

Home Education Foundation

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SUBMISSION

To the Social Security (Benefit Categories and Work Focus) Amendment Bill Select Committee

From:
Home Education Foundation
P O Box 9064
Palmerston North

31 October 2012

Dear Sirs,

We are strongly opposed to the Social Security (Benefit Categories and Work Focus) Amendment Bill for the following crucial reasons:

1. This Bill is coercive, discriminatory, and breaches human rights
2. The Social Obligations for Education will cause hardship to good families
3. The Social Obligations for Health will cause hardship to good families
4. The Sanctions target good families for harsh penalties
5. The Work Focus provisions make it harder for women to focus on family/whanau
6. The Bill is unlikely to save the government money
7. The Bill will not benefit vulnerable children

We specifically object to the Social Obligations and relevant sanctions contained in the Bill. However we also have broader concerns about the Work Focus provisions, as outlined in this submission.

1. This Bill is coercive, discriminatory, and breaches human rights

Employment status

Discrimination on the grounds prohibited in the Human Rights Act, section 21 is prohibited under section 19 of the Bill of Rights Act. These grounds include employment status. It is discriminatory to remove freedom and the ability to make lawful decisions from people based on their employment status.

We disagree with the Attorney-General's opinion that no discrimination is involved in this bill. It is discriminatory to remove the benefit of choice from parents, as well as the benefits associated with a family being free to choose other health care and education than those allowed under the Social Obligations contained in the Bill. The Attorney-General also claims that even if there is discrimination, it is justified. As we hope to show, the bill will result in significant hardship to good New Zealand families by putting them in a situation where they will have to choose between following their deeply-held beliefs about child-rearing, and submitting themselves either to government interference if they go on a benefit or conditions of abject poverty complete with lack of food, clothing, and shelter if they stay off the benefit.

International Law: The Right to Choose Education

Parents have a right to choose what kind of education their children will receive. This right was not given

to them by any legislating body or human authority but by the word of God (Ephesians 6:4; Deuteronomy 6:7). However the right is supported by multiple human rights instruments under international law. New Zealand is a signatory to the first three of these conventions and the following three show that this human right is universally recognised in all places.

Universal Declaration of Human Rights (1948) Article 26 (3) - “Parents have a prior right to choose the kind of education that shall be given to their children.”

International Covenant on Economic, Social and Cultural Rights (1976) Article 10 (1) and 13 (3)³— “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.”

International Covenant on Civil and Political Rights (1976) Article 18 (4)⁴ - “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Charter of Fundamental Rights of the European Union (2000) Article 14 (3)³ - “The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.”

European Convention on Human Rights (1952) Protocol 1, Article 2 - “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

American Convention on Human Rights (1969), Article 12 (4) - “Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.” Article 13 (4) - “In conformity with the domestic legislation of the States Parties, parents should have the right to select the type of education to be given to their children, provided that it conforms to the principles set forth above.”

The Care of Children Act

Parental rights are further evidenced and safeguarded by New Zealand’s Care of Children Act 2004, which provides that a child’s parents or guardians have the right to make decisions on important matters affecting the child, which include “medical treatment for the child”, section 16(2)(c), and “where, and how, the child is to be educated”, section 16(2)(d).

Discrimination

Given this evidence of the importance of parental choice, compelling parents to include early childhood education (ECE) in their plan for their children’s education is an unwarranted breach of their human rights. In addition, removing these rights purely on the basis of employment status is discrimination. The Home Education Foundation has been working with home educators in New Zealand for 27 years and we advise the Committee that hardship and disadvantage will result to home educating beneficiaries from this bill.

2. The Social Obligations for Education will cause hardship to good families

Under the Social Obligations contained in the Bill, no matter what benefit a parent receives, if he or she has any dependent children they must attend Early Childhood Education (ECE) from age 3 for the required minimum time (15 hours per week). Then, unless an exemption to home educate is granted the parents

must ensure their children attend school.

Resulting hardship

As a result, beneficiary parents who were looking forward to providing stimulating and enriching early learning environments in their own homes for their preschool children will be required to find an approved ECE provider and pay the costs of attendance, whether they wished to do so or not. And many of them do *not* wish to do so. Thousands of parents in New Zealand home educate their children and many of them make this decision at their child's birth. Preschool simply is not a part of some parents' vision for their children—and many parents who prefer to teach their children at home have deeply-held convictions that it is the right thing to do. Believe it or not, there are parents who conscientiously object to preschool.

