



# The Parents' Pact

## A Civil Covenant for Educational Liberty & Responsibility

### PREAMBLE

Today, educational freedoms are under grave threat in the four nations of the United Kingdom. Slowly but surely, the government is diverting to itself the natural responsibilities of parents in relation to the nurture and education of their children. We note, with concern, that we now have an *ideological* State, which promotes beliefs contrary to our most holy faith and good conscience, and an increasingly *coercive* State, which is willing to use both legal and executive means to compel conformity to its beliefs and values.

As Christian parents, we know from nature and from Scripture that God has entrusted the nurture, protection, and education of children to their mothers and fathers. We accept these responsibilities and embrace our duty to uphold them when they are undermined. We also recognise the need to defend the freedom of all our fellow parents, of all creeds and none, to educate their sons and daughters according to conscience and conviction. To this end, we sign this proclamation and covenant for the maintenance of educational liberties in our land.

### 1. OUR CONCERNS

#### 1.1 - UNDUE STATE INFLUENCE IN OUR EDUCATION SYSTEM

The education of children has traditionally been considered the responsibility of parents within the context of the family and the home. With the dawn of modernity, the State began to claim new powers, including the right to oversee the education of the young. In the UK today, the State, influenced increasingly by trans-national bodies and charters (e.g. the UNCRC<sup>[1]</sup>), is now the dominant educational power in the land. It claims the authority to define, direct, and regulate the formation of each and every child<sup>[2]</sup>. Its educational powers have been leached, over time, from parents, and from third parties trusted by parents, including independent schools, churches, and local communities. While previously teachers and tutors were understood to be acting *in loco parentis* (in place of parents), being accountable to families, they now function *in loco civitatis* (in place of the State), reporting to the educational departments of the government, and complying with their instructions, preferences, and agendas.<sup>[3]</sup>

This represents a subtle but fundamental change to the basis of our national life. In the new regime, increasingly children are viewed as wards of the State, not as unique individual members of families<sup>[4]</sup>. The language of 'children's rights' is used to bolster the perception of the State as the benevolent guarantor of children's wellbeing. This shift, towards the isolation of children from their families in policy documents, and the aggrandisement of the State's power and presence in the lives of children in practice, is

reflected in plans to allow unfettered data sharing between State agencies.<sup>[5]</sup> It is no longer deemed enough for children to be known and loved by their parents and families: they must all be seen and known by the State and its agencies.<sup>[6]</sup>

The State now seeks to consolidate its educational control in two major ways:

### **1.1A - STATE ENCROACHMENT ON SCHOOL EDUCATION**

Successive governments have sought control over our school system in ways that have undermined the autonomy of schools, the diversity of educational institutions, and the agency<sup>[7]</sup> and presence<sup>[8]</sup> of parents. We now see an orchestrated campaign for government control of all education, primarily through the State school system and State inspectorates. This push includes policies that work to universalise the State school system, degrade the resources of independent schools<sup>[9]</sup>, and make it virtually impossible for parents to set up informal schools or cooperatives. Measures are also being introduced which make it harder for parents to withdraw their children from existing schools, temporarily or permanently, and hinder them in mitigating the known safeguarding risks rife within the system such as bullying, peer pressure, violence, explicit sexual material, expectation-related stress, and politicised, ideological teaching.<sup>[10]</sup>

### **1.1B - STATE ENCROACHMENT ON ALTERNATIVE EDUCATIONAL ARRANGEMENTS**

State local authorities have long sought powers to regulate the education of all children, including those whose parents look after and educate them at home. Now a variety of compulsory measures are being brought forward to attain this control, including various forms of mandatory registration of all children not in school to enable monitoring by government officials.<sup>[11]</sup> The creation of these registers, which will function as case files, is a calculated first step towards greater control of families who educate outside of State-controlled settings.<sup>[12]</sup> New powers of surveillance will extend even to the entry and examination of private family homes by local authorities.<sup>[13]</sup> Responsible parents who see the tendency of these policies towards statism and who cannot, in clear conscience, comply with them, face the threat of school attendance orders for their children, and punishment under the criminal law.<sup>[14]</sup>

In short, the UK State is establishing new forms of authority, control, and presence in the lives of our sons and daughters. It is seeking comprehensive and incontrovertible legal authority in relation to the education of children, seizing unprecedented powers to direct their intellectual and moral formation, and establishing a new regulative presence to ensure its authority and control is effective.

