

**Submission
No 213**

INQUIRY INTO HOME SCHOOLING

Name: Mr Chris Krogh

Date received: 4/09/2014

Private Submission to the Senate Select Committee on Home Schooling: Submission particularly addressing issues of child protection and home education in NSW

Contents

The Author	2
Purpose of this submission	2
The submissions of concern and the specific material there-in	3
Department of Family and Community Services	3
Department of Education and Communities	3
NSW Teachers Federation.....	4
Board of Studies, Teaching and Educational Standards	4
Summary of issues stated within these submissions.....	4
Summary of issues implied within these submissions.....	5
Discussion.....	5
School connectedness and educational engagement research – home education not included ..	5
Unregistered home educators caught in a drifting ghost-net of child protection reporting.	6
The negative consequences of inappropriate reporting to child protective services	8
Information sharing	8
Not in school but not invisible; not assisted if needs are seen.....	9
Assessing educational neglect	11
Conclusion and recommendations	12
References	13

The Author

My name is Chris Krogh. I am a qualified social worker and member of the Australian Association of Social Workers. For five years I worked in the NSW child protection system as a caseworker and, for a period, acted as a Casework Specialist. From mid 2010 to early 2012 I was employed by the Department of Premier and Cabinet as a *Keep Them Safe*¹ Regional Project Manager. I left that position to undertake further study. Currently, I am completing a PhD at the University of Western Sydney (UWS). My subject area is child protection. I also teach in that field at UWS. I have a deep commitment to the safety, welfare and wellbeing of children including working for just and effective policy and practice in the child protection field.

My understanding of, and commitment to, home education began in 2005 when my wife and I began home educating our son – he was in kindergarten at the time. We have continued on that course and are currently home educating our two children. We use a range of educational methods ranging from more didactic approaches to entirely child-led ones. We are actively involved with other home educating families both, for social support and educational opportunities.

Purpose of this submission

I am writing this submission to the Committee in response to obfuscatory material in a small number of submissions before the Inquiry, which relate to home education and child protection concerns. In particular, I am responding to submissions by the Department of Family and Community Services (FaCS), the Board of Studies and Teacher Educational Standards (BoSTES), the NSW Teachers Federation, and the Department of Education and Communities (DEC). Each has presented an accurate description of how the home education registration process intersects with child protection legislation. Each has also implied, however, that there is harm to children in their parents' failure to register for home education. This is patently inaccurate.

I do not believe this material to be deliberately deceptive, but do assert that the submissions' foci on reporting circumstances as they stand have obscured the greater question of whether things should be as they are. Further, being in want of evidence that failure to register harms children, these submissions have made, in common, errors of logical argument. It is the purpose of this submission to shine a light on those errors and argue the negative consequences of them. It is my hope that this submission will help the Committee to understand the inaccurate conceptions that currently shape interactions with home educators and that as a result the Committee will respond by recommending legislative and practice changes to ensure that the negative impacts on home educating families do not continue into the future.

¹ The NSW Government's response to the Special Commission of Inquiry into Child Protection in NSW, headed by Justice James Wood.

The submissions of concern and the specific material there-in

Department of Family and Community Services

This submission identifies that one change to the child protection system which flowed from the Special Commission of Inquiry into Child Protection in NSW (the Wood report) was the creation of educational neglect as a grounds for reporting a child as at 'risk of significant harm' to FaCS. This submission states that "a child or young person is at risk of significant harm if current concerns exist for the safety, welfare and wellbeing of the child or young person (because to a significant extent) the parents and other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the *Education Act 1990*".

That same submission reports information from the Queensland review of home education regarding myths relating to home education which were identified and addressed in the course of that State's investigations. The submission goes on to assert, however, that despite this finding, teachers provide surveillance of children in schools and those children who are home educated "may not have the same level of outside surveillance".

Department of Education and Communities

The Department of Education and Communities' submission references a range of documents and information sources when addressing the notion of child protection and home education. Similarly to the FaCS submission, the DEC submission references the Wood report. The Department of Education and Communities, however, emphasises more specifically the content within that report which relates to children's engagement with education as a protective factor as well as schools being an important site for personal development of "help seeking and problem solving" skills. The DEC submission references the *Keep Them Safe* strategy which was the Government's response to the Wood report. The DEC submission states "to support [the overall goal of Keep Them Safe] compulsory schooling and co-ordinated service provision related to a child's safety, welfare and wellbeing were included as key aspects of the reforms". This document also references a report by the NSW Ombudsman – *Keep Them Safe?* This reference argues again for the importance of school connectedness and the consequence of "disengagement from education".

