



Children's Rights Impact Assessment (CRIA) Template

Title / Piece of work:	Non Statutory Guidance for Local Authorities on Elective Home Education
Related SF / LF number (if applicable)	LF/HL/0267/14
Name of Official:	Gemma Wilks
Department:	Department for Education and Skills
Date:	29/04/15
Signature:	

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children's rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NafW.

Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox CRIA@wales.gsi.gov.uk

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox CRIA@wales.gsi.gov.uk

You may wish to cross-reference with other Impact Assessments undertaken.

NB. All CRIAs undertaken on legislation must be published. All non-legislative CRIAs will be listed on the WG website and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

Six Steps to Due Regard



Step 1. What's the piece of work and its objective(s)?

A brief description of the piece of work

The Welsh Government believes that all children and young people in Wales are able to realise their potential with the assistance and support of high quality schools and educational support services. The vast majority of families in Wales will choose to have their children educated through the mainstream system of education.

However, there are a minority of parents that choose to home educate. This is known as Elective Home Education (EHE). In 2012 the Welsh Government carried out a consultation on legislative proposals to introduce a compulsory system of registration and monitoring for home educated children and young people. After considering the consultation responses, the Minister for Education and Skills decided not to proceed with legislation. However, the Minister for Education and Skills did determine that more up to date information was required regarding the EHE community in Wales, and that the existing guidance on EHE needed to be updated and refreshed.

What the time frame for achieving it is?

The Minister for Education and Skills announced in a written statement that non-statutory guidance would be developed for consultation by May 2015, which will assist LAs in creating constructive relationships with the EHE community. The guidance will be consulted on for eight weeks and it is anticipated that the final guidance will be published in September 2015.

Who are the intended beneficiaries?

Intended beneficiaries include:

- Home educated children and their families (including Gypsy and Traveller Families, ethnic minorities and children with special educational needs);
- LAs; and
- Organisations with a responsibility for children.

Is it likely that the piece of work will affect children?

This work is specifically targeted to provide guidance for local authorities supporting the home education families to help improve their provision and improve educational outcomes for home educated learners .

Will the piece of work have an affect on a particular group of children, if so, describe the group affected?

Yes – this work is targeted to provide support for a broad and diverse group of children and young people receiving elective home education.

Step 2. Analysing the impact

We believe that the guidance provided to LAs on supporting the EHE community will deliver a positive impact for children who are being home educated.

Potential positive impacts for children, young people and their families include:

- Better clarity on the legislation regarding home education;
- Better clarity on the rights, roles and responsibilities of LAs in relation to home education;
- A more consistent approach across Wales to how LAs liaise with home educating families avoiding a “postcode lottery” – the guidance will aim to highlight good practice by LAs;
- Clarity on what support is available to them from LAs;
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We will monitor and measure success through ensuring ongoing dialogue and engagement with LAs and EHE stakeholders across Wales.

Did you need to engage with children and young people and / or stakeholders to seek their views using consultation or participatory methods?

Yes. An easy-read consultation for children and young people was produced as part of the original legislative proposals for EHE in 2012. Building on the original engagement, extensive fieldwork was undertaken as part of the process to develop the non-statutory guidance. The purpose of the engagement process was to gather the views of key stakeholders, local authorities, EHE communities and organisations with a responsibility for children. By canvassing the opinions of a large number of EHE parents and children, and those responsible for supporting them, we hoped to gain a better insight into the main issues relating to EHE in order to help inform the development of the new guidance.

Do you need to produce child friendly versions of proposals/consultations?

Yes – a child friendly version of the consultation document will be made available.

Step 3. How does your piece of work support and promote children’s rights?

The support and promotion of children’s rights is intrinsic to the non-statutory guidance. The overriding priority of the guidance is to secure the best outcomes for children and young people who are electively home education through developing constructive partnerships between EHE families and local authorities. The articles below have particular relevancy to the guidance:

Article 3 (Best interests of the child): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

Article 4 (implementation of the Convention): Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights.

Article 5 (parental guidance and a child's evolving capacities): Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.

Article 12 (Respect for the views of the child): When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.

Article 18 (parental responsibilities and state assistance): Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.

Article 28 (Children have the right to an education): Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

Step 4. Advising the Minister and Ministerial decision

When giving advice and making recommendations to the Minister, consider:

- The advice to the Minister for Education & Skills confirms that this CRIA has been completed. No conflict with the UNCRC articles has been identified.

Step 5. Recording and communicating the outcome

This CRIA will be published simultaneously with the consultation document on the Welsh Government website.

Step 6. Revisiting the piece of work as and when needed

This impact assessment will be reviewed following the close of the consultation period.

Budgets

<p>As a result of completing the CRIA, has there been any impact on budgets? It is important that where any changes are made to spending plans, including where additional allocations have been made, that this has been assessed and evidenced as part of the CRIA process.</p>	<p>No</p>
<p>Please give any details:</p>	

Monitoring & Review

<p>Do we need to monitor / review the proposal?</p>	<p>Yes</p>
<p>If applicable: set the review date</p>	<p>September 2015</p>



THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

www.uncrcletsgetitright.co.uk

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Article 1

Everyone under 18 years of age has all the rights in this Convention.

Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

Article 3

All organisations concerned with children should work towards what is best for each child.

Article 4

Governments should make these rights available to children.

Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6

All children have the right to life. Governments should ensure that children survive and develop healthily.

Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

Article 8

Governments should respect children's right to a name, a nationality and family ties.

Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

Article 11

Governments should take steps to stop children being taken out of their own country illegally.

Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

Article 26

The Government should provide extra money for the children of families in need.

Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Article 31

All children have a right to relax and play, and to join in a wide range of activities.

Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

Article 33

The Government should provide ways of protecting children from dangerous drugs.

Article 34

The Government should protect children from sexual abuse.

Article 35

The Government should make sure that children are not abducted or sold.

Article 36

Children should be protected from any activities that could harm their development.

Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: www.uncrcletsgetitright.co.uk/

Cic - The National Information and Advice Service for Young People www.ciconline.co.uk/news/