## **2. OUR CONFESSION**

*In facing the challenges listed above, we make the following affirmations and denials.*

## 2.1 - ON GOD AND AUTHORITY

**We affirm** that there is one God who exists eternally in three distinct divine persons: the Father, the Son, and the Holy Spirit. God alone has absolute and unqualified authority (Daniel 4:35), and the Son, Jesus Christ, who is God become man, has been given all authority in heaven and on earth. He reigns as Lord of all, now and forever (Matthew 28:18).

**We further recognise** that God has delegated His own authority to created beings, and has clearly revealed, through His word and through conscience, how He intends all such authority to be used: namely, for His own glory and the good of His people.

**We deny** that there is any authority whatsoever that exists apart from God's ordinance (Job 1:12; John 19:11; Romans 13:1), or which exists solely for itself (Colossians 1:16), or which may lawfully be exercised without respect to God's clear commands and purposes.

## 2.2 - ON HUMAN AUTHORITY

**We affirm** that God has instituted various kinds of authority in human society. Most obviously, He has ordained the institution of marriage between one man and one woman, the resulting institution of the family, the civil magistrate (or State) for the administration of justice, and the Church, which uniquely belongs to Him.

**We affirm** that no one should disregard the authorities that God has set in place, since, whether they are fathers and mothers in the family (Exodus 20:12; Ephesians 6:1—3), elders in the Church (Hebrews 13:17), or magistrates in the State (Romans 13:1—4), they are each invested with God's own delegated authority for the performance of specified duties. When they perform their respective duties lawfully and properly, they represent God and do His work.

**We deny** that it is legitimate for the representatives of any sphere of authority to usurp the powers of another, for such overreach amounts to an attack on authority that God has himself established.

## 2.3 - ON THE AUTHORITY OF THE CIVIL MAGISTRATE

**We affirm** that the Civil Magistrate (or State) is appointed by God to serve society through the administration of justice (Psalm 72) consisting of the punishment of those who do evil and the protection and praise of those who do good (Romans 13:4; 1 Timothy 2:1-3; 1 Peter 2:13-17).

**We deny** that God has commissioned the Civil Magistrate to educate our sons and daughters. There is no mandate to raise, nurture, or educate children in those passages of Scripture that most directly frame or define the function of the State. Indeed, these very duties are clearly and repeatedly assigned by God to fathers and mothers (Genesis 18:19; Deuteronomy 6:4—9, 20—25; 11:8-32; Ephesians 6:1—4). God, not being the author of confusion (1 Corinthians 14:33, 40), has not delegated the same responsibilities to two separate authorities.

## 2.4 - ON THE AUTHORITY OF THE FAMILY

**We affirm** that the family has been appointed by God as the fundamental unit of human society and context for social care and economic provision for young and old (Genesis 1:28; 2:18; 2:20–25; Psalm 113:9; John 19:26, 27). A father and mother are blessed by the Lord and invested with His authority to nurture, protect, and educate any children He is pleased to give them. The authority of parents, while not absolute, being bounded by the demands of love as laid out in God's law (Ephesians 6:4), is *primary* in relation to children.

**We affirm** that the fifth commandment, 'Honour your father and your mother, that your days may be long in the land that the LORD your God is giving you' (Exodus 20:12), is upheld in the New Testament (Ephesians 6:1–3) and while primarily addressed to children, enjoins all people, including civil authorities, to have respect and regard for the authority of parents.