Most New Zealanders would consider it wrong for the government to decide where a family should live, or what job or religion a person should hold. Such decisions are intensely personal and are not made lightly.

We understand that some parents face difficulties in home educating their children. While many families are blessed with two parents, one of whom can work while the other cares for the children, many sole parent families struggle to support their families and home educate them at the same time. However the HEF has been supporting and encouraging sole-parent home educators for nearly three decades and can vouch for the fact that these sole parents are willing to do whatever it takes to fulfill their work obligations and keep their children at home. Sometimes, the sole parent is able to work from home and care for his or her children that way while still fulfilling work test obligations. At other times, the sole parent is able to leave the children with a trusted family member to be home educated while the parent is at work.

However, if this bill passes, no preschooler will be safe. The home educating family whose father loses his job will, if they go on a benefit, be forced to part from their preschoolers even though it's the father who's the jobseeker, not the mother. The single home educating mother who has been successfully meeting work test obligations by working from home while the children are quietly playing or asleep will no longer be permitted to meet her children's needs at home.

The only reason given by the Ministry of Social Development for this interference is that it is intended to help "vulnerable children". But these good families do not have vulnerable children, and they *will* suffer from this bill.

Benefits of parental interaction over ECE

Researchers have consistently found that although ECE can benefit neglected children, it is no substitute for constant interaction with parents. We enclose a sheet showing some of the available research, which shows that children in ECE find it difficult forming strong family attachments and suffer the ill-effects of bonding with ECE workers and friends who will not be part of the child's life in future years. ECE has also been linked with aggression, misbehavior, and low or nonexistent academic benefits, depending on whether the parents address academics at home or not.

Dr Raymond Moore, who has done extensive research in this area, believes that ECE inhibits natural scholarly aptitude: "Harold McCurdy, a distinguished psychologist from the University of North Carolina and a leading student of genius, says that genius is derived from the experience of children being most of the time with adults and very little with their peers. So when you start assembling children in very large numbers for long periods of time, you are on the wrong course for producing strong character and intellect. The more children around your child, the fewer meaningful human contacts he will have.

We enclose a recent article from the Canadian Institute for Family and Marriage discussing the social drawbacks of ECE with Dr Neufeld, a developmental psychologist.

"Premature socialization," says Dr. Neufeld, "was always considered by developmentalists to be the greatest sin in raising children[w]hen you put children together prematurely before they can hold on to themselves, then they become like [the others] and it crushes the individuality rather than hones it."

The Home School Legal Defence Association, based in the United States, shares some of their ECE-related findings on their website.¹ They state: “The notion that parents are not adequate teachers and mentors for their children is empirically untrue.”²

Given the research available, we believe that ECE is inferior to home-oriented learning. By refusing this option from beneficiaries, the bill commits further discrimination and inhibits the development of beneficiaries’ children.

Cost/Benefit analysis of compulsory preschool

The Home Education Foundation has been in touch with international educators who have worked together with their legislatures to keep ECE optional. In the United States of America, a cost analysis carried out by Arthur J Rolnick and Rob Grunewald (of the Federal Reserve Bank of Minneapolis) concluded:

"Based on costs used in previous studies and current programs for at-risk children, we estimate that total resources needed to fund an annual scholarship for a high-quality early-childhood-development program for an at-risk 3- or 4-year-old would be about \$10,000 to \$15,000 for a full-day program that included parent mentoring."

However, the research shows that children in states with compulsory ECE do not, on average, do better than children in states where ECE is optional. According to the enclosed chart of National Assessment of Educational Progress numbers, states without compulsory ECE score well above the national average as compared to the states with compulsory ECE, which score just below the national average.

This is not surprising. In our experience, most parents can provide full-day, high-quality early development in their own homes.

NZ Ministry of Education: Home educators are “low-risk”

The fatal flaw in this bill is that it is designed to prevent any children being kept at home, even those being home educated by loving parents. The Minister for Social Development told the Home Education Foundation in a letter dated 25 October (enclosed) that parents of vulnerable children are unlikely to be “engaging with appropriate services”. Combined with the one-size-fits-all approach in the Act, this suggests that refusing to “engage” in “appropriate services” is taken by the Minister as an indicator of vulnerability, as though wanting to care for your children at home makes you a bad parent.

However the Ministry of Education thinks differently. In July 2009 the Ministry ceased carrying out routine reviews of home educators, saying “This programme is considered to be low risk to the education priorities of the Government. “ A senior member of the Education Review Office wrote in personal correspondence, “The reality is home schooling has been found to be low risk.” He went on to note that home educators make use of support networks, that home education is seen as a viable option, and that the ERO has received “mostly positive” feedback on home education.

