

Brief prepared for the Education Committee by Home Education Northern Ireland 11 November 2015

1. Summary

- 1.1. HEdNI is an active community of home educating families from all over Northern Ireland. Our main purpose is to facilitate peer support. We also engage in the scrutiny of policy and practice which impacts home educators.
- 1.2. The Draft Policy under discussion was opened to consultation last year, but it was so poorly researched and drafted that we are told that the new Education Authority is unlikely to approve it. We nonetheless consider it important to examine this Draft carefully in order to avoid repeating its mistakes in any subsequent draft or consultation.
- 1.3. Parents hold the legal duty to provide a suitable education for their child (Education and Libraries (NI) Order 1986 Article 45). Choosing to Home educate is legally comparable to choosing to send a child to school, **it is not truancy and is not a problem to be solved**. Contrary to the spirit and letter of the law this Draft Policy proceeds on the assumption that parents are not qualified to carry out their legal duties and always require professional intervention.

2. ***The proposals in the Draft are outside the legal power and duty of the Education Authority.***

- 2.1. Parents have a duty to provide a suitable education. No other entity is mentioned in Article 45 and the Authority's narrow role is defined by Schedule 13 as a reaction to a formal concern; the Authority provides a safety net but has no day-to-day role regarding home education.
- 2.2. Extensive primary legislation would be necessary to effect the scheme, along with the necessary process and public debate to divorce from shared case law. No policy can overturn basic legal principle, and the legal advice we have received states that the proposed scheme is unlawful and vulnerable to challenge.

3. ***Such a scheme would be an ineffectual response to a non-existent problem.***

- 3.1. The Education Authority offers no support for its presumption that there is a problem to address. Research¹ shows good outcomes from a range of methods and there is no evidence for welfare concerns specific to this group. The Authority must recognise that most children do not need protecting from their parents, and should be careful to avoid the offensive assumption that home educated children are at increased risk.
- 3.2. We are concerned by the extra difficulties that parents of children with Special Educational Needs (SEN) encounter in practice, some of which are enshrined in the Draft under consideration. The SEN Framework does not mandate discrimination and yet we find that special restrictions are often imposed on these parents' ability to direct their children's education - without fault on their part, without their agreement and without clear legal justification.
- 3.3. Hypothetical scenarios of children at risk who are deregistered in order to avoid prosecution for truancy are best addressed with early safeguarding intervention and not last minute educational measures triggered by deregistration. That would be inappropriate action taken too late, by the wrong people with many unintended consequences - and all without addressing the fundamental welfare concerns.
- 3.4. Evidence suggests that existing powers have been poorly understood and largely unused by the Legacy Boards (perhaps due to a lack of expertise in home education) - leading in many cases to a breakdown in trust.

4. ***A policy of this sort would be expensive and impossible to put into practice.***

- 4.1. A constructive relationship between the Education Authority and home educating families would be seriously undermined by a policy that deliberately misrepresents the law. Without such a relationship no policy will work in practice. Parents will always insist on being able to make educational decisions in their children's best interests.

5. **We ask the Education Committee** to require the Education Authority to remain within its legal powers and responsibilities, to commission research into established good practice, and engage constructively with home educating families as a provider of optional services. A good first step would be for the Authority to formally renounce this Draft Policy as fundamentally flawed and unworkable.

¹ See submissions to the Committee by Dr Rothermel and also Pattison/Thomas and the Appendix to this document

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The Education and Libraries (Northern Ireland) Order 1986

Article 45 – Duties of parents to secure full-time education for their children

45.—(1) The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise.

(2) The provisions of Schedule 13 shall apply to the enforcement of the provisions of paragraph (1) and a parent who contravenes the provisions of that Schedule shall be guilty of an offence and liable to the penalties provided by paragraph 4 of that Schedule.

Schedule 13 –

1.—(1) If it appears to a board that a parent of a child of compulsory school age in its area is failing to perform the duty imposed on him by Article 45, it shall serve a notice in writing on the parent requiring him to satisfy the board, within such period (not being less than fourteen days beginning with the day on which the notice is served) as is specified in the notice, that the child is, by regular attendance at school or otherwise, receiving suitable education.