**We affirm** that God Himself has given authority to a father and a mother to raise their children in His ways (Genesis 18:19; Deuteronomy 6:4–9, 20–25; 11:8–32; Proverbs 4:1–9; 31:26; Ephesians 6:4). Since this duty has been given directly by God, it is not the gift of the State. The State must not, therefore, arbitrarily limit or usurp the prerogatives of fathers and mothers. The government that despises God's appointed order will incur the wrath of God in due time (Psalm 2; Romans 1:16–end).

**We affirm** that when the care or education of children is partially entrusted to third parties, such as nurseries, schools, and teachers, these parties are to act *in loco parentis* (representing parents) and are to be transparent with and accountable to them.

**We deny** that the family is a tool of the Civil Magistrate, or a vehicle for its usage, maintaining instead that the family has an intrinsic integrity and meaning given by God the Father, 'from whom every family<sup>[15]</sup> in heaven and on earth is named' (Ephesians 3:14, 15).

**We deny** that the structure or governance of the family can be undermined, co-opted, or dissolved without great harm to society, and particularly to children.

## 2.5 - ON THE NATURE OF SAFEGUARDING

**We affirm** that children must be guarded from all harm and all forms of abuse, and that this safeguarding duty is naturally the prerogative of parents and the wider family. This parental safeguarding must take effect when the State itself encourages policies which harm children (Exodus 1:15–2:3; Hebrews 11:23; Matthew 2:13–15). In tragic cases in which mothers and fathers are unwilling or unable to provide children with necessary protection, or, most tragically of all, are themselves the sources of harm and abuse, then the State has a duty of intervention, entailed by its charge from God to punish the evildoer (Romans 13:4). Sins committed against a child are distinctively heinous (Matthew 18:6, 10).

**We deny** that the State's safeguarding powers justify its surveillance of all families, or the normalisation of home inspections. Nor do they warrant suspicion of and discrimination against families which choose to educate their children outside the

parameters of the State school system.

## 2.6 - ON RIGHTEOUS RESISTANCE TO GOVERNMENT OVERREACH

**We affirm** that Christians, along with all people, are to be subject to the Civil Magistrate (State), since it has been appointed by God for their good.

**We recognise** that in a fallen and sinful world, rulers sometimes abuse their power and status, to the dishonour of God and the detriment of the people they are intended to serve. A government that rebels against God does so by counterfeiting God's own lordship, expressed in His authority (Exodus 20:1-3; Leviticus 18:1-5), His control (Exodus 3:8; 20:2), and His presence (Exodus 3:7-10; Deuteronomy 4:7). A tyrannical government moves to usurp God's *authority*, by means of unjust and arbitrary legislation; to usurp God's *control*, by means of coercive policy and policing; and to usurp God's *presence*, by means of pervasive surveillance and monitoring. A government that moves against God in this way has no regard for the other authorities God has established, such as the church and the family, and seeks to undermine or co-opt them.

**We deny** that the Christian has any duty to obey the State when it demands what God forbids (Daniel 3), forbids what God commands (Daniel 6:10, Acts 5:29), or presumes to exercise authority God has not granted to it (cf. Mark 12:17).

**We affirm** that if the State usurps the responsibilities of another God-appointed authority—such as the family or the church—Christians may, and in some cases must, offer conscientious, non-violent, righteous resistance (cf. Exodus 1:17; Acts 5:29).

## 3. OUR COVENANT

### BY GOD'S HELP AND FAVOUR...

**3.1** – We commit faithfully to fulfil our responsibilities as parents to love, nurture, discipline, protect, and educate our children, training them in the skills, knowledge, and virtues they will need to live fruitful and full lives. In so doing, our chief aim will be the glory of God (1 Corinthians 10:31), and the joy of our children in Him (John 15:11; 17:26). We commit to maintain and defend the nurturing and educational responsibilities of all fathers and mothers—regardless of whether they share our beliefs—against those who would deny or diminish them.

