

Dear Ms. Fairclough,

I am a parent who chose to home educate within the BELB area. Reading the draft policy I feel for any other parent wishing to home educate. The policy misleads by designing procedures that are unsupported by law. The policy misuses existing legislation to support its ultra vires procedures. The policy serves no purpose other than to further alienate NI parents who have experienced similar negative, constricting attitudes towards home education to date and to discourage new home educators from contacting BELB.

The Policy:

Safeguarding is highlighted as an issue as though it is related to home education and to link both as a matter of course is both inappropriate and unsupported by law. The assumption is made that schools provide protection to children and that without school attendance a child is at risk. Fellow home educating parents have gathered information via FOI requests from all 5 ELBs which disprove this assumption.

NI Educational law is worded similarly to English and Welsh educational law however the interpretation of this law seems to be very different. It appears that the Education and Libraries Order 1986 and other legislation has been misquoted and misused within the draft policy:

- Article 45 is used to support the board's 'duty to ensure' that home educated children receive a suitable education yet the duty is a parental duty and therefore nothing to do with the board. To insist upon inspecting and monitoring is to ignore that compliance is assumed by law.
- Article 44 refers to schooled children who are pupils and therefore does not relate to children receiving home education.
- Schedule 13 is quoted as stating 'where it appears' yet this is from an earlier form of the legislation which has been superseded by the later amendment which uses 'if it appears'. The latter indicates a clear need to see evidence of an education not taking place before a duty to monitor by the board is activated. It does not however give the ELB license to go fishing for evidence.
- Schedule 13 is described as an automatic procedure and not one that applies by law when there are real concerns that a parent is not fulfilling their duty to educate.
- There is the real fear, based on experience, that parents refusing to obey the draft policy's procedures will fall foul of Schedule 13 if they decide to home educate, deregister their child or refuse an ELB official entry to their homes.
- The Children (Northern Ireland) Order 1995, art 3 is used to support the policy's mention of seeking the child's wishes 'where appropriate' yet this legislation refers to Family Court proceedings and not home education. Taking the child's opinion is the duty of the parents and not the state's.
- The Supplement to the Code of Practice on the Identification and Assessment of Special Educational Needs 2005, para 5.37 states that parents, including those with children with SEN, have a right to educate their children at home.
- The Statutory Rules for Northern Ireland 74, Number 78 clearly indicate that the parent need only inform the head of a school before deregistering yet the draft policy seeks the parent first have a discussion with that head.
- a code to be used by schools is mentioned within the policy to be used between the time a parent requests deregistering and home education starts. This clearly conflicts with The Statutory Rules which allows for no delay at all.

There are other worrying inclusions and exclusions within the draft policy:

- Deschooling, which is a tried and tested good practice within home education is not mentioned. It gives a child time to move from the culture of formal schooling to that of home education and is included within EHE Guidelines followed by the rest of the UK.
- There is no legislation that approves compulsory visits by an ELB, otherwise the ELBs would have more power than that of the PSNI.
- Assessing the home is pointless as the child receiving home education does not do so only within the home but throughout each day wherever he/she happens to be.
- Annual reviews are not required before changing the home education provision as the flexibility of home education allows it to adapt to suit the changing needs of the child at any time.
- Use of the word 'programme' does not support a variety of learning styles including autonomous or unschooling. Programmes tend to be rigid and do not reflect the flexibility of home education. It appears that the policy does not value learning styles other than 'school at home'.
- Worryingly there is the mention that SEN children must 'show progress' which is not written elsewhere in the policy for children without SEN. This is disability discrimination.

The Focus Group:

It is disappointing that I received a letter informing me of the first focus group meeting only a couple of days beforehand leaving me no real time to prepare. As the 2nd focus group meeting clashed with an appointment I was unable to attend that. It would have been more accommodating and useful to have been informed of the focus group weeks in advance. There is the sense that this policy is being rushed through.

Research:

I am aware of the information gleaned by fellow home educating parents via FOI from the 5 ELBs and am concerned at the lack of valid research before drafting the policy. It would have been more productive to have spent time over the gathering of information from home educators province wide and not only home educators that the ELBs are aware of or that have contacted them. BELB's Consultation Strategy states the policy itself was available to home educators 'upon request' which left every home educating family who choose not to contact BELB out of the focus group loop.

Conclusion:

This policy appears to have been created without suitable research on what is good practice within modern home education. There is a distinct lack of knowledge about home education and the flexibility of its various and valid styles. There is inaccurate quotation and misinterpretation of current legislation and invention of ultra vires procedures. There is therefore misinformation within this policy which will only serve to confuse NI parents deciding to home educate. Its compulsive tone will only fuel further distrust towards ELBs. It is not fit for purpose.

As a parent who home educates I recommend that this policy be scrapped. That true and accurate research be done on home education by the ELBs both across the province of Northern Ireland and in light of good LA EHE practice elsewhere within the UK. That safeguarding issues are not automatically linked to families who home educate. That punitive reactions are not set in motion when a home educating parent decides to home educate without an ELB's blessing, uses a deschooling period or chooses to decline a home visit. The home educating communities of NI would

be better served if the ELBs saw themselves as a potentially valuable resource which a home educating family might avail of if they so chose.

Yours sincerely,

Roisin O'Hagan

Home Educator