(2) If—

(a) a parent on whom a notice has been served under sub-paragraph (1) fails to satisfy the board, within the period specified in the notice, that the child is receiving suitable education, and

(b) in the opinion of the board it is expedient that the child should attend school,

the board shall serve in the prescribed manner on the parent an order (referred to in this Order as a “school attendance order”), in the prescribed form, requiring him to cause the child to become a registered pupil at a school named in the order.

6. HEdNI

- 6.1. Home Education Northern Ireland (HEdNI) is an active community of home educating families from all over Northern Ireland. We provide peer support and a place for families and groups to share resources and organise educational and social opportunities. Where appropriate we are able to connect families with good legal advice, and also to scrutinise home education policy and the practices of the Education Authority Regions.
- 6.2. HEdNI welcomes home educating families of all backgrounds, religious beliefs, races and cultures. We do not promote any one method of education; we support the right of all families to choose what suits their family best. Home educators are a diverse group and no family can speak for the whole community, so we make efforts at all times to give as many families (including their children) as possible the opportunity to comment and contribute.

7. The Draft Policy and its proposed scheme is seriously flawed

- 7.1. The Policy was poorly drafted, without supporting documents, research, costings or evidence of any kind. The consultation was rushed, poorly timed (taking place through election time and exam season) and not adequately advertised. It did not include sufficient facility for young people to respond in an age appropriate way.
- 7.2. The legal duty to provide a suitable education for their child falls upon parents under the Education and Libraries (NI) Order 1986 Article 45. Contrary to this principle, and to the presumption of compliance with the law, the Draft Policy is built on the assumption that parents are not qualified to carry out their own legal duties without ongoing supervision and assessment.
- 7.3. HEdNI recognises that the welfare of children is paramount. However, if an argument is to be made for *additional* safeguarding for home educated children, this needs to be backed by research and go through the proper legislative process in the context of a public debate - not through on-the-hoof policy making by local authorities. We must also question whether the Education Authority is the most appropriate body to undertake such a project.
- 7.4. Pursuing a scheme similar to that outlined in the Draft Policy would alienate parents, extend the Authority's liability, impact its budget, and limit its effectiveness.

8. *The Education Authority should give special emphasis to parents' views and experience*

- 8.1. Children rely on their parents to advocate for them and to ensure that they are provided with a suitable education. Running through the rhetoric surrounding the Draft is the strong implication that parents are not qualified to carry out their own legal duties. We must not assume that only professionals can be trusted to make judgements for children, or that expertise in home education is automatically conferred on representatives of organisations with an interest in children.
- 8.2. The experience of home educating families has historically been dismissed as biased, or as the view of a vocal minority. In fact parents of all backgrounds and educational approaches are concerned by these proposals; even those who previously allowed their Board to monitor their provision are rethinking in the light of the attitude the Draft demonstrates. The parents in one family, having between them four university degrees, ten years' teaching experience (from primary to post-doctoral) and an NVQ in childcare, speak for many when they say:
...“prior to reading the policy we were happy to engage, now we will do our very best to keep the Authority at arm's length and hold it within the limits of its powers.”

9. *The Education Authority intends to ignore most consultation responses*

- 9.1. Dr Mangan in evidence to the Committee said:
...“74% of all those who responded to this consultation exercise were from the category “other”, that is they did not come from any representative group”
- 9.2. We are concerned that the Education Authority may intend to exclude from consideration the responses of:
 - parents in Northern Ireland of children who are not registered, or whose children have never been to school
 - researchers and academics in the field of home education
 - home education groups and parents from outside Northern Ireland, particularly those elsewhere in the UK

Each of these groups has highly pertinent experience and expertise to offer in the specific area of elective home education.

- 9.3. We are further concerned that the evidence taken into consideration may be skewed by increased weighting of the opinions of hand-selected non-governmental organisations, who appear to reflexively support an oppositional approach despite lacking any expertise in home education.

10. The scheme is beyond the legal power and duty of the Education Authority

- 10.1. Home education is a legal option in Northern Ireland equal to school-based education; parents hold the duty to educate under Article 45 of the Education Order and this should not be usurped by the Education Authority. The majority of families choose to register with a state school, but other choices are equally valid including alternative schools and home education.
- 10.2. Despite claims in the Policy and elsewhere, the Education Authority is not given a duty to 'ensure' an education in the legislation, and has no day-to-day role in home education. A clear understanding of the relative duties of the Authority and parents is crucial in formulating education policy.
- 10.3. That parents are usually the best judge of the interests of their child is acknowledged at every level of domestic and international law. They hold both the duty to educate, and the authority to direct that education.