**3.2** – We commit to respect and be subject to the Civil Magistrate, as it fulfils its vocation to punish evildoers and protect and praise those who do good, recognising it as God's servant for our good as citizens.

**3.3** – We commit to support the right of parents to resist, cheerfully and non-violently, any demands made by the Civil Magistrate that require us to do what God forbids, to disobey what God commands, or unjustifiably to yield up responsibilities He has given to us, as mothers and fathers, to a national state or trans-national power.

**3.4** – We commit to support the right of all parents to determine the content, style, and context of the education their children receive. Among other things, this means we support the right of parents and communities to set up and maintain schools independent of government oversight. We support the restoration of the understanding that teachers and schools, where utilised, act *in loco parentis*, and are to be accountable to parents, not to state departments.

**3.5** – We will maintain the right of parents to refuse the implementation of digital IDs, common identifiers, case files, and other mechanisms of identification and surveillance for their children, on the grounds that such technology gives the State access to and knowledge of every child which is unnecessary for the discharge of its proper, prescribed duties (cf. Romans 13:1-4; 1 Peter 2:13, 14; and especially 1 Timothy 2:2).<sup>[16]</sup>

**3.6** – We will maintain the right of innocent parents educating their children outside of school to refuse the mandatory registration of their children and to decline enforced visits by government officials as measures inconsistent with the maintenance of a democratic and free civil society. Should such parents face penalties under the criminal law for refusing such measures, we recognise their right to refuse to pay fines or comply with school attendance orders as a matter of conscientious objection and democratic non-compliance.

**3.7** – We will maintain the right of civil servants, teachers, inspectors, and professionals in the areas of childcare, education, local government, family law, and law enforcement, including lawyers, judges, and police officers, to refuse to implement the policies and procedures associated with the government overreach into family life outlined above. We will maintain the truth that a free and fair society requires the political independence of the professions, and the right to conscientious objection to unjust laws.

**3.8** – We commit to support, to the extent that it is reasonable, proportionate, and in accordance with individual Christian conscience, any who find themselves suffering unjustly for maintaining the principles above.

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**SIGNATURE:**

**DATE:**

# Footnotes

1. ^ The United Nations Convention on the Rights of the Child. Far more than a treaty, the UNCRC binds signatory nations to the oversight of an 18-person expert Committee on the Rights of the Child (Article 43). States undertake to submit reports to the said committee 'on the measures they have adopted which give effect to the rights recognised herein' (Article 44). The Committee, in its latest report on children's rights in the United Kingdom of Great Britain and Northern Ireland (see second link below, and note especially sections 25, 31, 35, 36, 44), manifests its unambiguous commitment to progressive ideology, and willingness to use its position and power to promote its advance.