The education-related grounds for reporting 'risk of significant harm' within the *Children and Young Persons (Care and Protection) Act 1998*, Section 23 (b)(1) is also identified in this submission. An additional section of the Act is indicated with regard to Information Exchange provisions – Chapter 16(A) – which allows "information exchange between agencies" as one dimension of improved co-ordination of service provision in support of families. The submission identifies that the effect of this provision is to "best respond to and support children and families who are at risk, including risk of educational neglect". The specific means by which this response and support operates is not made clear in this submission.

In a later section of the submission, the legal and administrative mechanisms available to DEC in response to families whose children are not attending school or are not registered for home education are presented. These mechanisms are empowered by the *Education Act 1990*.

NSW Teachers Federation

The submission by the NSW Teachers Federation touches briefly on the issue of children's safety, welfare and wellbeing. The Federation, in its submission, argues that children who are not in school (including home educated children) are not being exposed to the oversight of teachers in their capacity as mandatory reporters. As a result, home educated children may be at risk of experiencing harm and it not being identified. Consequently, the Teachers Federation argues for a registration process where home visits occur and the student is present.

Board of Studies, Teaching and Educational Standards

In response to the Term of Reference relating to 'unregistered home schoolers' the BoSTES identified the changes to the grounds for reporting a child who is not attending school as per the Education Act's requirements, as being at risk of significant harm within the *Children and Young Persons (Care and Protection) Act 1998*. The submission identifies that an unregistered home schooler is considered to be 'at risk of significant harm' on that basis, stating "Under the Care and Protection Act, unregistered home schoolers are at risk of significant harm due to educational neglect" [BoSTES Submission, p17]. The submission further identifies that Authorised Persons who are aware of an unregistered home schooler are compelled to report this to FaCS under their mandatory reporting obligations. Information exchange provisions within the *Children and Young Persons (Care and Protection) Act, 1998* are also reported in this section. The submission identifies that 364 children from 283 families have been the subject of information exchange by the BoSTES. The majority of these occasions have been exchange of information with DEC. The submission does not state whether or not these children were home schooled (though other information to hand indicates it to be the case).

Pages 22, 23 and 24 of this submission address, potential benefits or impediments to children's safety, welfare and wellbeing. The findings of the Wood report, and its emphasis on compulsory schooling, are reiterated within this section of the submission, as are the provisions for exchange of information that the *Children and Young Persons (Care and Protection) Act, 1998* affords. This section again notes the issues for families who are unregistered home educators. It further identifies that an Authorised Person who undertakes a home visit and is concerned about the welfare of a child must report their concerns to FaCS. As well as this, on occasions when an Authorised Person is unable to make contact with a family which has applied for home education registration, their application will be rejected and information exchange with DEC is a likely course of action.

Summary of issues stated within these submissions

1. School connectedness and engagement with education are protective of children and support their wellbeing.
2. The *Children and Young Persons (Care and Protection) Act, 1998* includes being an unregistered home educated child as grounds for reporting 'risk of significant harm' to FaCS.
3. The change to include 'educational neglect' as grounds for reporting to FaCS was based on concern that children not engaged with education were experiencing educational neglect.

4. Exchange of information is a resource to support children's safety, welfare and wellbeing and, with regard to home education, is used primarily in relation to unregistered home educators.
5. Teachers provide necessary oversight of children's wellbeing and as mandatory reporters must respond to concerns that they have.
6. Authorised Persons provide oversight of children who are being home educated.

Summary of issues implied within these submissions

1. Being an unregistered home educator is the same as neglecting a child's education.
2. Not being connected with a school is harmful to a child's wellbeing and development.
3. Children not in schools do not have involvement with mandatory reporters.
4. The Wood report, and research on school connectedness, specifically considered home education in the process of making their recommendations.
5. Alternatively, home education is sufficiently similar to schooling that it can be assessed by the same criteria.

