

British Humanist Association Response to the Consultation on Home Education

Introduction: A humanist overview of home education

The BHA is committed to the principle of a state education system that is inclusive of all children and families whatever their beliefs, ethnic or cultural background, disabilities, sexual orientation or social class. We believe that for the vast majority of children the most appropriate form of education will be attendance at a local community school, where children from a wide variety of backgrounds can learn and play together on equal terms. It should be noted that this is the current situation in Britain, as over 90% of students attend state schools and only an estimated 55,000 (under 1%) are home educated.

Although we believe that inclusive community schools are the appropriate learning environment for most children, we accept that parents have the human right to educate their children in accordance with their religious or philosophical beliefs and that home education is one way to meet this requirement. We also acknowledge that for a wide variety of reasons, including bullying, special needs and difficulties accessing an appropriate school, some families feel that they need to home educate their children. We therefore believe that it is important not to undermine the principle of home education, including arrangements that do not follow a “school type” curriculum, that do not result in formal qualifications or that are delivered by parents or others who are not themselves formally qualified.

For us, the guiding principle should be what is best for the child. Frequently this will be what the parent believes is best for the child, which may be something other than the model of education delivered in the national curriculum. Currently, however, the statutory system is too strongly weighted towards the rights of parents (to educate their children in accordance with their religious or philosophical beliefs) with the consequence that the rights of the child (to a “suitable” and “efficient” education) may be inadequately met. Therefore, we believe any new framework to guide and regulate home educators should be informed by the principles enshrined in the UN Convention on the Rights of the Child (UNCRC).

Article 29 of the UNCRC states that:

“1. State Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State."

Since its foundation, the BHA has been a leading proponent of broad-based moral education. The BHA was a founder member of the Social and Morality Council and the Values Education Council of the UK and today sits on the Religious Education Council of England and Wales and the National Council of Faiths and Beliefs in Further Education. For this reason we have a particular interest in cases where religious and moral beliefs motivate families to home educate. Although humanism recognised as a belief in the same way as religions under the law—and despite the prevalence of state schools that discriminate in favour of those with religious beliefs in admissions and the curriculum—we are aware of relatively few humanists who choose to home educate their children due to their beliefs. Contact with our members suggests that this is due to the fact that most humanists can access community schools and are committed to the concept of pluralism.

We do have concerns that some of those who choose to educate their children at home for religious reasons may not be providing schooling that is adequate, either according to the ECM agenda or the principles of Art 29. Where home educators are members of an insular religious community, school attendance can sometimes be the only opportunity for a child to experience and learn about other cultures, beliefs and ideas. Equally, it would be unacceptable under Art 29 for education to teach discriminatory beliefs as these would be unsuitable to prepare a child for responsible life in a free society. We hope that this would also be contained within any new framework.

Because home education takes place behind closed doors it is difficult for us (or, indeed, local and central government) to know the extent or severity of any such problems. It is crucial that an assumption is not drawn from this lack of knowledge about the state of current home education that there are no problems.

1. Do you think that the current system for safeguarding children who are educated at home is adequate? Please let us know why you think that.

The current system for safeguarding children is clearly inadequate. As a basic first step, local authorities and other agencies must be aware of the location of all home educated children and the arrangements that have been made for them. In order for this to happen, registration of home educated children should be compulsory, whether or not they have ever attended school.

Secondly, it should be possible for local authorities inspect the education arrangements made for all home educated children and to meet those children. Even if home educated children are no more at risk than their peers who attend school, for some children this will be one of the few opportunities for those responsible for safeguarding to pick up on any problems. Rather than “victimising” home educators, or presuming guilt, this would be no more than an attempt to provide the same level of basic monitoring that children in other educational settings receive.

By making monitoring arrangements regular and compulsory there will be less fear and stigma attached to inspections. At present, it must “appear” to local authorities that there is a problem for formal action to be taken. When this action is taken it is as a notice being served requiring evidence of education within 15 days. As well as the fact that serving notice on a family is unlikely to improve relations between the local authority and the family, the current legislative framework requires local authorities to be suspicious of home educators, because they must form an opinion based on limited information to decide which arrangements “appear” to be unsatisfactory. Relying on appearances instead of a system of universal monitoring risks encouraging local authorities to make judgements based on stereotypes, to the detriment of both those targeted and those overlooked.

2. Do you think that home educated children are able to achieve the following Every Child Matters outcomes? Please let us know why you think that.

- a) Be healthy**
- b) Stay safe**
- c) Enjoy and achieve**
- d) Make a positive contribution**
- e) Achieve economic wellbeing**

We agree that the Every Child Matters outcomes are appropriate to home educated children and believe that home educated children can—and frequently do—achieve all five outcomes. Furthermore,

we feel that the ECM outcomes are broad enough to fit well with the definition of suitable education provided by case law, since a failure to meet any of the outcomes could “foreclose the child's options in later years to adopt some other form of life if he wishes to do so” (from Mr Justice Woolf R v Secretary of State for Education, ex parte Talmud Torah Machzikei Hadass School Trust. Judicial review 1985). Since the ECM outcomes are consistent with the principles of the UNCRC, we believe that the wording of the UNCRC should guide the approach taken to home education, by which we mean that education in all settings should follow all of the principles outlined in Art 29.

3. Do you think that the Government and local authorities have a responsibility to ensure that all children in the country are able to achieve the five outcomes? If you answered yes, how do you think that the Government should ensure this?

Yes. The ECM outcomes are a basic entitlement for all children and this should include those who are home educated. Home educators can already be required to provide evidence that the education that they are giving is efficient and suitable. All home educators should be required to submit information on their educational philosophy and how it is being implemented. This document could then be evaluated against the ECM outcomes and the provisions of Art 29 and would help inform those who inspect the educational setting.

Do you think that there should be any changes to the current system for supporting home educated families? If you answered yes, what should they be? If you answered no, why do you think that?

We think that local authorities should be able to provide limited support to those parents who would like to home educate. However, this support should be optional and the responsibility for creating a suitable curriculum should remain with parents. In cases where parents are incapable of providing suitable home education without intensive or sustained support then home education is inappropriate.

4. Do you think that there should be any changes to the current system for monitoring home educated families? If you answered yes, what should they be? If you answered no, why do you think that?

As noted above, we believe that all home educating families should be monitored.

Some people have expressed concern that home education could be used as a cover for child abuse, forced marriage, domestic servitude or other forms of neglect. What do you think Government should do to ensure this does not happen?

We agree that the current lack of monitoring means that home education could be used as a cover for abuse, although we defer to those government and voluntary agencies with more experience of safeguarding for specific plans on how these risks should be minimised.