## Sources:

- o The UNCRC: [ohchr.org](https://www.ohchr.org) - [Convention on the Rights of the Child](#); Nov 20, 1989
  - o 'Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland'; [un.org](https://www.un.org) - [Convention on the Rights of the Child](#); Jun 22, 2023
  - o The UNCRC in England: [gov.uk](https://www.gov.uk) - [UNCRC: how legislation underpins implementation in England](#); Mar 15, 2010
  - o The UNCRC in Scotland: [parliament.scot](https://www.parliament.scot) - [UNCRC \(Incorporation\) \(Scotland\) Bill](#); Jan 16, 2024
  - o The UNCRC in Wales: [gov.wales](https://www.gov.wales) - [Children's rights in Wales](#); Aug 20, 2019
2. ^ This is, increasingly, the assumed foundation of all UK government policy in education and child law. England's [Children's Wellbeing and Schools Bill 2024](#), as introduced is the most comprehensive and clear attempt, to date, to codify the State's absolute oversight of the education of every child (see notes on [1.1a](#) and [1.1b](#)). The assumption of the State's competence and right to assume these powers can be seen in numerous policy documents and official answers to written questions across the devolved administrations of the nations of the UK:
    - o **In England**, the desire to oversee the formation of every child is manifested in the language of 'suitable education' linked to State monitoring. Two recent answers by Stephen Morgan (Labour, Portsmouth South, Parliamentary Undersecretary, Department for Education) to Written Questions reveal that the government in England wishes to register every electively home educated child to 'ensure children are receiving a safe and suitable education' ([parliament.uk](https://www.parliament.uk) - [Answer for DfE on Registration & Home Education](#); Oct 29, 2024) and 'identify those children who are receiving their education otherwise than at school and ensure that those children are receiving a suitable education' ([parliament.uk](https://www.parliament.uk) - [Answer for DfE on Registration & Home Education](#); Nov 11, 2024).
    - o **In Scotland**, the same aims are manifested in the State's implementation of the GIRFEC ('Getting it Right for Every Child') framework, the constitutive parts of which are a 'named person' for every child, a 'single model' of wellbeing, and a 'single, shared, and rights-based approach to planning for children and young people's wellbeing co-ordinated by a lead professional' ([gov.scot](https://www.gov.scot) - [GIRFEC principles and values](#)).
    - o **In Wales**, the government's guidance looks to 'local government authorities' to arrive 'at a decision about the suitability of the education provided' by parents, placing the State in a supervisory and sovereign position in relation to the education of every child. ([gov.wales](https://www.gov.wales) - [Elective home education guidance](#); Oct 2023, 1.5, page 2.)
    - o **In Northern Ireland**, the Education Authority is commendably clear about the right of parents under the law to home educate, and underlines the informal nature of any informational requests the EA may make concerning the education offered by parents to their sons and daughters. Even here, though, there is an underlying assumption that the EA is competent to judge the suitability of educational provision, and occupies an authoritative supervisory role in relation to families. ([nidirect.gov.uk](https://nidirect.gov.uk) - [Educating your child at home](#).)
  3. ^ **In England**, striking evidence for this shift is found in the present government's decision to oversee all contact a child has with any third-party educator engaged by the child's parents. Parents will, in effect, be unable to make arrangements for their children's education without the local authority knowing about and recording them. Under the proposed bill, every arrangement and relationship in the educational ecosystem will be mediated by the State.

Source: [parliament.uk](https://www.parliament.uk) - [Children's Wellbeing and Schools Bill](#); 2024 as introduced, clause 25, page 52 onwards.

4. ^ **In England**, the government is aware that it is pushing for a fundamental transfer of power and responsibility from parents (and all potential educational third parties) to itself. This is evidenced in its legal memorandum on how its provisions in the [Children's Wellbeing and Schools Bill 2024](#), as introduced, comport with the European Convention on Human Rights (ECHR). Commenting on clauses which expand the scope of government regulation it notes the following:

‘Article 9 and A2P1 [of the ECHR] will be engaged because additional institutions will be subject [under the Children’s Wellbeing and Schools Bill, as introduced] to a requirement to register and to maintain that registration to meet *prescribed standards which may conflict with the religious beliefs of parents or children or mean that children are not educated in accordance with parental wishes.*’ (emphasis added).

History teaches us that whenever a State moves towards tyranny and authoritarianism, it undermines the family bond as a matter of priority. See the judgement of the United Kingdom House of Lords in *B (a Child)*, Re [2013] UKSC 33 (12 June 2013):

‘In a totalitarian society, uniformity and conformity are valued. Hence the totalitarian state tries to separate the child from her family and mould her to its own design. Families in all their subversive variety are the breeding ground of diversity and individuality. In a free and democratic society we value diversity and individuality. Hence the family is given special protection in all the modern human rights instruments including the European Convention on Human Rights (art 8), the International Covenant on Civil and Political Rights (art 23) and throughout the United Nations Convention on preamble to the Universal Declaration of Human Rights the Rights of the Child. As Justice McReynolds famously said in *Pierce v Society of Sisters* 268 US 510 (1925), at 535, “The child is not the mere creature of the State”.’