11. The Education Authority has a role in exceptional circumstances but no day-to-day role

- 11.1. The duty of the Authority under Schedule 13 is purely reactive; unless a concern is raised that a suitable education is not being provided there is no duty imposed and no power to act. The Education Authority should trust that parents are meeting their educational duties in the absence of contrary evidence, as with any other duty in law.
- 11.2. The proposed scheme is far beyond the legal remit of the Authority and betrays the Legacy Boards' mistrust of parents, as well as their limited knowledge of home education. It is curious that in a time of financial constraint the Boards sought to introduce a potentially expensive scheme in an area outside their sphere of responsibility.
- 11.3. It is odd that the Authority later sought to exclude all children never registered with a school from its remit in evidence to this Committee when no such distinction is made in legislation – the Authority seeks more powers over fewer children than given in law. A legal and effective policy must be based on an accurate statement of the law.

12. Increased intrusion may lead to increased liability

- 12.1. The Legacy Boards sought to transform their simple duty to react to concerns into a far-reaching responsibility to ensure a suitable education and complex welfare standards for all children. What they did not perhaps consider is that if it usurps this parental duty then it must also be liable for any school's failure to provide a child with an education tailored to their age, ability and aptitude, and any special educational needs they may have.
- 12.2. If the Education Authority adopts duties to monitor welfare it may make itself liable for its failures. The Authority lacks the legal powers to act in this area; by acting nonetheless its officers may impede potential criminal investigations, cause a confusion of responsibilities placing children at risk and create expectations that the officers are not equipped to meet. The duty of the Education Authority's officers is to refer concerns to the proper agency.

13. The UNCRC, Children's Rights and other justifications

- 13.1. In minutes of meetings concerning the Draft it was acknowledged that the Education Order did not allow them to proceed as desired. The UNCRC and the Education Registration and Attendance of Pupils Regulations 1974 No.78 were raised as possible justifications, but were acknowledged to be inapplicable or not have the desired effect.
- 13.2. Both were nonetheless cited as support for intervention beyond the powers granted by law. Although HEdNI believes that the intentions of the Legacy Boards were benign, it is difficult to take this message back to families when the Authority attempts to use inapplicable legislation to underpin new powers over home education.
- 13.3. Any attempt to usurp the parental duty to provide an education would be both inappropriate and contrary to the principles of the UNCRC, which emphasises family and parents in their role as protectors and advocates. The presumption should be that parents are adequately meeting their legal duties and that there is no conflict between

children's rights or best interests and their parents' wishes. This policy shifts towards a presumption that parents are untrustworthy and requires that they prove otherwise – this is not in the interests of children.

- 13.4. Home educators are committed to children's rights, however we dispute that these rights are best protected by routine intervention in basic parenting decisions. The rights of home educated children do not require extra protections, but the rights and voices of all children (including those in school) should be given due respect.

14. *Devolution does not require us to ignore all history and precedent*

- 14.1. Education is a devolved power, and the Assembly is entitled to legislate on home education, under the scrutiny of this Committee. However, devolution does not entitle the Authority to entirely disregard the case law and experience of a jurisdiction so closely related as to share the wording and history of the relevant legislation.
- 14.2. What the Draft Policy proposed amounts to a change in the law and any legislation must go through the proper process and the scrutiny of the Assembly, if changes can be shown to be both necessary and likely to be effective.

15. The Draft Policy proposes an ineffectual response to an unstated problem

- 15.1. The Draft Policy treats home education as a proven welfare and educational problem, but no evidence is produced to show that problems exist or that the proposed scheme would solve them. In fact research on home education shows good outcomes from a wide range of methods². HEdNI wishes to build relationships of trust with the Education Authority and, in this context, prejudicial assumptions are particularly divisive and unhelpful.