If home education has been received so positively, why does the Ministry of Social Development leave no options in the bill for parents who want to follow this path?

3. The Social Obligations for Health will cause hardship to good families

Under the Social Obligations contained in the Bill, beneficiary parents with dependent children must enroll their children at birth with a GP and must attend all the government-required Well Child checks.

Resulting hardship

Beneficiary parents who wish to make independent and principled decisions about their child’s health care will be subjected to pressure from the governmental health programme, including its 95% immunisation goal.

Parents should be able to make informed decisions based on the latest research without having to fight government health officials. For example the NZ Government has a goal of a 95% full immunisation rate by December 2014. According to MP Paula Bennett in the White paper on this bill released to the press, she “considered whether to establish an obligation in relation to child immunisation,” but decided against it because “immunisation is a medical treatment” and “the decision should remain with parents”. Nevertheless, “immunisation is actively promoted through primary Health Care providers and the Well Child programme”. Clearly, Ms. Bennett relies on these health obligations to pressure at least 95% of parents into compliance with the government’s views on immunisation. What other medical treatments will parents find themselves being pressured to adopt?

Parents have the right to choose the health care as well as the education of their children, as affirmed in the Care of Children Act section 16. This should include the ability to skip any of the Well Child checks if they believe they can supply a better alternative. It certainly should include the ability to skip anything they believe will provide low benefits for their children, outweighed by the inconvenience of having to submit to a lecture promoting immunisation, fluoridated toothpaste, or whatever other sacred cows they’ve decided against.

Again, this one-size-fits-all approach disregards families whose children are anything but neglected.

4. The Sanctions target good families for harsh penalties

Under the Sanctions contained in the Act, beneficiary parents who stand by their convictions about health and education will be contacted three times to encourage their compliance. If they continue to disregard the “social obligations”, their benefit will be cut by 50% and if this fails to produce the desired behaviour the family will experience “intensified case management support”—which, according to the Ministry of Social Development’s Welfare Reform Paper E, will include CYFS involvement and fraud investigations.

Resulting hardship

A dad who loses his job and desperately feels the need to provide for his young family will have to choose between watching his children go cold and hungry, or signing them over to ECE and compulsory Well Child checks, including heavy pressure to accept all the medical treatments advised by the government at pain of fraud investigation or CYFS interference.

When it comes to the “Social Obligations” in the Bill, there’s no distinction made between neglectful parents who don’t care about their children’s health and education and conscientious parents who care so much that they won’t delegate their responsibility to government-approved teachers and doctors. After three stages of “support contact” to deal with lazy and irresponsible parents, the administrative machinery which is already in place to report stubborn families to CYFS and fraud investigation services will only tackle the most responsible families who insist on making their own decisions, because only people of conviction will continue to resist the “obligations”. There is no option, at any point, for parents who simply want the freedom to make their own decisions.

This is outrageously heavy-handed. There is no provision made anywhere in the Bill for parents who insist on caring for their own children in their own way; only increasingly harsh penalties for non-compliance. We warn the Committee that there is a significant number of parents in New Zealand who will seriously consider undergoing the full penalties contained in the Bill to the bitter end rather than yield their children to the control of the state.

This legislation doesn’t target bad parents. It targets good parents.

5. The Work Focus provisions make it harder for women to focus on their family/whanau

According to Parliament, the bill “is part of a package of reforms to shift the focus of the benefit system towards encouraging and supporting beneficiaries to move into paid work.” Unfortunately the truth seems to be that the bill, which is more coercive and compelling than encouraging and supporting, is aimed primarily at sole parents. In a press release dated 12 September 2012, the Minister for Social Development stated, “We can do much better [...] by providing more support to sole parents and others who’ve historically received very little help to get off welfare.”

While we appreciate the government’s attempts to reform the benefit system, we believe that the bill focuses narrowly on pushing mothers away from their homes and young children into the workforce.

Productivity at home is possibly more important than productivity in the workplace. A mother’s place is in the home if she still has children. Her children need her. There is no-one in the world better suited to look after children than their mother. We believe that a mother’s motto should be, “I like to let my children walk away from me rather than me walking away from my children.” This builds happy secure children. They move away as they feel confident with their surroundings. The timing for this is different with every child. If a child is not forced to do this then it is usually earlier rather than later. The Home Education Foundation has helped a number of parents whose children, prematurely enrolled in ECE, went on to struggle with emotional instability and a compromised parent/child relationship.