Note also the judgement of the UK Supreme Court in relation to the data provisions in Scotland’s Named Persons Scheme:

‘The first thing that a totalitarian regime tries to do is to get at the children, to distance them from the subversive, varied influences of their families, and indoctrinate them in their rulers’ view of the world. Within limits, families must be left to bring up their children in their own way.’

Sources:

- [parliament.uk](https://parliament.uk) - ECHR Memo re: Children’s Wellbeing and Schools Bill: 2024, as introduced, Clause 176, page 45
- [UK Supreme Court](https://uk-supreme-court-judgments.org) - Judgment: In the matter of B (a Child); Jun 12, 2013 - on bailii.org
- [supremecourt.uk](https://supremecourt.uk) - Judgment: The Christian Institute v The Lord Advocate; Jul 28, 2016, paragraph 73

5. ^ The government’s policy document, ‘Keeping Children Safe, Helping Families Thrive’, especially pages 9 and 10, outline this policy proposal.

The press release includes this statement of intent: ‘Delivery of the manifesto commitment to introduce a consistent child identifier, making sure information can be *shared between professionals* so they can intervene before issues escalate.’ ([gov.uk](https://gov.uk) - Biggest overhaul in a generation to children’s social care; Nov 18, 2024, emphasis added).

6. ^ The Labour Party manifesto states ‘too often we see families falling through the cracks of public services. Labour will improve data sharing across services, with a single unique identifier, to better support children and families.’

Source: [labour.org.uk](https://labour.org.uk) - Labour’s Manifesto: Break down barriers to opportunity; 2024

7. ^ The State’s disregard for the agency of parents is becoming increasingly apparent across the board. One stark statement of the English government’s approach to parents is found in its legal memorandum seeking to show the compatibility of the Children’s Wellbeing and Schools Bill 2024, as introduced, with existing ECHR legislation. In speaking of the Secretary of State’s power to impose standards on all or any independent educational institutions, it argues as follows:

‘The powers in section 94(1) of the 2008 Act mean that standards can be imposed on independent educational institutions that require a secular education to be taught. Such standards will engage Article 8 in circumstances where parental beliefs mean that their children ought not to have such an education. However, the powers in section 94 do not mandate that such standards must be made in all cases. In any event, the Department considers that *it is possible to make standards requiring a secular education (despite parental beliefs) compatibly with Article 8, for the purpose of ensuring that children receive an education that suitably equips them for, for example, adult life.* See further what is said about the decision of *Konrad v Germany* (2006) app. 35504/03, in paragraphs below.’ (emphasis added)

The government's challenge to parental agency extends to matters financial. In justifying taxing private schools to pay for its own State system, the government stated that it 'believes in parental choice, but is also determined to fulfil the aspiration of every parent to get the best education for their child.' In context, the government is justifying a policy which makes it harder for parents already subsidising the State system through taxes to send their children to a non-State school of their choice.

Sources:

- [parliament.uk - ECHR Memo re: Children's Wellbeing and Schools Bill: 2024](#), Clause 175, page 45.
- [gov.uk - Schools, adding VAT & removing business rates charitable rates relief: Jul 2024](#), page 6, 1.2.

8. ^ It is notable that the present government is, like its predecessor, fully committed to policies that encourage parents to work instead of spending time with their children at home. The government notes that its aim is to 'expand early years childcare for all, the government will open 3,000 new nurseries, helping parents back to work.' The government has also supported parental choice, when that choice is to work longer hours away from their children: 'We'll give parents choices for an earlier start to the working day – helping families to get on [sic] not just get by.' These policies are, we note, also present in the UN Committee on the Rights of the Child's latest recommendations to the UK government (third link below, section 36).

Sources:

- [gov.uk - Schools, adding VAT & removing business rates charitable rates relief: Jul 2024](#), 1.3, page 6.
- [labour.org.uk - Labour's plan for childcare and early education: Jun 9, 2024](#)
- 'Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland'; [un.org - Convention on the Rights of the Child: Jun 22, 2023](#)

9. ^ A key policy targeting private schools is the VAT increase announced by the government: 'As of 1 January 2025, all education, boarding, and vocational training provided for a charge by a private school in the UK will be subject to VAT at the standard rate of 20 per cent. Any fees paid from 29 July 2024 relating to the term starting in January 2025 onwards will be subject to VAT.'