16. *Home Education is not a 'welfare' or 'safeguarding' problem*

- 16.1. The constant referrals to safeguarding wrongly imply that, without school, children are at increased risk. The fact is that safeguards for school children are in place precisely *because* they are not in the care of their parents.
- 16.2. We contend that the vast majority of children are safest with their families, and that those children who are in need of support are better served by early and targeted welfare intervention than by scatter-gun education inspections. Routine intervention in basic parenting decisions is a poor use of resources and not in the interests of any child.
- 16.3. No welfare related duties are created by legislation relating to home education. The Education Authority has the same safeguarding duty towards all children, in school or otherwise, which is to refer any concerns to Social Services. There is no evidence to suggest that either contact with the Legacy Boards or registration with a school has ever played a significant role here.
- 16.4. The Education Authority is concerned that children who are at risk may be deregistered cynically in order to avoid contact with authorities or legal proceedings. We have no data to indicate that this is a significant problem, and in any case deregistration has no impact on any legal action for previous truancy, or on the Authority's duty to refer any safeguarding concerns to Social Services for further action. There is absolutely no justification for treating home education as an added risk factor (or as a trigger for additional welfare concerns) and it is crucial that we do not attempt to address a perceived lack in safeguarding powers through the misuse of educational interventions.
- 16.5. Children's welfare is put at risk when multiple agencies are unclear about their responsibilities, or attempt to assume one-another's duties without the necessary expertise or legal powers. Clarity on the best approach to such a situation would require a clear understanding and application of up-to-date Safeguarding and Alternative Educational Provision frameworks - home education is something of a red-herring.

17. *Home education is not an educational concern*

- 17.1. Despite the evidence of good educational outcomes, the Legacy Boards appear to have made unsupported negative assumptions about the overall wellbeing and educational attainment of home educated children. The underlying concern appears to be that home education, in many cases, does not sufficiently resemble school to make school-trained assessors feel comfortable. However we should not sacrifice the ability of parents to tailor an education to match their child's individual needs in order to facilitate comparison with the Revised Curriculum.

²See appendix

18. The Education Authority is not qualified to assess home education

- 18.1. This Draft Policy reveals an underlying model of education based on formal schooling, which is often inappropriate if applied to home education. Home educating families may legitimately adopt an approach which differs significantly from the Revised Curriculum in content and method, and should not therefore be assessed against it, or by officers whose educational training, experience and expectations are exclusively related to that approach.
- 18.2. Even if it were possible to institute a fair and objective system of assessment, such a system would be incoherent without the implied requirements of seeking permission to deregister, some formal process to achieve registration as a home educator, and an associated appeals system. To institute the package of requirements necessary to support the proposed scheme would require extensive legislative change in many areas.
- 18.3. HEdNI contends that there is neither evidence nor appetite to initiate such changes, and an attempt to introduce them is certain to further alienate families, some of whom already feel let down by the education system.

19. Special Educational Needs - inclusiveness and diversity require the protection of home education

- 19.1. A significant number of home educated children who have previously been in school have a Statement of Educational Needs. In almost all of these cases there has been a break-down in provision prior to deregistration. Experience in such cases shows that when parents decide to home educate they are particularly likely to face resistance, misinformation and threats of legal action. This risks denying children with Special Educational Needs (SEN) access to an education that allows for their diversity and takes adequate account of their individual needs.
- 19.2. The Authority is bound by the SEN Framework to make the provision detailed in the child's Statement available, however nothing in the Framework empowers the Education Authority to restrict the educational choices of the child's parents. Since these parents still hold the duty defined in Article 45 of the Education Order they must have the right to decline the services listed in the Statement where they feel it is in the best interests of their child.
- 19.3. Given that the early stages of the statementing process can take place without parental knowledge, and that it is effectively impossible for parents to opt out of the process once started, we believe that clarity in this area is crucial. A basic legal duty should not be modified or taken from parents without their fault, their consent or overriding explicit legislation. The grey area surrounding the relative powers and duties of parents and the Authority regarding Special Educational Needs in Elective Home Education is a source of considerable stress for families and their children.
- 19.4. It is our hope that the new Education Authority will make a break with the past and support educational diversity in the interests of all children. A commitment to inclusiveness and diversity means maintaining home education as a viable, visible and easily accessible educational option and one which is not treated with suspicion.