There are women of all backgrounds who find themselves most fulfilled, busy, happy, and productive as homemakers and home educating mothers. Their investment in the homes and families of New Zealand is priceless. Everyone knows that strong families make a strong society, so why make it more difficult for women to invest in their families like this?

This is totally unacceptable. Children need their mothers not a bunch of ECE workers who, despite their best efforts and intentions, will be little more than babysitters who come in and out of their lives. They need the consistent, loving care of their own mother and/or father.

6. The Bill will not necessarily save the government money

Single mothers on a benefit

We have heard from a number of mothers that the birth fathers of their children are paying maintenance to Work and Income which is paying for a good portion of their benefit.. If this is so and the mother is mainly relying on the children’s birth father rather than the government, then chasing the mother into employment and forcing the children into preschool will not save much money but will continue to put the family through unnecessary hardship.

Home educators save the government in school costs

According to Ministry of Education statistics, New Zealand spends US\$5,582 (approx NZ\$6,790.51) per primary school student per year and US\$6,994 (approx NZ\$8,501.67) per secondary school student per year. This is how much money home educating sole parents save the government annually. A sole parent home educating three children could be saving the government around NZ\$22,000 per year, which is more than her benefit. If she has special needs children, she could be saving the government even more: special schools in New Zealand spend up to NZ\$160,000 per year on each student.

Meanwhile the cost of a year’s ECE for one child attending 15 hours’ preschool per week is approximately NZ\$5112.90 per year, and 75% of ECE funding comes from the government.

We believe that work test requirements should be mindful of, and friendly toward, the monetary and social benefits of home education at all levels, and should seriously consider the possibility of pursuing delinquent fathers for maintenance rather than harrying single mothers into the workplace.

7. The Bill will not benefit vulnerable children

We believe that the Bill will not benefit New Zealand's vulnerable children.

According to the Minister for Social Development Paula Bennett, vulnerable children are 'the thousands of children who are hurt, neglected, abused, and killed in New Zealand'.

According to the government's White Paper for Vulnerable Children,

- between 7 and 10 children per year are killed by a carer. In 2010, 209 children under 15 were treated in hospital for assault-related injuries.
- in the 2011-2012 financial year, CYF received 152,800 care and protection notifications. After investigations, CYF found 4,766 cases of neglect, 3,249 cases of physical abuse, and 12,114 cases of emotional abuse.
- as of 30 June 2012, there were 3,884 children in out-of-home state care.

With figures as high as this, why is the Ministry only looking for a 5% reduction in assaults on children by 2017? According to the Ministry of Social Development website, the Ministry is working on three results that will support vulnerable children. These are a 98% early childhood education (ECE) attendance rate, a 95% immunisation rate, but only a 5% decrease in assaults on children!

Poor children come from families on a benefit or a very low wage, who are often setting up a business. These children's parents don't have a lot of money to spend on the children but they are loved, clean, well fed, and often educated at home—these children are not vulnerable! Their parents sacrifice for them and the government's White Paper describes them just the same way as the vast majority of children:

"The vast majority of children enjoy loving and supportive homes and families. ...Most parents put their children first, second, and third in their order of priorities. ...Most of all, they want their children to be happy and fulfilled."

So why use the Social Security Bill to compel all children of beneficiaries to attend ECE and school, enrol with a GP, and attend the Well Child/Tamariki Ora checks? Clearly this will have an effect on the thousands of children of beneficiaries whose parents are neither neglecting nor abusing them.

We believe the Supporting Vulnerable Children policy is aimed at enforcing ECE and immunisation for all children. Who are the vulnerable children? According to the letter from the Minister of Social Development to the Home Education Foundation dated 25 October 2012, vulnerable families don't "engage in appropriate services". Good families who home educate their pre-schoolers or have decided that there is good evidence against immunisation, in other words, will be likely labelled as "vulnerable". Every child who doesn't attend ECE or is not immunised is defined as vulnerable, and the government is trying to impose its health and educational goals on everyone while they ignore the truly vulnerable children who are being assaulted or killed.

Please reject this Bill. There are other ways to help the truly vulnerable and abused children. Those children who have no books in their homes, where there is no leaning environment at all. Where the children rather than being valued are abused physically, verbally and sexually. These children will NOT be reached by this Bill but good honest loving parents will be forced into giving up their children to the State when they would rather be nurturing them at home.

