

**South Eastern Education and Library Board**

**Elective Home Education Policy (Draft)**

**Consultation Response**

**April 2014**

## **Introduction**

The South Eastern Education and Library Board is seeking to engage in consultation with those people and groups who have an interest in the Elective Home Education for children and young people.

Before arriving at the final policy and related procedures for Elective Home Education, the Board is seeking the views of those most directly involved.

## **Vision**

The Board's vision is to perform to the best of its ability in supporting all its customers and stakeholders in an education system where children and young people are at the centre. We aim to raise the standards of learning and levels of achievement of the people of the Board's area through the provision of high quality education and youth services.

## **Board Position**

The Board recognises the right of parents to make provision for the education of their child through Elective Home Education. Current legislation places a duty on Boards to ensure that every child of compulsory school age has access to a suitable education, including children who are educated at home.

## **Methodology**

### **1. Pre consultation publicity**

To ensure maximum awareness of the draft policy, the Board will correspond with those parents within each Board area who have informed the Board that they are home educating. Such correspondence will advise them of the existence of the draft Elective Home Education policy and the consultation process that will take place from Monday 28 April to 27 June 2014.

2. **On-line Consultation**

With effect from 28 April 2014 information will be made available on the Board's web-site and will include the draft policy and a short questionnaire.

3. **Communicating with key Education Partners**

Consultation with key education partners including those representing Health and Social Care will take place during the period April – June 2014.

4. **Consultation with Young People**

The Board recognises the importance of obtaining the views of children and young people. Consultation methods which are age appropriate will be used with the permission of parents.

5. **Communication to Equality Consultees**

To ensure compliance with the Section 75 Equality Legislation, the representatives of the designated equality groups will be invited to participate in this consultation exercise. All Equality Consultees will be advised of this consultation via e-mail and directed to the consultation documentation which is available on individual Boards web-sites.

**Timescale for Consultation**

This consultation process will commence on **Monday 28<sup>th</sup> April 2014** and will close on **Friday 27<sup>th</sup> June 2014**.

## **Elective Home Education Policy – Draft**

### **Questionnaire Response**

**Please return this completed questionnaire by 27 June 2014 to:**

Best Value Officer

South Eastern Education and Library Board

Grahamsbridge Road

Dundonald

Belfast

BT16 2HS

**Or by email to:**

mark.donnelly@seelb.org.uk

*Boards are mindful of the accessibility issues faced by some who may wish to provide feedback about this draft Elective Home Education Policy, and will **upon request**; make all associated documentation available, in different languages and formats as appropriate.*

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

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

Parent/Guardian	<input checked="" type="checkbox"/>
Pupil	<input type="checkbox"/>
Member of School Staff (Teaching)	<input type="checkbox"/>
Member of School Staff (Non-Teaching)	<input type="checkbox"/>
Governor (individual)	<input type="checkbox"/>
Board of Governors (Please insert name of school) _____	<input type="checkbox"/>
Education/Sectoral Support	<input type="checkbox"/>
Political Representative	<input type="checkbox"/>
Local Government Representative	<input type="checkbox"/>
General Public	<input type="checkbox"/>
Other (please specify) _____	<input type="checkbox"/>

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	

<b>Cont. 3. Having read the Draft Policy for Elective Home Education, I consider that the draft policy:</b>	<b>Agree</b>	<b>Uncertain</b>	<b>Disagree</b>	<b>Not applicable</b>
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 well as this personal response to the SEELB I am one of 5 authors of the HEdNI response to this consultation. Although there may be similarities my personal response is informed by my own experiences and opinions and as such should be considered separately.

I have disagreed with each of the points on the questionnaire as the draft policy does not have a legal basis for what it proposes and the main points are a misinterpretation of the law at best.

The Education and Library Boards (ELBs) have no duty or power in law to ensure an education is taking place or monitor home education provision by parents. The legal duty to provide an education for a child is entirely the parents', whether they delegate that responsibility to a school or carry it out themselves. Section 3 (v) of the policy states that:

"Boards have a statutory duty under Schedule 13 of the Education and libraries (Northern Ireland) Order 1986 to ensure that children in their area are receiving efficient full time education appropriate to his or her age, ability and aptitude"

This is entirely untrue. What Schedule 13 says is "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 (1)...." (The legislation quoted in the Appendices of the draft is the out of date version not the version amended in 2007.) The important phrase here is "if it appears". If there is evidence to show that an education is not being provided then the boards shall require the parents to satisfy them that an efficient full-time education is being provided. This is reactive and only confers a duty on the boards where a parent is shown to be failing in their legal duty. There is no reason or legal obligation to go looking for problems from the outset. The policy is taking a view of guilty until proven innocent which is entirely unacceptable.

Forms EHE1 and EHE2 mentioned in the policy are not provided. I asked Glen Walsh for these forms and in his reply on 29th April he stated: "Neither of the forms referred to has been finalised in order to take account of any issues or concerns raised during the consultation period". As this is a consultation on the draft policy the forms proposed to be used even where only in draft form should be provided. The layout and content of the forms will demonstrate what approach the Board has to the recording and monitoring of home education. The consultation is simply not complete without them and it is impossible to make a full response to the policy if we cannot also make comment on the content of these forms.

No support or co-operation is proposed in the policy between ELBs and parents and the tone of the policy is adversarial and untrusting of parents.

The Office of the First Minister and Deputy First Minister has published A Practical Guide to Policymaking in Northern Ireland which seems not to have been referred to by the authors of this policy. Some points of best practice in this guide are that policy makers: review existing research; commission new research; consult relevant experts and/or uses internal and external consultants; and considers a range of properly costed and appraised options.

