

INQUIRY INTO HOME SCHOOLING

Opening Statement

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Acknowledgement of Country

I would like to Acknowledge the Gadigal people who are the traditional custodians of this land. I would also like to pay respect to Elders both past and present of the Eora nation and extend that respect to other Aboriginal people present.

Background Statement

The education of children has been compulsory in NSW for over 100 years, reflecting the vital role that education plays in children's overall development and wellbeing. Children engaged in education are more likely to learn, achieve educational success, and have increased career and life options and outcomes. They are also more likely to be positive and active contributors to society.

The Education Act (1990) provides that "the education of a child is primarily the responsibility of the child's parents". It further states that "it is the duty of the State to ensure that every child receives an education of the highest quality". The Act defines the responsibilities for parents to ensure compulsory schooling and provides options for how those responsibilities can be met. Parents can choose to enrol their child in a

government or registered non-government school, or seek registration with the Board of Studies, Teaching and Educational Standards (BOSTES) for home schooling.

Parents have the right to choose the type of education they believe will best meet the needs of their child, while being consistent with legislative requirements.

The Education Act also prescribes the curriculum and access to it for children and young people in the compulsory years of schooling.

BOSTES is responsible for developing the syllabuses taught in New South Wales schools, from Kindergarten through to Year 12.

The Department recognises that home schooling is a legitimate and well established pathway for children to receive an education in line with parent choice. The Act limits each period of registration for home schooling to 2 years.

The Departments Role in Compulsory Schooling

The Department is the largest provider of compulsory schooling in Australia with more than 750,000 students enrolled in NSW government schools.

The number of children and young people registered for home schooling has increased in recent years. In 2012/13, 3,327 were registered for home schooling. In 2009/10 it was 2,443

The Department has responsibility for ensuring the regular attendance of students in government schools. The department also has a responsibility to intervene when it becomes aware a child or young person may not be enrolled in a government or registered non-government school, or registered with BOSTES for home schooling.

Information on this may be received from a variety of sources including members of the community, another agency, or the Board of Studies, Teaching and Educational Standards (BOSTES). In these circumstances the Department (via a Home School Liaison Officer or an Aboriginal Student Liaison Officer) will intervene, to ensure that the child is receiving compulsory schooling.

In undertaking this role the Department ensures that the child's parents are aware of their obligations to ensure their child receives an education consistent with the requirements of the Education Act. The Department supports the family to enrol their child in a school or provide information and contacts for the parent to apply for home schooling.

In discharging its responsibilities to ensure every child and young person engages in compulsory schooling, the Department may take legal action on behalf of the Minister where parents fail to meet their compulsory schooling obligations under the Education Act.

In 2013 the Department's Home School Liaison Program intervened in 79 cases where children or young people of compulsory school age were not enrolled in a school, or registered for home schooling. Nearly all of these matters were resolved without the need for legal action.

Court action has proceeded in two of these cases only. In 2014 to date the program has intervened in 54 cases with four matters commencing in court. In two cases the matter was withdrawn after the children or young people were registered for home schooling.

The Wood Commission and Child Protection Considerations

In recent years there has been significant government and community focus on children and young people engaging in education. This has been variously commented on in a number of reports and inquiries, including by the NSW Ombudsman. This focus recognises of the critical role that education plays in a child's development and growth into adulthood. School attendance and its relationship with child protection has been the subject of substantial reform in NSW.

In recent years the most significant report in this regard is the report of the *Special Commission of Inquiry into Child Protection Services in NSW* (The Hon James Wood) released in November 2008. The report strongly recognised the importance of compulsory schooling. Commissioner Wood states:

The importance of participation in school as a protective factor which mitigates against extreme risk taking is reinforced by the Child Death Review Team study. The importance of the school as a site for education about help seeking and problem solving is also clear.

Acting on recommendations from Commissioner Wood, The Children and Young Persons (Care and Protection) Act, 1998 (the Care Act) was amended in 2010, recognising the importance of education for a child's safety, welfare and wellbeing. The amendments recognise that educational neglect, that is prolonged non schooling, is a factor that may place a child at risk of significant harm. Educational neglect is frequently accompanied by other child protection risks.

The NSW Ombudsman has been a strong advocate for compulsory schooling and has raised concerns about the impact on children, where they are disengaged from education. In a number of cases of child death investigated by the Ombudsman, disengagement from education or poor school attendance was a significant risk factor.

Child Protection is a whole of community shared responsibility. NSW schools are amongst the most frequent reporters of Child Protection Risk of Significant Harm reports to the Child Protection Helpline. Schools play a critical role in keeping children safe. This is in part due to the unique relationship between a student and their teacher and the extensive Child Protection awareness training teachers undergo annually. This makes a robust system of monitoring and enforcing

compulsory education, including registration and monitoring of home schooling essential.

Conclusion

Parent choice underpins compulsory education in NSW. Home schooling is recognised as a legitimate and well established pathway for children to receive an education. Given the importance of education for a child's development and wellbeing, and also given government and community focus on educational engagement and the protection and wellbeing of children and young people, it is most important that there are rigorous systems in place for compulsory schooling registration and monitoring including home schooling.