20. Existing powers are adequate, but misunderstood and unused

- 20.1. The role of the Education Authority in home education is that of a safety net – to investigate and address concerns if they arise (this duty applies whether or not a child has ever been registered with a school). Schedule 13 requires that **if** any concerns are raised then the Authority must make enquiries, **then** if its concerns are not satisfactorily answered the Authority may issue a School Attendance Order which can be enforced through the courts.
- 20.2. The Authority has special duties towards children away from their parents' protection while their care has been delegated to a school. Since home educated children remain in their parents' care there is no delegation of these responsibilities, it would therefore be unnecessary and improper for the Authority to appropriate them.
- 20.3. We have heard many claims from the Legacy Boards, not least before this Committee, that the Boards were powerless to help certain children whom they knew were not receiving a suitable education – this is simply not true. If officers do not investigate and act where they have reasonable concerns then they are in dereliction of their legal duty. No School Attendance Orders have been issued in the last five years, according to the Legacy Boards' responses to our Freedom of Information Requests. This suggests that these Boards either did not understand or did not need their existing powers. Neither argument supports the creation of additional powers.
- 20.4. If the Education Authority persists in this project then it will add to the existing perception that its officers wish to over-reach their legal duties. We hope the new Authority will recognise both the scope and the limits of its role.

21. A scheme of this sort would be unworkable, and vulnerable to legal challenge

- 21.1. The Draft addresses a fabricated issue with a scheme which is beyond the Education Authority's legal powers, which would not address the problem if it existed, and which is to be administered by a body not qualified to implement it. It would be financially irresponsible, as well as beyond its legal powers, for the new Authority to pursue an uncosted and potentially expensive scheme in an area outside of its jurisdiction.
- 21.2. HEdNI recognises that some children are in need of protection, which is a wholly separate issue to the provision of home education. Children's safety and education is best served by prompt action within the legal powers of all officials, not by confusing welfare with education and overreaching in areas where the Authority lacks expertise.
- 21.3. Experience has done little to encourage home educating families to trust in the Legacy Boards' good intentions. We are aware of innumerable cases of misinformation, intrusion, threats of legal action and sometimes outright harassment. The much mooted 'support' available has been found to range from the unhelpful to the non-existent in most cases; little to nothing is on offer that cannot be freely received elsewhere so is not an incentive to register.
- 21.4. The Legacy Boards did not understand home education, but nonetheless sought to assess it and potentially overrule the judgement of parents on the education and best interests of their children. It would be a foolish parent indeed who voluntarily risked their children's education on the whim of strangers with no training in or understanding of home education, and an apparent suspicion or prejudice against it.
- 21.5. Our legal advice states that the interpretation of the law in the Draft Policy would be vulnerable to challenge. By law it is the parents' responsibility to provide a suitable education for their child. It is neither legally possible nor desirable to transfer the duty to 'ensure' that children receive a suitable education from parents to the Education Authority; to do so would undermine the parents' ability to meet their child's needs, which is simply unacceptable.
- 21.6. The Authority seems to fear that it will be held responsible by public opinion or the Courts for any failures in education or welfare within family homes. The best protection for the Authority here is to play its role effectively within the legal structures that safeguard children, referring any welfare issues and acting to address educational concerns. This grab for the powers and duties of other agencies risks undermining the whole system of protection.
- 21.7. By continuing to pursue a policy of this sort the Education Authority would further alienate the families whom it ostensibly wishes to support. Any approach by its officers would sadly need to be treated as the start of formal legal proceedings against the family, so that even offers of support would be received with a certain caution. Conversely, by abandoning this Draft and disavowing the misconceptions and prejudice evident in it, the new Education Authority could send a clear message that it intends to work differently in the future.

22. We ask the Education Committee to help build a positive relationship

- 22.1. The new Education Authority now has an exciting opportunity to lead the way within the UK in creating education-focused policy from the ground up based on a clear understanding of the law and of the pivotal role of families in education. This must begin with a clear commitment to put the mistakes and prejudice evident in this Draft firmly in the past.
- 22.2. We ask that the Education Committee will defend diversity and inclusivity in Northern Irish education, and will exhort the Education Authority to:
 1. engage constructively with home educators as a provider of optional services
 2. cease to pursue any scheme similar to that detailed in this Draft Policy
 3. base future policy on proper research clearly identifying both the problem to address and the success criteria
 4. make a clear statement that parents hold the duty to provide an education
 5. acknowledge that its officers have no day-to-day role in home education, no duty to 'ensure' an education
 6. create a clear and transparent process for addressing its duties under schedule 13 of the Education Order
 7. provide guidance clearly detailing its role within the SEN and Safeguarding Frameworks
- 22.3. By moving away from an adversarial approach towards support and the provision of services, the Education Authority can begin to engage constructively and cooperatively with families and build trust. Home educating families would welcome access to exam centres for example, which could be offered at little cost to the Authority.

