

1. Name/Name of Organisation/other body (optional)

Schoolhouse Home Education Association
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**2. Please select the category that best describes you as a respondent:
(Please tick one box only)**

Parent/Guardian	
Pupil	
Member of School Staff (Teaching)	
Member of School Staff (Non-Teaching)	
Governor (individual)	
Board of Governors (Please insert name of school) _____	
Education/Sectoral Support	
Political Representative	
Local Government Representative	
General Public	
Other (please specify) Scotland's national home education charity	X

3. Having read the Draft Policy for Elective Home Education, I consider that the draft policy:	Agree	Uncertain	Disagree	Not applicable
3.1 Provides relevant information about the Board's responsibility for Elective Home Education, clearly and concisely			X	
3.2 Outlines the procedure to be followed should parents decide to home educate their children			X	
3.3 Provides parents with a greater understanding of their role/responsibilities when deciding to home educate their children			X	
3.4 Provides parents with a greater understanding of the Board's statutory role/responsibilities for Elective Home Education			X	
3.5 Clarifies the role of the Education Welfare Service/Officer in relation to children who are home educated			X	
3.6 Clarifies the role of the School/School Principal in relation to children who are home educated			X	
3.7 Clarifies the role of other agencies in relation to children who are home educated			X	
3.8 Highlights the importance of establishing arrangements for safeguarding children/young people who are home educated			X	

Cont. 3. Having read the Draft Policy for Elective Home Education, I consider that the draft policy:	Agree	Uncertain	Disagree	Not applicable
3.9 Provides information and clarifies the role of the ‘Named Officer’ as appointed by the Board			X	
3.10 Provides appropriate information about the arrangements for and frequency of monitoring			X	
3.11 Highlights the minimum standards that will be used for monitoring purposes			X	
3.12 Signposts resources/information that may be useful for parents who are home educating			X	
3.13 Provides information about the process to be followed to facilitate children with identified Special Educational Needs			X	
3.14 Provides parents with sufficient information to contact the named Board Officer			X	
3.15 Overall, I consider that this draft policy provides me with a clear understanding of provision for Elective Home Education for children within the Board’s area			X	

Please use the space below to comment further:

As Scotland's national home education charity, we had considerable input to research which subsequently informed the current Scottish statutory guidance on home education, which protects the rights of home educating families while acknowledging the responsibilities of local authorities. The law in Scotland is comparable to that of other parts of the UK in that it is parents who are responsible for educating their children, not the state, and education "otherwise" or "by other means" is an equally valid and lawful alternative to schooling. Human rights legislation provides that there should be respect for, and no undue interference in, family life unless there is *risk of significant harm* to a particular child or children. In Scotland, as in the rest of the UK, there is no duty upon local authorities to 'monitor' home education on a routine basis, and informal enquiries and annual updates represent an acceptable form of contact for most families.

In particular, we would point to the following difficulties we have with the draft policy which, if implemented, would adversely affect relationships with home educating families and undoubtedly attract international censure on human rights grounds.

Firstly, the policy as drafted misrepresents the role of the Education & Library Boards by stating that they have a statutory duty to ensure that children of compulsory education age are receiving an appropriate full time education for their needs when no such duty exists. In fact the law, which is comparable to that of the rest of the UK, mandates a 'negative' - as opposed to pre-emptive - duty on the Boards. We quote: "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 by 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."

Secondly, the policy as drafted requires families to submit their home education programmes for Boards to assess as "suitable or otherwise", but no such requirement is mandated by primary legislation and would therefore be *ultra vires*. Parents need not notify or otherwise register their home educating status since they are wholly responsible, as in the rest of the UK, for the provision of their children's education during the compulsory years, whether or not they use schools.

Please use the space below to comment further:

Thirdly, the policy as drafted proposes the establishment of an “Education Management Database” which has striking similarities to the ill conceived home education registration schemes proposed (and later dropped) in England and, more recently, Wales following consultation. Creating such a database would amount to a parent licensing scheme in Northern Ireland alone and would in our view breach both UK wide data protection principles (such a database being neither “necessary” nor secure) and the EU wide protection afforded by Article 8. It should further be noted that children, like adults, have the right to privacy and that the UNCRC provides only for *children who elect to do so* to express their views about their education or other issues that affect them.

We would urge the Education & Library Boards to abandon this draconian draft policy and to work constructively with home educating families in Northern Ireland to ensure a suitable balance is struck, as has been achieved in Scotland and the rest of the UK.

4. Equality Consideration

Under Section 75 of the Northern Ireland Act 1998 all public bodies are obliged to consider the implications of any decisions on nine different groupings before decisions are implemented.

The two duties within this Equality legislation include promoting equality of opportunity and promoting good relations between all communities.

The equality of opportunity duty requires that the Boards shall, in carrying out all their functions, powers and duties, have due regard to the need to promote equality of opportunity:

- 1. Between persons of different religious belief.**
- 2. Between persons of different political opinion.**
- 3. Between persons of different racial groups.**
- 4. Between persons of different age.**
- 5. Between persons of different marital status.**
- 6. Between persons of different sexual orientation.**
- 7. Between men and women generally.**
- 8. Between persons with a disability and persons without.**
- 9. Between persons with dependants and persons without.**

The Good Relations Duty requires that the Boards shall, without prejudice to their equality obligations, have regard to the desirability of promoting good relations:

- 1. Between persons of different religious belief.**
- 2. Between persons of different political opinions.**
- 3. Between persons of different racial groups.**

In light of these obligations do you consider that review of primary provision in the area will impact positively or negatively on either Equality of Opportunity or the Promotion of Good Relations in any way?

Section 75 Category	Positive	Negative	Don't Know
Religious Belief		X	
Political Opinion		X	
Racial Group		X	
Age		X	
Marital Status		X	
Sexual Orientation		X	
Gender		X	
Disability		X	
Dependants		X	

If you ticked any of the above boxes please clarify your reason:

Our experience in Scotland demonstrates that home educating families can be subject to disproportionate discrimination and unfair treatment by dint of exercising an equal lawful choice, either through ignorance of the law or prejudice. Any additional 'protected characteristics' which are evident or perceived within home educating families are likely to further exacerbate the unequal treatment they receive and compromise relationships with state bodies.

Thank you for completing this survey. Your privacy is very important to us and we have taken every step to ensure your confidentiality and the security of your data. We will not at any time, release your personal data to third parties.