Discussion

The following discussion addresses issues arising from the above-described statements and implications in the nominated submissions, under the following headings:

- School connectedness and educational engagement research – home education not included
- Unregistered home educators caught in a drifting ghost-net of child protection reporting
- The negative effects of inappropriate reporting to child protection services
- Information sharing provisions – largely misused
- Not in school but not invisible; not assisted if needs are seen
- Assessing educational neglect – the need for sharper instruments

School connectedness and educational engagement research – home education not included

There is a raft of literature which identifies and argues for the protective and developmental benefits of school connectedness for children and young people. In addition to its general benefits of helping to mitigate poor health and welfare outcomes (Bond et al., 2007, Shochet et al., 2006, Townsend and McWhirter, 2005), school connectedness has protective effects when it comes to issues such as suicidality (Borowsky and Duke, 2009), bullying (Hong and Espelage, 2012), problem gambling (Turchi and Derevensky, 2006), and risky sexual behaviours (Brookmeyer and Henrich, 2009, Phillips-Howard et al., 2010). The argument for preventing disengagement from school is often made on this basis (see, for example, KPMG, 2009).

School connectedness, though, is not a uni-dimensional concept – i.e. being in school is everything and solves everything. School is but one aspect of a child or young person's life that influence their development and their wellbeing. Utilising a 'social determinants of health' framework, Viner *et al.*

identified a multitude of influences on adolescents' health from the socio-political domain, through to income inequality, access to education and school environment, down to strong and positive peer relationships. Specific to these more proximal influences some argue that children and young people's connectedness to school is also impacted by the environment of the school (Chapman et al., 2013), their experiences of educators (Smyth et al., 2013), or the degree to which school is a safe place with regards to their diversity (see, for example, the commentary on consequences for non-heterosexual students in Couch et al., 2006). Adding another aspect, Emerson *et al.* (2012) present evidence that parental engagement with children's learning (as distinct from their participation in school) is a vital element in students' educational outcomes and their wellbeing. This is also noted in Gonski *et al.* (2011). In all of this material, school is one part of a much bigger picture.

The connectedness and disengagement literature suggests that whilst school connectedness is an important aspect of the social ecology that influences children and young people's educational development and overall wellbeing, it is by no means the dominant one. One reason that schools – engagement therewith, or disengagement therefrom – are a common element in the existing research is that the vast majority of children are in school, and (on the basis of legislation) young people should be. But highlighting the common element does not lead to the conclusion (as implied in the noted submissions) that it is the necessary element.

There is a small but profound absence in this literature and research – that is, children who are educated at home. In the context of this Inquiry, that gap represents a vortex into which all assumptions about children's needs and all assertions regarding school connectedness are dragged. The result is that the direct assertions and/or the implications that children being home educated have fewer protective factors in their lives because they are not in school are unfounded – they are not based on evidence. As a result, the evidence which has been provided is misleading.

Unregistered home educators caught in a drifting ghost-net of child protection reporting.

In the submissions which are the subject of this submission, a further absence of evidence can be identified when examining the connections made between educational neglect and home education. The submissions assert that not registering for home education is educational neglect. Some, such as BoSTES and FaCS, pay direct attention to the findings and recommendations of the Wood report in relation to this matter.

The *Special Commission of Inquiry into child protection in NSW* undertaken by Justice James Wood, which reported in 2008, provided a framework for significant reforms to child protection in NSW. It was so highly respected for its thoroughness and comprehensiveness that of the 111 recommendations made, about 108 were accepted either in their entirety or in part. One of the areas touched on by that report, and one of the adjustments to child protection legislation made as a consequence, was children's connections with schooling. An examination of the Wood report shows that Justice Wood was concerned with the effects of "habitual non-attendance at school" which was seen as a risk factor for children on the basis that it can have 'significant' impacts on their future development (Wood, 2008). That argument was presented to the Wood Inquiry by the NSW Ombudsman when he stated that keeping children away from school deprived them of their right for development, social connectedness and the support that schools provide (Ombudsman, 2008). This was, at least in part, informed by the Ombudsman's work in various remote NSW communities

where he was concerned about “high rates of non-attendance [at school] by Aboriginal children in particular locations”. The other reason this concern was raised was due to truancy and parents/carers not resolving those issues (Ombudsman, 2008). As a consequence, the reporting category of educational neglect was created.