Appendix – some studies in the field of Home Education:

- International Center for Home Education Research Reviews - <http://icher.org/blog/>
- Cambridge Review Primary Futures Alternative Education - <http://edyourself.org/research/primaryfuture.pdf>
“those in grades 1-4 who are educated at home, on average, perform one grade level higher than their public and private school counterparts.... by 8th grade such children are performing at four grades above the national average in the US.”
- Paula Rothermel Study UK Home Educating Families - <http://edyourself.org/research/rothermelheaims.doc>
“The home-educated children demonstrated high levels of attainment and good social skills. Common to all families involved was their flexible approach to education and the high level of parental attention received by the children.”
- Alan Thomas, Informal Learning - <http://infed.org/mobi/informal-learning-home-education-and-homeschooling-home-schooling/>
“As the parents fashion a pedagogy suitable to their circumstances, they find themselves trying out approaches which would be impossible even to attempt in school. In so doing, their experiences provide us with new and sometimes striking insights into education and child development.”
- Knowles: Pedagogy to Ideology - <http://www.jstor.org/stable/1085568>
“This article examines the evolving milieu of home education since 1970 by briefly surveying the home-school movement in the broader historical context.”
- Dr Brian Ray, National Home Education Research Institute, for the HSDLA - <http://www.hslda.org/research/ray2003/default.asp>
“In 2003, the Home School Legal Defense Association commissioned the largest research survey to date of adults who were home educated. Conducted by Dr. Brian Ray of the National Home Education Research Institute, the study surveyed over 7,300 adults who were homeschooled. Over 5,000 of these had been home educated at least seven years, and the statistics in this synopsis are based on their responses.”
- Dr Brian Ray for HSDLA – Home Education Success - <http://www.hslda.org/docs/study/ray1997/default.asp>
“Regardless of race, gender, socioeconomic status, parent education level, teacher certification, or the degree of government regulation, the academic achievement scores of home educated students significantly exceed those of public school students. Home school students are fully engaged in society and experience a wide range of opportunities outside the home.”
- B Basham, J Merrifield, CR Hepburn - <https://www.fraserinstitute.org/sites/default/files/Homeschooling2007.pdf>
“This paper establishes that home schooling is a thriving educational movement both in Canada and the United States. It also empirically demonstrates that the academic and socialization outcomes for the average home schooled child are superior to those experienced by the average public school student.”
- Dr. Lawrence M. Rudner, Director of the ERIC Clearinghouse on Assessment and Evaluation for HSDLA – Home Educated Test Scores/Family Demographics - <http://www.hslda.org/docs/study/rudner1999/default.asp>
“20,760 student achievement test scores and their family demographics make this the largest study of home education to date. Results demonstrate that home schooled students are doing exceptionally well and provide an informative portrait of America's modern home education movement.”
- John Wesley Taylor - <http://www.hslda.org/docs/nche/000000/00000068.asp> - Self-Concept in Home Schooling Children (Ann Arbor, Mich.: University Microfilms International), Order No. DA8624219.
“Several studies have been done to measure homeschoolers' "self-concept," which is the key objective indicator for establishing a child's self-esteem... The study found that 50 percent of the children scored above the 90th percentile, and only 10.3 percent scored below the national average.”
- Charles-Warner - “Home Education and the Safeguarding Myth” 2015) - http://blog.personalisededucationnow.org.uk/wp-content/uploads/2015/02/home-education-and-the-safeguarding-myth.WCW_.pdf
“Home educated children were found to be disproportionately scrutinised... Referrals to Social Services were found to be 3.5 - 5 times **less likely** to lead to a Child Protection Plan with home educated children than with referrals of schooled children aged 5-16 ... and 5 - 7 times **less likely** ... for children aged 0-4 years ... Rates of home educated children subject to a Child Protection Plan ... were also found to be less than teaching staff to be guilty of abuse offences ... **Home educated children are found to not be at increased safeguarding risk, rather they are shown to be at lower risk than other children.**”