

Friday 23 May 2014 Written Answers

Home Education

Mr Kinahan asked the Minister of Education what laws are extant to regulate home education.

(AQW 33473/11-15)

Mr O'Dowd: The legislation which applies to the education of pupils of compulsory school age, including pupils who are receiving elective home education, confers specific powers on both the Education and Library Boards (the Boards) and on parents.

Article 44 of the Education and Libraries (NI) Order 1986 requires that the Boards have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils shall be educated in accordance with the wishes of their parents.

Article 45 (1) of the Education and Libraries (NI) Order 1986 places a duty on parents of children of compulsory school age to ensure that the education provided to their child, whether by regular attendance at school or otherwise – which can include elective home education - is suited to the child's age, ability, aptitude and to any special educational needs the child may have.

Schedule 13 of the Education and Libraries (NI) Order 1986, which makes provision for the enforcement of Article 45 (1), places a duty on the Boards to ensure that children in their area are receiving a suitable education and that parents fulfil their duty in this regard.

Where 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 by Article 45(1), the Board can serve on the parent a notice requiring him/her, within a set period, to satisfy the Board that the child is, by regular attendance at school or otherwise, receiving efficient and appropriate full-time education.

In cases where a parent fails to demonstrate that the education provided meets the child's specific needs the Board may, in accordance with Schedule 13 of the Education and Libraries (NI) Order 1986, serve a School Attendance Order (SAO) on the parent to require that the child becomes a registered pupil at the school named in the order.

Where a parent applies for the order to be revoked, the Board may do so if the parent has demonstrated that suitable arrangements have been made for the education of the child. If considered necessary, a Board may make application for an Education Supervision Order (ESO) to the Family Proceedings Court. Legal provisions for ESOs and Care Orders are contained in the Children (NI) Order 1995. The effect of an ESO is that the responsibility for securing the child's education is removed from the parents and transferred to the Board named in the order.

The Boards may also provide support to parents who chose to home educate including advice and guidance on suitable learning materials, on training or examination options. The level of training and advisory support will relate to the age and developmental profile of the child.

Home Education

Mr Kinahan asked the Minister of Education to detail the role and responsibilities of Education and Library Boards regarding parents who elect to home educate their children.

(AQW 33474/11-15)

Mr O'Dowd: The legislation which applies to the education of pupils of compulsory school age, including pupils who are receiving elective home education, confers specific powers on both the Education and Library Boards (the Boards) and on parents.

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Home Education

Mr Kinahan asked the Minister of Education whether primary legislation will result from the current public consultation process being carried out by Education and Library Boards on home education.
(AQW 33475/11-15)

Mr O'Dowd: The Education and Library Boards are seeking to engage in consultation with key stakeholders who have an interest in elective home education for children and young people.

The Boards commenced an open consultation process on the draft elective home education policy on 27th April 2014 which will end on 27th June 2014.

The response to the consultation process will be given due and careful consideration and will help inform future consideration as to the adequacy and appropriateness of existing legislation as it applies

to elective home education.

It is too early in the process at the present time to determine if legislative changes may be required.

Regulation of Home Education

Mr Kinahan asked the Minister of Education whether the Assembly and the Education Committee will be given the opportunity to engage in the debate about future regulation of home education, currently subject of a consultation process carried out by the Education and Library Boards.

(AQW 33476/11-15)

Mr O'Dowd: It is important that all of us have an opportunity to engage in this debate, and to do so from the perspective of ensuring that children and their educational needs are at the forefront of our approach to facilitating home education.

I am aware that the Education and Library Boards have begun a consultation on draft guidance to inform how they give effect to the responsibilities that legislation places upon them in this area.

That consultation process provides an opportunity for views and ideas to be provided to the Boards on how they best strike the balance between facilitating parental preference for home education and ensuring that the rights and needs of children themselves are appropriately protected.

I consider the views of the Education Committee to be particularly important in that regard and will be asking the Boards to ensure that they make themselves available to provide briefings to, and answer questions from, the Committee during this process. Assembly Members are of course also free to propose this issue as a topic for debate in the Chamber should they wish to do so.

The Boards will clearly have to refine their guidance informed by this consultation process and I have also made clear that they must submit their revised guidance to the Department for approval before it is finalised.