Section 6, paragraph 104 of the Wood report states:

However, the Inquiry is of the view that there is some force in including habitual non-attendance at school as a risk circumstance ... It is acknowledged that habitual non-attendance is more likely to meet the increased [reporting] threshold when accompanied by one or more other risk factors.

The Ombudsman’s close attention to this issue was continued in subsequent publications “*Keep Them Safe?*” (Ombudsman, 2011b) and *Addressing Aboriginal disadvantage: the need to do things differently* (Ombudsman, 2011a). [Note: It is important to note that when the NSW Ombudsman did become involved in the issue of home education specifically, it was with regard to the administrative processes and gaps in registration and regulation, not on the basis of concerns about educational neglect (Ombudsman, 2013).]

It is clear that disconnection from school and disengagement from education were issues that the Wood report and the Ombudsman saw as impacting negatively on the wellbeing of children and sought to address. A new ‘risk of significant harm’ category was created/established (Section 23 (1) (b1)) as grounds for reporting children who were/are chronically absent from school without any parental attempt to assist reengagement. This was in order to make a system response possible for these children. The Act, at the relevant section, now states:

*(1) For the purposes of this Part and Part 3, a child or young person is **"at risk of significant harm"** if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:*

(b1) in the case of a child or young person who is required to attend school in accordance with the [Education Act 1990](#) -the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act.

This is taken by all parties to include children and young people who should be enrolled in school or registered for home schooling as per the Education Act 1990.

It is at this point that the issue arises. In all of the literature on school connectedness, in all of the Wood report, the Ombudsman’s material, and the Parliamentary debates on the changes to the legislation, home education (and in particular the specific issue of not being registered for home schooling) was not contemplated. As a result of the change that was made without home educators in mind, and notwithstanding the legal issues relating to being unregistered for home schooling, unregistered home educators have become unintentionally and inappropriately caught in the child protection net. Whilst this has a negative effect on how people think and talk about unregistered home educators – they are conceived as being a risk to their children – it also has direct consequences for people who are inappropriately reported to child protection authorities.

The negative consequences of inappropriate reporting to child protective services

Child protection involvement represents a significant intrusion into a family's life. Parents caught up in child protection systems experience a range of negative emotions including fear and a sense of powerlessness (Fine and Mandell, 2003). It is assessed as being a "difficult, intimidating and often humiliating experience" (Buckley et al., 2011). Furthermore, mothers' identities are negatively impacted in that process (Davies, 2011, Sykes, 2011, Wells, 2011) and parents' standing within their community is changed for the worse (Fine and Mandell, 2003). In the processes of child protection intervention, the lives of families are being intruded on by people with substantial power over those families (Dumbrill, 2006, Dumbrill, 2010, Tilbury et al., 2007). In short, having child protection services involved in one's life is a disempowering and stigmatising process.

Even when the child protection worker undertakes their work in a professional, sensitive and supportive way, the process can be "devastating" (Davies, 2011). To experience that stigma, and be subject to that power, is made all the worse when a report of 'risk of significant harm' on the grounds of being an unregistered home educator is inappropriate in the first place.

A further possible consequence is that a person with action taken against them on the basis of not registering for home education may be adversely affected in pre-employment screening processes if they were seeking child-related employment. Such an outcome would be extremely concerning.

Information sharing

Following the Wood report, NSW child protection legislation was amended to allow the freer exchange of information between appropriate agencies in order to facilitate more effective service provision for children and families. The result of these amendments is Chapter 16A of the NSW *Children and Young Persons (Care and Protection) Act, 1998* (the Act) which enables 'prescribed agencies' the capacity to share information regarding children whose safety, welfare and wellbeing may be at risk.' Its purpose was to provide more effective support to children and families and increase service coordination.

The first principle of this Chapter of the Act states:

(a) agencies that have responsibilities relating to the safety, welfare or well-being of children or young persons should be able to provide and receive information that promotes the safety, welfare or well-being of children or young persons.