Alternate ways to help truly vulnerable and abused children

"Children under the age of 3 years are the children most vulnerable to abuse, the children most likely to be scarred for life by the effects of poor attachment, neglect or physical abuse, and the children whose abuse or neglect is most likely to go unrecognized by health professionals." - The Paediatric Society of New Zealand in "Preventing Child Abuse and Improving Children's Health Outcomes", submission to the Health Committee in May 2012.

This shows that the under 3s at risk are the ones that need the help more, forcing all children of beneficiaries into ECE without good reason is unnecessary. You want a fence at the cliff top, identify the babies at risk before they get to three.

Risk factors for babies under 3 include (see the Paediatric Society's submission, referred to above):

- Poverty (but most babies from poor families are doing really well);
- Very young parents without the support of extended family (most very young parents are also doing very well when they are in a loving supported relationship - **it is the young single mum with multiple boyfriends where a child is most at risk**);
- parental lack of education (most have attended State schools);
- alcohol, tobacco, other drug use by parents / caregivers;
- housing, unsafe environments (unintentional injury);
- **relationship** (boyfriend/girlfriend) **violence** (as opposed to family violence);
- mental health problems;
- lack of antenatal care (should not be compulsory for families where there are no risk factors– they will use their doctor or other health professionals where necessary);
- non-attachment (mothers who have not attached to their child, often because the child has been in ECE from a very early age, and more importantly boyfriends/girlfriends who have absolutely no attachment at all);
- immunisation (this is a factor due to the affects of immunisations on some children—ADHD, autism etc).

Recommendations

It is wonderful that the Government is wanting to attack the benefit problems. But this is definitely the wrong way to go about it.

Remove the Social Obligations and Sanctions from the bill

We ask that these Social Obligations be entirely removed from the bill. As we have shown above, they are onerous, harsh, and will result in substantial hardship to families. They are discriminatory and will make things harder for everyone.

Some have suggested that the social obligation of early childhood education should come with an exemption clause allowing children to be exempted from preschool in the same way that school-age children may be exempted from school attendance.

However allowing exemptions for preschoolers will give no benefit to parents. Existing Ministry policy allows school-age children of beneficiaries to be exempted from school attendance only where it would be “unreasonable” for them to attend school. The Bill provides that preschool children of beneficiaries must attend ECE unless it is “unreasonable” for them to do so. If exemptions were to be made available for preschoolers, the situation would remain the same since the exemptions would only be granted where it would be “unreasonable” for the children to attend preschool. **Preschool exemptions are not a solution to the problems in this bill.**

Make it easier for parents to choose the best kind of education and health care for their families

As suggested above, there are many ways the government can be making life easier for responsible families. We suggest the following:

- Require the Ministry of Social Development to relax its policy of refusing exemptions to home educate to beneficiaries. This will make it possible for home educators to save the government thousands of dollars in school funding and contribute to a strong society full of loved, secure, confident, well-educated and capable adults.
- Increase support requirements from delinquent fathers to lighten the load of sole-parent families on society.
- Adopt a tailored approach to welfare, using the benefits of home education at preschool, elementary

and secondary levels to offset work obligations. Be more respectful of women's wishes to be at home with their families/whanau.

- Restrict government interference in the health and educational decisions of families to a case-by-case assessment of families that show clear risk factors.
- Reward parents who make informed decisions about health care and education by refusing to penalise independence with CYFS interference and fraud investigation.

Children should not be forced from the loving environment of the family. Parents (and their children) must not lose the freedom of choice about the education and health of the family.

Please REJECT the Social Obligations and Sanctions in this Bill

Yours faithfully,

The Home Education Foundation of New Zealand
Barbara Smith
National Director

On behalf of the Trustees
Barbara Smith
Wytse de Vries
Helen de Vries
Alanson Smith

Enclosures:

1. Home School Legal Defence Association: *Early Education*: http://www.hslda.org/docs/nche/Issues/F/Federal_Early_Ed.asp
2. Yvonne Roberts, "Official: Babies do Best with Mother," *The Guardian: Observer*, October 2, 2005, <http://www.guardian.co.uk/society/2005/oct/02/childrenservices.familyandrelationships>.
3. Early Childhood Education: Summary of Research
4. *Nurturing Children: Why "early learning" doesn't help*, article from the Institute of Marriage and Family Canada
5. National Assessment of Education Progress Chart dated 15 February, 2007
6. Letter from Paula Bennett to the Home Education Foundation dated 25 October 2012