Following a Freedom of Information Request to the boards Alberta Park wrote to me on the 27th May to tell me that no Stakeholders had been contacted prior to drawing up the policy. I am astounded that no home educators or home education groups such as HEdNI or Education Otherwise were contacted and involved in the writing of the policy, especially as I know that home educators were in contact with other boards in 2013 relating to the writing of the draft policy and even offered to provide input.

Following an FOI on 26th April the SEELB acknowledged that no research was carried out prior to drawing up the policy. I find it hard to believe that a policy that affects hundreds of families and children can simply be created by people with very limited, if any, experience of home education, without even the most basic research being carried out.

There seems to be no knowledge as to why this policy was written, why it needed to be written and what problem existed that needed to be addressed. Nor is there any evidence to show that the policy will be effective if it should be approved.

Section 3 (ii) where a child is to be removed from school the board expects the child to stay in school until a programme is in place. Often in cases where a parent has taken the step to remove their child from school they have done so as a last resort because the school may not be meeting the needs of the child educationally or emotionally, or in cases of bullying being in school is actually damaging to the child both physically and psychologically. In cases such as these it is of utmost importance that a child can be removed straight away before more damage is inflicted. It is also common practise to go through a period of de-schooling on removing a child from school and knowledge of this seems to be seriously lacking in the drafting of this policy. Again this points to lack of experience and knowledge of home education.

Section 3 (vi) states that the Board's named officer will make decisions with regard to the appropriateness of a 'programme' of education. There is no legal basis for this. The parent as primary caregiver is best placed to ascertain what a suitable education is for their child. The use of the word 'programme' again implies very little understanding of the many and varied methods of home education.

It is clear from the draft policy that the Board expects a timetabled curriculum provided like a school at home. There are very few families who follow such a rigid structure.

My family does not follow a timetabled curriculum, rather an autonomous style of learning which is interest led and engaging. In choosing to home educate I can tailor the education to each of my children's ages, abilities and aptitudes and support and encourage them in their choices. It is possible that one child's education can change throughout the year from a more hands on and interactive approach to a style of learning with more emphasis on book work. This flexibility would be impossible to convey in a 'programme' and would likely change rendering the programme obsolete. I am not reassured that officers have the required training or understanding of home education to support and value our family's choices. Regardless of this there is no legal necessity to submit my family to this sort of scrutiny.

In legal advice given to HEdNI "if it is known to the board that the parent is home educating, then the board should presume that the parent is complying with its article 45 duty, just as much as if that parent were sending their child to school and that child were in regular school attendance; "

Section 5 again states that the Board will assess the suitability of an education under minimum standards which have more to do with safeguarding and welfare than education. Where there are any concerns as to the safety or welfare of a child whether home educated or otherwise those concerns should be passed on to the relevant authorities. It is not the role of the ELBs to assess anything other than education.

Section 6 The policy states that there is a list of useful resources offered to home educators on the SEELB website, but there are none at all. Home educators would welcome support such as help with finding suitable exam centres, access to facilities such as science labs, access to halls and rooms in which to hold meetings and access to discounts and other opportunities such as swimming lessons and programmes provided by outside agencies such as orchestras which are regularly made available to schools.

Section 7 The Board has no legal obligation to monitor home education. If the board wish to monitor a family's educational provision then it should be made abundantly clear that this is voluntary only and that refusal to accept a visit is not seen as failing to provide an education or as otherwise suspicious.

In the current form proposed I can see little point for a home educating family to accept a visit. Parents are treated as a risk to their child until proven otherwise and this will not encourage trust and co-operation between parents and the ELBs. In its current form I would not wish to submit my family to the scrutiny of someone who has little understanding of home education and has such an obvious agenda as is set out in this policy.

The policy proposes a register of home educated children. There is no legal requirement for home educated children to be registered with an ELB. The Boards have not published any research or reasoning as to why this would be necessary or made it clear whether it would even be beneficial to anyone in any way.

Overall the plan proposed in this policy would cost a great deal of money to carry out and the ELBs have not made a proper cost benefit analysis or even an estimate as to how much this will cost. This is shortsighted in the extreme.

There are examples of good home education policies notably Lancashire County Council's, which was drawn up within the law and in consultation with home educating parents. Mike Snelson, one of the authors of Lancashire's policy, has offered to speak to the policy makers here in Northern Ireland and I hope that the policy authors will take up this offer.

I come into contact with many home educators through my work with HEdNI and through the North Down Home Education Co-operative which I run. Even those who permit contact with the Board would not recommend that another family initiates contact or has any more to do with the Board than is absolutely necessary. Families feel that, even though some have a tolerable relationship with the officers, they could not be sure that all families would be treated fairly and without prejudice. The Boards should work hard to foster a better relationship with the home education community, as there is currently little to recommend them.

I myself cannot see any advantages to registering my family or any other with the Board. There is no legal duty to do so, and no safeguards in place to ensure that we are not judged by the personal prejudices and expectations of officers used to dealing with structured school education. I know of families who were previously happy to tolerate contact with the board but are now considering refusing further contact because of the adversarial and uncooperative tone of the draft policy.

For a policy to work there must be a relationship based on trust and co-operation between parents and the board. But first and foremost the policy must be based on the law and the boards must act within the law.

#### **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 the draft policy for Elective Home Education will impact positively or negatively on either Equality of Opportunity or the Promotion of Good Relations in any way?**

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

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

The policy is adversarial in tone and as such will not promote good relations with any parent who chooses to home educate their children. The tone of this policy and the proposed monitoring seeks to highlight anything that is considered outside of the 'norm' and this can only have a negative impact on equal opportunities.

*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.*