In short, Chapter 16A allows that information can and should be exchanged between agencies where that information relates to the safety, welfare and/or wellbeing of children in order to assist with the provision of services that enhance the safety, welfare and wellbeing of those children.

The submissions made by BoSTES and DEC reflect the use of this provision in order to follow up unregistered home educators. As stated in the BoSTES submission in relation to unregistered home educators and exchange of information with DEC:

This information is provided to assist the DEC identify possible unregistered home schoolers and pursue any parents who may be failing to provide for the compulsory schooling of their children in accordance with the Education Act.

Later in the same submission BoSTES reiterates the use of information exchange in following up families who are unregistered for home education. This is done on the basis of the Act's definition of educational neglect encompassing being unregistered for home education. As shown above, this is an inappropriate inclusion. The BoSTES' submission does then go on to describe home education-specific circumstances where there may be concerns for a child's safety, welfare or wellbeing. On these occasions it is appropriate to use the information exchange provisions and/or to report to Family and Community Services. My concern is the lack of definitional clarity that can lead to both appropriate and inappropriate use of information exchange mechanisms, while still being within the letter of the law.

I assert that the use of information exchange to follow up home education registration for administrative purposes is patently a misuse of that provision. Secondly, I am arguing that clarifying the definition of educational neglect is required in order to ensure that matters which do risk causing harm to children are those which are reported as well as ensuring the appropriate use of the information exchange provisions of the Act.

Not in school but not invisible; not assisted if needs are seen

Despite suggestions to the contrary, home educated children are neither invisible to the community, nor to professionals with mandatory reporting responsibilities. The submissions currently before the Inquiry profoundly demonstrate that home educated children participate in numerous out of the home activities, use community resources such as libraries and sporting facilities, and engage with health professionals amongst others. The submissions of the NSW Teachers Federation and FaCS, however, identifies the role that teachers play in being aware of, and potentially responding to, children's safety, welfare and wellbeing. The Teachers Federation submission argues that "Children and young people who are not enrolled in a school miss out on regular contact with these people" (p3). They further assert that Authorised Persons, through the registration process, fill that gap for home educators.

The stated position of the Teachers Federation is that home education registration processes should not in any way be 'weakened' – Authorised Persons should continue to visit home educators in their home and sight the children/students in the process. Whilst this position appears superficially to provide some degree of protection for children – that someone seeing a child is better than no one seeing that child – it obscures two important points. Firstly, as stated above, home educated children are generally visible in the community and to mandatory reporters of one kind and another; therefore, the need for this oversight is overstated. Secondly, the Teachers Federation position suggests that an Authorised Person, who has concerns about a child or for a family, is empowered to respond as a teacher might and that when they do, the required intervention, support or services will be available. These issues are addressed below.

The roles of teachers and Authorised Persons, are different and this has effects on the notion of being able to provide assistance to children and young people. Teachers are mandatory reporters and must, therefore report occasions of 'risk of significant harm' through the appropriate processes within their workplace. Teachers are also, though,

in a position where they know the child and family, and rather than reporting issues to the Department of Community Services Helpline could assist these children and families much earlier when the risks are not significant and do not require a statutory response (DPC, 2009: 10).

This is a key proposition of *Keep Them Safe* – getting families linked to services earlier, to prevent their reaching a level of 'risk of significant harm'. Teachers are seen as important in that process and are empowered to act to achieve it. Authorised Persons are in a different position.

The Authorised Persons handbook (BOSTES, 2014), which was most recently updated in 2014, notes that the role of the Authorised Person is to assess a home educating family's application for registration, but not to provide support. More precisely, the Authorised Person's role is to assess the applicant's compliance with the requirements of registration – the *actual* compliance for those who have been registered and the *likely* level for those who are registering for the first time. The Authorised Person's role is not to provide consultation or mentoring, although direction to helpful information "may, at times," be undertaken. The Handbook identifies that the Authorised Person is a mandatory reporter and has obligations under the Act in this regard. But, where teachers in schools can identify a child who is in need of support because of difficulties a family may be experiencing – loss of a job or separation of parents – and begin a process of providing support, the Authorised Person cannot. The Authorised Person, therefore, can see what is happening in a home but is not empowered to act (other than as a mandatory reporter). The Authorised Person's oversight is not able to provide a child with assistance or a family with support as the Teachers Federation submission implies.

