

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

Debbie Farrell

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

Parent/Guardian	X
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) _____	

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:

This Policy is way beyond the Boards legal powers and the Board has misinterpreted the legislation in every respect. It is discriminatory and offensive in that it presumes all parents who home educate to be guilty of an offence and having to prove themselves otherwise.

EHE is a perfectly legal option, and the presumption should be that parents are fulfilling their legal duties. This policy would require repeated justification of a parent's choices, even where no concerns have been raised. Is the Board prepared to accept liability for failures with this impossible duty?

There is no research to indicate that Northern Irish parents are less trustworthy than their UK counterparts, therefore the Policy makers should be referring to Policies and Case Law/Guidance already in place within other parts of the UK. Notably, The Lancashire Policy is a good start.

The cost of implementing an unnecessary Policy such as this should be in question, with funds instead being directed to improving the educational institutions that are actually within the legal remit of the Education Board.

To attempt to deliver this Policy will have many negative effects. This Policy is threatening in tone and may encourage officers to make home educator's lives difficult especially vulnerable families who may not be fully aware of their legal rights. It will put families under considerable strain having to defend themselves unnecessarily in court, and will damage any possible positive relationship the Board could have with the EHE community. Families should certainly be invited to avail liaise with the Board and receive input or support if they so wish, but this should be made clear as being a voluntary choice within the Policy and not expected.

* The Policy states that the guidance is to provide information about the arrangements by the Board for ensuring that parents provide an efficient education, however the Board **is not** legally responsible for ensuring children receive an education- this responsibility lies with the parents. Parents choose to send their children to a school or otherwise. What problem is this Policy seeking to resolve? What statistics are the Board basing the need for a policy on?

* The Education and Libraries (Northern Ireland) Order 1986, Art 45 indicates that the primary duty to educate the child lies with the parent. This Policy attempts to introduce routine inspection and monitoring which assumes from the outset that the parent is not adhering to this. The only lawful responsibility of the Board to intervene is if specific concerns are brought to their attention, ie **"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 on 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." (Schedule 13). This does not give the Board the right to go fishing for concerns unnecessarily.

The Policy states that Boards have a statutory duty under The Education and Libraries Order to ensure that children are receiving an education. This is a misinterpretation of the law. Boards **do not** have this duty, according to law **this duty lies with the parents.**

What legal advice has the Board received in interpreting the current Legislation? What related Legislative background within England and Wales has the Board consulted in order to devise this Policy?

* The Policy has emphasised safeguarding and welfare instead of education. The Policy implicates that home education is automatically deemed to be a safeguarding issue. EHE is a perfectly legal option. Home Education is not a welfare issue and parents should not be presumed guilty of welfare issues and have to prove themselves otherwise. This is offensive and discriminatory. What research and statistics have the Board used to draw this conclusion? Current statistics known to the EHE community show that there is no correlation between EHE and safeguarding issues.

The Policy should emphasise that **only** if any educational or welfare issues are brought to the attention of the Board then referrals to CPSSS is necessary- the same protocol for any family in any situation.

* The Policy expects the parent to continue to send their child to school until a programme is in place before de-registration. Parents do not require discussion with the principal or permission to de-register, as per The Statutory Rules for Northern Ireland 1974, Number 78 which merely requires the parent to notify the principal.

Placing this expectation within the Policy will place unnecessary and unlawful pressure on parents to delay registration.

Delaying registration may not be in the best interests of the child, of whom only the parent is advocate.

An educational `programme` is not always appropriate for all styles of Home Education and should not be expected, especially as a pre-requisite to de-registration.

The Children (NI) Order has no place within this Policy aside from if and when a parent has been taken to court due to specific concerns.

This delay implies that the School/Board somehow acts as a protector of a child's welfare and that without that protection the child may be at risk.

* The best interests and the wishes of the child being home educated are the parents concern, not the Boards. Do the Boards consider the wishes of the many schooled children who clearly voice their opinions about the style of education they receive at school, or indeed their personal preference to not attend school at all? To seek the views of home educated children and not schooled children is intrusive and discriminatory.

* There is no requirement for a database of EHE. There is no requirement for a named officer to have responsibility for EHE families.

* The Board is not responsible for nor qualified to ascertain the appropriateness of educational programmes. This is the duty of the parent who is best qualified to decide on the most appropriate education model for their child, of which there are many within EHE. Programmes of

work are not required in legislation and parents do not have to forward a copy of their programme unless specific concerns around education has arisen. `A programme` indicates a planned and preconceived learning schedule which does not allow for any other model such as autonomous, learner managed, reactive, unschooling etc. Many home educators do not follow programmes, and are not required to follow a curriculum or routine.

* There is no requirement or legal power for the Board to make home visits to assess the learning environment of the child- this is a highly inappropriate intrusion and beyond powers even held by the police. Do the Board visit the homes of schooled children to assess suitability of homework environments?

* Every EHE parent **is not** expected to demonstrate that they are providing their child with an appropriate education, just as every parent is not required to `demonstrate` to the state that they are fulfilling their caring duties as parents. This is again a mockery of the presumption of innocence. The Board is only required to intervene where concerns have been brought to their attention.

* The Policy includes `Minimum Standards` that are not actual requirements within law, and are highly discriminatory. The suitability of these issues are the decision of the parent, not the Board. Every home in the land is presumed to be safe unless there are concerns to the contrary, so again this makes the presumption of Home Educators being guilty and having to be assessed as otherwise.. this is a ridiculous notion and one that has no standing in law. Every parent in the land is presumed to be meeting the physical, social, emotional needs of their children unless concerns have arisen to say otherwise. Compliance with EHE is assumed within law unless evidence is brought to light to say otherwise. These standards are also not within the remit of the Education Board, but rather Social Services. Why are the Board trying to take on this responsibility that is clearly not their role?

* The Board has no duty within law to monitor EHE, and there is no legal requirement for parents to liaise with the Board unless specific concerns have been brought to their attention. To state that it is expected, or that failure to demonstrate it is completely unfounded.

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:

This Policy is highly discriminatory and risks having a negative impact on all these areas

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.