



## UNCRC assessment: Children Not In School consultation

### 1. What likely impact will the policy/measure have on children and young people or their families/carers?

The proposals would require the registration by local authorities of children who are home educated or for other reasons not registered at state-funded/registered independent schools. This would include children educated at home but also those attending other non-school settings for all of their education, unless it had been arranged by the local authority. There would be no direct impact on the children concerned from the registration process, but since the proposals are designed to make it easier for local authorities to track the children concerned in order to ensure that they do not fall into the category of those who are not receiving a suitable education, the eventual result of registration for some children could be that their parents are obliged to send them to a state school rather than continue the existing education arrangements. That would be for the educational benefit of the children concerned, although the parents and/or children might not agree with that view.

The registration process itself would be an obligation on the parents of children in scope but would not be significant in terms of time. However, some parents are likely to object to the registration process.

The proposals would also introduce a duty on local authorities to provide support for home educating families which request it. This could help those who wish to carry out home education but are uncertain as to how to do it properly. It might also result in some families which are not properly equipped to provide home education even with support, to seek more suitable alternatives.

### 2. What children's rights are likely to be affected by the policy/measure?

The most significant articles engaged are:

- Article 3 (best interests of the child)
- Article 4 (protection of rights)
- Article 6 (life, survival and development)
- Article 19 (protection from all forms of violence)
- Article 28 (Right to education)
- Article 29 (Goals of education)
- Article 30 (Children of minority/indigenous groups)
- Article 31 (leisure, play and culture)

## Article 34 (sexual exploitation)

In all cases the effect of the policy, by helping to ensure that the child receives suitable education and increasing the likelihood that the local authority will be aware of the child's existence and educational arrangements, should be to help meet the requirements of these articles – even if, in some cases, that can only be achieved by the child attending school rather than continuing to be educated at home or in a non-school setting.

By imposing a duty on local authorities to provide support to home-educating families which request it, the proposals should also help meet the requirements of these articles and in addition Article 18(2) – assistance to parents in their child-rearing responsibilities.

The proposal also has the potential to engage

Article 5 (parental guidance)

Article 12 (respect for the views of the child)

Article 13 (freedom of expression)

Article 14 (Freedom of thought, conscience and religion)

because of the fact that the obligations placed on parents under the proposals, and the outcomes of registration, may not accord with the views of the parent and/or child.

However, the proposals are intended to ensure, amongst other things, that children get a quality of education that is suitable, and therefore that they become capable of integrating themselves into society and are equipped for adult life. These are legitimate aims to underpin specific educational policy proposals. Parents will retain the right to a state-funded school place for their child should they object to the registration proposals. Even if children as a result go to school parents would retain as much opportunity to provide appropriate direction and guidance as most parents do.

Consideration has also been given as to whether the proposals are consonant with the following articles:

Article 2 (rights given to child without discrimination)

Article 9 (separation of child from parents)

Article 16 (interference with child's privacy family and home)

It is not considered that the proposals are in breach of these articles.

### **3. Are some children and young people more likely to be affected than others?**

Yes. It would not affect the vast majority of children of compulsory school age, who attend state-funded or registered independent schools, or have education arrangements made by the local authority or by the schools where they are registered. It would affect only those who fall outside these categories (see section 5 also).

#### **4. Do you need to engage with children and young people and/or their advocates and other stakeholders to seek their views?**

Yes. The public consultation is open to children, and organisations representing children's interests. The department will be attempting to encourage home educating families to involve children in the consultation process. However, some home educators believe that the views of children on home education are not significant compared with parental rights to determine the mode of education.

#### **5. How does the policy/measure promote or impede the implementation of the UNCRC?**

By seeking to ensure that children who are educated at home or outside mainstream schooling are more likely to receive a suitable education, it promotes implementation - or at worst, does not obstruct it.

#### **6. Is a full Child Rights Impact Assessment required?**

No. The effect on some children could be significant, to the extent that the registration proposals may make it more likely that some children will be obliged to attend school rather than be educated at home or in non-mainstream school settings. However the number of children involved is small. It is estimated that at October 2018 there were 57,600 children being educated at home in England. Although that is probably a slight under-estimate, due to the lack of an existing registration requirement, and although the register would have some other children in scope because they are not home educated but attend settings which are not mainstream schools, it is unlikely that the total number of children affected would exceed 1% of the ages 5-15 cohort.

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