Were an Authorised Person to have concerns for a child or young person, and report them as being at risk of significant harm, provision of help to that child is not assured. In the majority of cases there are insufficient resources to investigate concerns and assess the needs of the children and young people who are reported. This is an issue identified and emphasised by the NSW Ombudsman on an ongoing basis (see, for example, Ombudsman, 2011b, Ombudsman, 2014). In addition, home educated students are entirely excluded from the education-specific support services which would otherwise be available to students in schools. Therefore, it is not reasonable to argue for the continuation of home visits by Authorised Persons on the basis that they support the safety, welfare and wellbeing of children and young people.

Finally, the concerns of the Teachers Federation may be exacerbated rather than relieved by retaining the system of home education registration as it currently stands. As the submissions to the Inquiry show, many home educators are finding the system to be excessively prescriptive and a source of frustration, confusion and even distress. The current system is, for many, a deterrent to registration. Authorised Persons are seeing far fewer children than they otherwise would because the system leads people to choose not to engage with it.

The result of this set of circumstances is that families are avoiding the potential monitors identified by the Teachers Federation. Furthermore, those monitors are generally disempowered from providing assistance and the only act that can be undertaken – reporting to FaCS – generally does not result in a response to the need that has been identified.

Assessing educational neglect

In the course of preparing for making submissions to this Inquiry, I contacted FaCS and DEC to ask about their existing assessment tools used to determine that a child's education was being neglected, the consequences of that neglect, and the interventions required to address it. I was informed in these contacts that the only mechanisms currently in place are the definition contained in the Act and the online 'mandatory reporter guide' (MRG).

The MRG is an online tool which was designed to assist mandatory reporters identify if a report of risk of significant harm needs to be made. It is an interactive, trunk and branch, decision making guide where information provided in one field leads the operator to specific questions in the next field. In the case of educational neglect, this tool does not provide any insight into the degree to which a child's education might be being neglected. Nor does it require other risk issues to be present before it recommends a report to FaCS. The MRG primarily identifies that a report to FaCS needs to be made where a child is not enrolled as per the *Education Act 1990* and the parent is not willing to enrol the child.

The question of "what is it to neglect a child's education?" is deeply complex and fraught, with a number of correlated issues and a number of possible consequences. The concerns of the Wood report and of the NSW Ombudsman, so far as one can tell from what has been published on the matter, were about chronic truancy. This was an indicator of neglect of children's learning and wellbeing as well as being highly correlated with being known to police and health services (Ombudsman, 2014). Whilst this seems like a reasonable indication of educational neglect, 'chronic truancy' is not a measure that can be applied to home education. Neither is any model that relies on a school-based view of education delivery and learning.

Illustrating this difficulty of assessment, many submissions made thus far to this Inquiry have provided detailed descriptions of diverse educational philosophies and educational strategies employed by home educators. In some of these cases, the education that is being facilitated and is occurring is almost impossible to recognise from a school-based perspective. Learning sequences, learning timetable and curriculum balance are all differently arranged in the educational approach of many families. Further to this, some families using child-led learning approaches philosophically and practically reject the structures and strictures of traditional schooling methods, allowing the child's interests, life, community, happenstance and circumstance to be a catalyst for educational moments, both brief and enduring (for descriptions of 'unschooling' approaches see, Aldrich, 2011, Allan and Jackson, 2010, Ellis, 2008, Farenga, 2010).

The result of this situation is that more specific assessment tools for educational neglect, as a child protection concern, are required. At the same time, any tool that is developed must incorporate diverse educational approaches and be adapted to the specific features of home educated children's

lives. Learning will look different and 'schooling' may be being eschewed, but this doesn't mean that education is being neglected.

Conclusion and recommendations

Each of the submissions referred to in this document invites, by the nature of their authorship, the reader to believe that the deliberations of Justice Wood, and the legislative amendments following the Wood report, included particular attention to the issue of unregistered home educators. As a result, being an unregistered home educator has become painted as a child protection issue with all of the detrimental consequences that brings. Close inspection shows, however, that home education was not considered by the Wood report, and has not been examined in relevant research or literature, and the negative experiences that flow from conflating these distinct issues should not be occurring.