'The government also announced that schools in England with charitable status would lose their eligibility to business rates charitable rate relief from April 2025, subject to Parliamentary passage of the legislation.'

Source: [gov.uk - VAT on private school fees: Oct 30, 2024](#)

10. ^ **In Wales**, the government does not allow parents to withdraw their children from relationships education informed by the prevailing State ideology. See the wording of its template email to send to parents who express disquietude about the arrangements:

'If your child is in secondary school and learning under the National Curriculum, you continue to have the right to withdraw your child from sex education. However, this right only applies to sex education, not to education about relationships.'

The Welsh government justifies sidelining parental concerns and 'opt-out choice' by appealing to what it considers to be a higher ethical ideal: 'inclusivity'. See its Petition P-06-1393: 'By opt-out choice, parents can align their child's education with their religious or personal convictions. This approach [i.e. the Welsh government's superior approach] fosters a more inclusive environment that respects the values and beliefs of all families involved.'

**In England**, the [Children's Wellbeing and Schools Bill 2024](#), as introduced, bars parents from withdrawing their child from school to receive education at home without the permission of the local authority if the child is attending a special school or is the subject of a Section 47 child protection enquiry, (see clause 24, esp. Subsections (3) and (4)). That children attending special educational settings are singled out in this framework should be of concern to all. That children who are subject to Section 47 enquiries are included here should also sound alarms in terms of due process. While there are, sadly, times when it may be inappropriate for a child who is already on a Child Protection Plan to be educated at home, Clause 24 goes beyond this. It grants powers to local authorities to take control of a child's education without parental consent while a Section 47 enquiry—the purpose of which is to establish *whether or not* a child's

circumstances justify further intervention—is taking place. This defeats the current legal understanding of the purpose and place of a Section 47 enquiry, and grants powers to local authorities which could be used unlawfully.

Sources:

- [gov.wales](https://gov.wales) - [Template Letter for Local Authorities to send out to parents \(in reply to those received by schools using the template put forward by campaigners\)](#)
- [senedd.wales](https://senedd.wales) - [Empowering Parental Choice: Opt-Out Rights and Inclusive Involvement in the RSE Program; Jan 29, 2024](#)
- [parliament.uk](https://parliament.uk) - [Children's Wellbeing and Schools Bill; 2024](#)

11. ^ At the time of publication, Wales and England are moving forward with plans for direct regulation of the education of every child not in school. Northern Ireland's devolved government has not, to date, indicated a desire to legislate for a mandatory register of children not in school or forced data collection concerning family educational provision. Scotland has consulted on registers, receiving a very mixed consultation response, and has not yet indicated whether it will pursue coercive data collection.

In Wales, the government will pilot a database which will identify children not in school by comparing health records with school records, following up with any children identified with home visits.

**In England**, the government has announced plans for a register that goes far beyond a mere list of names. Indeed, the [Children's Wellbeing and Schools Bill 2024](#), as introduced, in laying out the content of its 'Children not in School' register, details what will be a case file on every child educated otherwise than at school. Parents unwilling to cooperate with the registers will face school attendance orders for their children and prosecution under the criminal law. The information which will be legally required (i.e. coerced) from parents includes the following:

- 'the child's name, date of birth and home address'
- 'the name of each parent who is providing education to that child'
- 'the amount of time that the child spends receiving education from each parent of the child'
- details of any third-parties (individuals or organisations) involved in the child's education
- Any 'protected characteristics' the child may have under the provisions of the Equality Act 2010.
- The reasons why a child is not being educated full time in a school setting; 'including any information provided by a parent of the child as to those reasons or, in a case where a parent has not provided that information, the fact that they have not done so;'
- 'Any other information about the child's characteristics, circumstances, needs or interactions with a local authority or educational institutions that the Secretary of State considers should be included in the register for the purposes of promoting or safeguarding the education or welfare of children.'

