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## **Can children's rights be a bad thing?**

by Mike Fortune-Wood

When children gained rights by international treaty under the United Nations Convention on the rights of the child (UNCRC) I, like many others believed that this was a turning point and that perhaps at last the child's voice would finally be heard and we would see policies introduced that would really promote child welfare and development.

It never occurred to me that governments would use the UNCRC to browbeat parents to impose their own particular view of 'welfare' and 'development'. For parents, fighting to promote their child's rights in the face of national policies, the UNCRC has become a two edged sword.

It is fast becoming the accepted wisdom in official circles that for a child's voice to be heard it must be heard by or more importantly articulated by the authorities, who know best what children should be 'saying'. Conversely, parents cannot be trusted and may not intercede for their children. To this end some Local Authorities, such as Derbyshire who recently threatened a home educating family with a social services referral, are now suggesting that children being home educated must be seen by officials privately. This view also forms a significant part of the local government responses to the Scottish Executive review of the Home Education Guidelines.

This idea needs unpacking to understand its implications. Foremost is the difference of opinion between many parents and the authorities on what constitutes 'best interests'. Government, both local and national, interprets 'best interest' not with exclusive reference to an individual child's needs but against a patchwork of national policies, losing sight of the fact that national children's policies, particularly those relating to education, are not primarily intended to promote children's development but to meet economic and social targets, unrelated to an individual child's best interests.

A few years ago a government official working at the DfES wrote in reply to a home educating parent who raised objections to the policy of home visits. The civil servant's position was that was that it was legal and acceptable for authorities to breach Article 8 of the European Convention on Human Rights to monitor home educators since there was a caveat allowing a breach if it were in the national economic interests.

It was his belief that what home educators did and how they taught could negatively affect the national economic interest. This view was of course legally wrong so far has not become policy, but it exposed a view held within the DfES that home education could be seen as a threat to the national economic interest and that parents rights can and should be circumscribed to achieve government economic goals.

When considering the government's view of children's rights it is notable that the government do not consider them of such importance to incorporate them into UK law and when they do propose

to implement children's rights it is only partially in a way designed to support other government initiatives. There are, for example, no proposals to ask school children if they may prefer an alternative to school such as home education.

However conflict between parents and the authorities over their children's rights may have even greater impact on parenting in the UK. If parents come to the view that their parenting decisions are constantly being second guessed by the authorities then parents will either try to avoid their decisions being noticed or alternatively consciously begin to parent to appease over zealous officials. This will inevitably lead to 'defensive parenting', that is parenting not in the immediate best interests of the child but merely designed to stave off a visit by the social services children's team.

I have heard examples of parents discussing the wisdom of taking a child to an emergency ward when they know that a visit will be noted and passed on to the social services, a consideration that can hardly be in the best interests of a child. This is likely to become a major issue in a year or two should the children's index come on line since three flagged "issues of concern" will trigger a social services investigation.

Many parents, having made the decision to home educate, are aware that other home educators have had their decision in some way "second guessed". This leads many home educators to actively avoid any contact with education authorities, fearful that LAs will assess the parents' decision to deregister their child against the national policy of ensuring that all children are in school. Experience suggests that parents known to authorities do come under undue pressure to return children to school and this pressure sometimes extends to maliciously contacting social services to put further pressure on the parents to 'cooperate'.

Even a leading barrister has questioned the wisdom of voluntarily contacting an LA or volunteering any information to them for fear of the way it may be misused and reinterpreted as "not being in the best interests of the child."

The question that needs to be asked here is whether current government interpretations of "best interests" are really in the best interests of children in the long run? Is it in fact in children's best interests to undermine parents and cause them to make decisions they themselves would consider poor but which are merely intended to avoid official scrutiny.

Ultimately is this the society we want to live in, one where private families are routinely measured, assessed, and second guessed, where children's rights are used as a tool to promote national economic policies. Do we live in a world where the authorities are so infallible as to be able to judge the decisions of parents of children they have never met? Can the state be trusted to make our parenting decisions for us, however indirectly?