This situation can be remedied with a small number of adjustments to legislation, policy and practice. As such, I make the following recommendations to the Committee:

1. Amend the *Children and Young Persons (Care and Protection) Act 1998* to include a more detailed definition of educational neglect.
2. Update the Mandatory Reporter Guide in line with the clearer definition of educational neglect.
3. Clarify agency policies such that the Act's information exchange provisions are not utilised for administrative purposes such as following up unregistered home educators.
4. Develop specific and appropriate assessment tools for the purpose of identifying educational neglect.
5. Undertake review and redesign of the home education registration process to make a system with which more home educators will engage. To this end I commend the Recommendations of the HEA submission to this Inquiry.

The NSW Ombudsman has maintained vigilant oversight of the NSW child protection system, with continued attention to the issue of educational neglect. Within this work, including in the most recent publication (Ombudsman, 2014), the attention has been on chronic truancy and associated child protection issues such as criminal behaviour and sexual assault. In this work, the Ombudsman's attention has not been focused on unregistered home educators.

Home education-specific research needs to be undertaken in order to address the knowledge and evidence gap identified in this submission. Until this is undertaken, appropriate systems for meeting the needs of children and families will be extremely difficult to achieve.

References

- ALDRICH, C. 2011. *Unschooling Rules: 55 Ways to Unlearn What We Know About Schools and Rediscover Education*, Greenleaf Book Group.
- ALLAN, S. & JACKSON, G. 2010. The Whats, Whys and Wherefores of home education and its regulation in Australia. *International Journal of Law & Education*, 15, 55-77.
- BOND, L., BUTLER, H., THOMAS, L., CARLIN, J., GLOVER, S., BOWES, G. & PATTON, G. 2007. Social and School Connectedness in Early Secondary School as Predictors of Late Teenage Substance Use, Mental Health, and Academic Outcomes. *Journal of Adolescent Health*, 40, 357.e9-357.e18.
- BOROWSKY, I. W. & DUKE, N. N. 2009. Suicidal events in adolescents: how clear are the warning signs? *Pediatric Health*, 3, 551+.
- BOSTES, B. O. S., TEACHING AND EDUCATIONAL STANDARDS 2014. Registration for Home Schooling: Authorised Persons Handbook. In: BOSTES, B. O. S., TEACHING AND EDUCATIONAL STANDARDS (ed.). Sydney, Australia: BOSTES, Board of Studies, Teaching and Educational Standards.
- BROOKMEYER, K. & HENRICH, C. 2009. Disentangling Adolescent Pathways of Sexual Risk Taking. *The Journal of Primary Prevention*, 30, 677-696.
- BUCKLEY, H., CARR, N. & WHELAN, S. 2011. 'Like walking on eggshells': service user views and expectations of the child protection system. *Child & Family Social Work*, 16, 101-110.
- CHAPMAN, R., BUCKLEY, L., SHEEHAN, M. & SHOCHET, I. 2013. School-Based Programs for Increasing Connectedness and Reducing Risk Behavior: A Systematic Review. *Educational Psychology Review*, 25, 95-114.
- COUCH, M., DOWSETT, G. W., DUTERTRE, S., KEYS, D. & PITTS, M. K. 2006. Looking for more: A review of social and contextual factors affecting young people's sexual health. The Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne, Australia.
- DAVIES, P. 2011. The impact of a child protection investigation: a personal reflective account. *Child & Family Social Work*, 16, 201-209.
- DPC, D. O. P. A. C. 2009. Keep them safe : a shared approach to child wellbeing. In: NEW SOUTH WALES. DEPT. OF, P. & CABINET (eds.). Sydney, N.S.W.: Sydney, N.S.W. : New South Wales Department of Premier and Cabinet.
- DUMBRILL, G. C. 2006. Parental experience of child protection intervention: A qualitative study. *Child Abuse & Neglect*, 30, 27-37.
- DUMBRILL, G. C. 2010. Power and Child Protection: The Need for a Child Welfare Service Users' Union or Association. *Australian Social Work*, 63, 194-206.
- ELLIS, B. 2008. Won't get schooled again: feminist home-schoolers are creating new ways of living and learning. *Briarpatch*.
- EMERSON, L., FEAR, J., FOX, S. & SANDERS, E. 2012. Parental engagement in learning and schooling: Lessons from research.
- FARENGA, P. 2010. Homeschooling. In: PETERSON, P., BAKER, E. & MCGAW, B. (eds.) *International Encyclopedia of Education (Third Edition)*. Oxford: Elsevier.
- FINE, M. & MANDELL, D. 2003. *Family talk: Parents and children involved with the child welfare and children's mental health systems*, Social Work, Wilfrid Laurier University.
- GONSKI, D., BOSTON, K., GREINER, K., LAWRENCE, C., SCALES, B. & TANNOCK, P. 2011. Review of Funding for Schooling—Final Report. In: DEPARTMENT OF EDUCATION, E. A. W. R. (ed.). Canberra, Australia: Department of Education, Employment and Workplace Relations.
- HONG, J. S. & ESPELAGE, D. L. 2012. A review of research on bullying and peer victimization in school: An ecological system analysis. *Aggression and Violent Behavior*, 17, 311-322.
- KPMG 2009. Re-engaging our kids: A framework for education provision to