Sources:

- [parliament.uk](https://parliament.uk) - [Children's Wellbeing and Schools Bill; 2024](#), as introduced, Clause 25, page 48 onwards.
- [senedd.wales](https://senedd.wales) - [Written Question to Welsh Cabinet Secretary for Education; Sep 17, 2024](#)
- [gov.wales](https://gov.wales) - [Elective home education guidance; Oct 2023](#)

12. ^ **In England**, the government clearly regards registration as a first step towards full regulation. The greatest evidence for this is the very nature of the information parents will be required by law to provide (see [footnote 11](#)).

Further evidence is found in the public testimony in 2020 of Kate Dixon, at the time Director of Schools in the (English) Department for Education. Her witness statement featured in a report on Child Protection in Religious Organisations and Settings by the Independent Inquiry into Child Sex Abuse, revealed that a register of children not in school was a 'first step' of a broader government plan to monitor the content of education that children receive at home. Relevant sections of her testimony are below (emphases added):

'Our original consultation proposed looking at the content of teaching and whether that met certain standards. *We have chosen to do just the first part of it, the creation of the register*, partly in response to that feedback. This is a difficult issue in which to step into, and taking the first step, from a safeguarding point of view, felt important to us, so that's what we have progressed...' (page 124, line 25).

'We first consulted on the three things, but, given the responses that we got back and the contentious history that stepping into this space has, *we decided to take it in parts and go with the creation of the register, which was the most palatable and we thought would take us at least on the journey*, and not look at the monitoring and the content of the education through proposals to legislate' (page 130, line 9).

13. ^ The government has published its intention ‘to enable local authorities to consider the home and any other learning environment when determining whether home education is suitable.’

Source: [gov.uk - Keeping Children Safe, Helping Families Thrive; Nov 2024](#), page 13.

14. ^ **SCHOOL ATTENDANCE ORDERS**

‘A local authority in England may serve a preliminary notice [for a school attendance order] on a child’s parent if it appears to the authority that either condition C or condition D is met...

Condition C is that—

- (a) the child is eligible to be registered by the local authority under section 436B,
- (b) the authority has asked the child’s parent for information under section 436D(1), and
- (c) the child’s parent has not provided that information before the end of the relevant period (as defined in section 436D(4)(a)), or has provided incorrect information.

(7) 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 has not provided the information before the end of the relevant period (as defined in section 436D(4)), or (b) has provided incorrect information.’

**IMPRISONMENT**

‘436P: Offence of failure to comply with school attendance order

If a person on whom a school attendance order under section 436I is served fails to comply with the requirements of the order, the person is guilty of an offence...

(8) A person who commits an offence under this section is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine not exceeding level 4 on the standard scale (or both).

(9) In subsection (8), “the maximum term for summary offences” means—

- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;
- (b) if the offence is committed after that time, 51 weeks.

Source: [parliament.uk - Children's Wellbeing and Schools Bill; 2024](#), as introduced, Clause 26(2), pages 58 and 59.

15. ^ Or *fatherhood*. The Greek word is *patria*.

16. ^ The Information Commissioner’s Office (ICO), which has a public duty to prevent the intrusive and unjustified use of personal data, fails adequately to apply this duty to government departments.

Under current guidance, State departments and personnel may access and transmit any personal data provided that the concept of safeguarding is invoked. The present government intends by this and other mechanisms to develop and maintain a universal database of all children, families, and educational arrangements, revealing that it has no intention to respect the *raison d’être* of the ICO or the democratic principles and real people that data protection law aspires to serve and protect.

Sources:

- o [gov.uk - Keeping Children Safe, Helping Families Thrive; Nov 2024](#), page 10
- o [ico.org.uk - Information Commissioner's Office: A 10 step guide to sharing information to safeguard children](#)