. The government has proved that it cannot be trusted to set up large databases, and cannot promise that inappropriate people would not be able to access the database, It would be irresponsible to implement something that is such a danger to our children. After all the problems we have with this government losing sensitive data we need to do things differently. We need to invest in people. Strengthening relationships, not building another Big Brother system.”*

Peers from all parties across the House of Lords have challenged your prior predecessor's Bill and already suggested that the registers cannot proceed as planned, *"given the slack way in which the legislation is currently drafted."* (3)

Part 3 is simply unnecessary since its aims can be met with existing legislation and it adds nothing desirable over and above current policy on children not in school or school attendance. The adjustments made after Committee Stage do not address these issues.

Described in Parliament as, *"an abomination"*, *"unacceptable"* and *"I am amazed a Conservative government has done it"* even by former Education Secretary Lord Baker (4), much of the Bill is being rewritten. You have a fresh opportunity to fix it. As your Department does so, they should remove Part 3.

We are happy to discuss the issues further and welcome continued engagement.

Signatories

defend digital me

Liberty

Square Peg

The Victoria Climbié Foundation UK

York Travellers Trust

Professor Andy Bilson, The Parents, Families and Allies Network (PFAN)

Dr Beth Bodycote, Director, Not Fine in School CIC

Dr Ian Cunningham, Centre for Self Managed Learning

Dr Naomi Fisher, Clinical Psychologist and EMDR Consultant

Professor Eileen Munro, Emeritus Professor of Social Policy, London School of Economics

Stephen Parker, Lecturer in Law, Centre of Language and Law, Aston Institute for Forensic Linguistics

Dr Harriet Pattison, Centre for Personalised Education

(1)The DfE Attendance Alliance Group <https://www.gov.uk/government/groups/attendance-alliance-group>

(2) The Telegraph (2008) Conservatives would scrap controversial ContactPoint child database <https://www.telegraph.co.uk/news/politics/conservative/3097404/Conservatives-would-scrap-controversial-ContactPoint-child-database.html>

(3) Baroness Chapman of Darlington, Committee Stage Day 4, Hansard Volume 823: Monday 20 June 2022 (col.118)

(4) Lord Baker of Dorking, Committee Stage Day 1, Hansard Volume 822: Wednesday 8 June 2022 (col.1166)