- children and young people at risk of disengaging or disengaged from school. In: DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT, V. (ed.). Melbourne, Victoria: Department of Education and Early Childhood Development, Victoria.
- OMBUDSMAN, N. 2008. Wood Special Commission of Inquiry into Child Protection Services in NSW: Submission of NSW Ombudsman In: OMBUDSMAN, N. (ed.).
- OMBUDSMAN, N. 2011a. Addressing Aboriginal disadvantage: the need to do things differently. A *Special Report to Parliament under s. 31*.
- OMBUDSMAN, N. 2014. Review of the NSW Child Protection System: Are things improving? In: OMBUDSMAN, N. (ed.) *A Special Report to Parliament under s.31 of the Ombudsman Act 1974*. Sydney, NSW.
- OMBUDSMAN, N. S. W. 2011b. Keep Them Safe? *A special report to Parliament under s31 of the Ombudsman Act*.
- OMBUDSMAN, N. S. W. 2013. Annual Report 2012-13: Departments and Authorities. In: OMBUDSMAN, N. (ed.). Sydney, NSW: NSW Ombudsman.
- PHILLIPS-HOWARD, P., BELLIS, M., BRIANT, L., JONES, H., DOWNING, J., KELLY, I., BIRD, T. & COOK, P. 2010. Wellbeing, alcohol use and sexual activity in young teenagers: findings from a cross-sectional survey in school children in North West England. *Substance Abuse Treatment, Prevention, and Policy*, 5, 27.
- SHOCHET, I. M., DADDS, M. R., HAM, D. & MONTAGUE, R. 2006. School connectedness is an underemphasized parameter in adolescent mental health: Results of a community prediction study. *Journal of Clinical Child and Adolescent Psychology*, 35, 170-179.
- SMYTH, J., MCINERNEY, P. & FISH, T. 2013. Blurring the boundaries: from relational learning towards a critical pedagogy of engagement for disengaged disadvantaged young people. *Pedagogy, Culture & Society*, 21, 299-320.
- SYKES, J. 2011. Negotiating stigma: Understanding mothers' responses to accusations of child neglect. *Children and Youth Services Review*, 33, 448-456.
- TILBURY, C., OSMOND, J., WILSON, S. & CLARK, J. 2007. *Good practice in child protection*, Frenchs Forest, N.S.W., Pearson Education Australia.
- TOWNSEND, K. C. & MCWHIRTER, B. T. 2005. Connectedness: A Review of the Literature With Implications for Counseling, Assessment, and Research. *Journal of Counseling & Development*, 83, 191-201.
- TURCHI, R. M. & DEREVENSKY, J. L. 2006. Youth gambling: not a safe bet. *Current opinion in pediatrics*, 18, 454.
- WELLS, K. 2011. A narrative analysis of one mother's story of child custody loss and regain. *Children and Youth Services Review*, 33, 439-447.
- WOOD, J. 2008. Report of the special committee of inquiry into child protection services in New South Wales. Vol. 1. *Sydney: State of NSW through the Special Commission of Inquiry into Child Protection Services in NSW*.