

## **ELECTIVE HOME EDUCATION POLICY**

### **CONSULTATION BY THE EDUCATION AND LIBRARY BOARDS (NI)**

#### **1.0 The Northern Ireland Commissioner for Children and Young People**

The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in NI. Under Articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The remit of the Office is children and young people from birth up to 18 years, or 21 years of age if the young person is disabled or in the care of social services.

In determining how to carry out her functions, the Commissioner's paramount consideration is the rights of the child and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

#### **2.0 Introduction**

NICCY welcomes the opportunity to respond to this consultation issued by the Education and Library Boards. The Office believes the provision of draft guidance and proposed standardisation of the same across the five Education and Library Boards (ELB) are positive steps. NICCY is also pleased to see the inclusion of articles from the UNCRC in the draft policy document. However, these have been included in an appendix and we would suggest it would be more helpful to reference the articles within the body of the policy document in order to clarify how these important principles may be effectively integrated into the guidance for elective home education.

NICCY recognises the right of parents<sup>1</sup> to educate their children at home. The Office understands that parents may wish to educate their children at home for a wide variety

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<sup>1</sup> The terms 'parent' or 'parents' are employed throughout this document however it is intended this refers to those who have parental responsibility.

of reasons; due to their religious and philosophical beliefs, because of bullying, difficulties accessing appropriate schools, or a desire for flexibility. It is important not to undermine the principle of home education including arrangements that do not follow a 'school-type' curriculum.

A key concern for NICCY is the child's best interests, as detailed in Article 3 of the UNCRC, and referenced in the draft policy. In considering this, the ELB must take account of parents' views but also consider their responsibility to deliver on children's right to be safe; Article 19 of the UNCRC and their right to an effective education; Articles 28 and 29. The Office strongly agrees with the policy's statement that the welfare of the child is paramount and recommends that a guiding principle underpinning the policy should be what is best for the child. This means ensuring a child or young person's right to a suitable and effective education. However the document does not comprehensively define what constitutes a suitable and effective education. Article 29 of the UNCRC provides some guidance in this regard and as suggested above, could provide further clarification if integrated into the main body of the policy.

### **3.0 Safeguarding Children (Article 19, UNCRC)**

NICCY regards the safety and wellbeing of the child as paramount – as the ELB consultation document states. In the vast majority of cases, parents will also regard the safety and wellbeing of their children as paramount and will seek to deliver effective education 'appropriate to their age, ability, aptitude and to any special educational needs they may have'. However it is vital that effective safeguarding is in place to provide protection for every child. Teachers have a key role as professionals in almost daily contact with children in being alert to possible abuse or neglect. In the absence of this safeguard for children who are home schooled, there is a need to ensure that other procedures are in place. This does not presume that children who are home schooled are any more likely to be subject to abuse than those attending school, but these children have a right to a similar level of protection as other children

The draft policy provides a general outline of the procedures which are in place to 'ensure that the safeguarding needs of the child are met'. However the effective implementation of these procedures is dependent on a child having been registered then deregistered in a school. The Guidance states that there is only an 'expectation' that 'parents will notify the ELB that they are home educating their child/children and follow[ing] the arrangements in the guidance'.

If a parent has not initially registered their child in a school or notified the ELB that they are home educating their child, it is difficult to discern how the ELB can take any steps towards the safeguarding of such children. NICCY therefore considers that the

proposed arrangements regarding safeguarding are inadequate as there is currently no obligation on parents to register their child/children as being home educated if they have not previously been registered in a school. As a minimal requirement, ELBs should be aware of the location of all home educated children and the arrangements that have been made for them. Registration of all home educated children should therefore be mandatory.

#### **4.0 Quality of Education (Articles 28, 29 of the UNCRC)**

The Guidance states that;

‘Boards have a statutory duty under Schedule 13 of the Education and Libraries (Northern Ireland) Order 1986 to ensure children in their area are receiving efficient full-time education appropriate to his or her age, ability and aptitude and to any special educational needs that he or she may have, and that parents fulfil their duty in this regard’

However, if a parent has not registered a child as being home educated, it will not be possible for the ELB to fulfil this statutory duty. As home education is undertaken in many cases in children’s own homes and currently, there is only limited monitoring of the content and standard of education provided, it is not possible to conclude if there are problems with its delivery. It is important that a lack of knowledge in this respect should not lead to the assumption that there are no problems.

As highlighted earlier, it may be that the vast majority of parents are providing positive, effective education programmes for their children and their desire to ensure the safety and wellbeing of their children is unquestionable. The introduction of a home education policy should therefore be regarded as providing additional assurance to these parents, as the ELBs and education professionals seek to support their important role as educators.

It would appear reasonable for educational authorities to inspect arrangements for home educated children, as those in schools are inspected. Even if home educated children encounter no greater risk than those attending schools, this may be one of few opportunities available to those who hold safeguarding responsibilities to identify problems. It is not acceptable to assume that children who are home educated are receiving a quality education if an effective monitoring system is not in place and such a system would simply be replicating the same basic monitoring experienced by educators and children in other educational settings.

## 5.0 Respect for the right of the child to be heard (Article 12 of the UNCRC)

One of the general principles of the UNCRC which is not addressed in the policy is the Article 12 right of the child to express their views in decisions affecting them, and to have these views be given weight in accordance with their age and maturity.

General Comment 12 provides more detail about the need for children's participation within education.

'Respect for the right of the child to be heard within education is fundamental to the realisation of the right to education. (...) In all educational environments, including educational programmes in the early years, the active role of children in a participatory learning environment should be promoted.' (paras 105, 107).

GC12 also states that children should be involved in decisions about where and how they should be educated:

'In decisions about the transition to the next level of schools or choice of tracks or streams, the right of the child to be heard has to be assured as these decisions deeply affect the child's best interests.' (para 113).

NICCY recommends, therefore, that the ELBs emphasise the importance of taking into account the views of children in both making decisions about education as well as within the education process itself when providing guidance to parents who are home educating their children, or planning to do so.

## 6.0 Conclusion

NICCY appreciates the opportunity to provide advice on how issues relating to elective home education affect children's rights and best interests. As has been outlined, Article 29 of the UNCRC underlines the freedom of individuals and bodies to 'establish and direct educational institutions' which arguably, would include parents choosing to home educate their children. However, they also have a duty to ensure that children experience a quality education, and have a say in decisions regarding the nature of their own education. Moreover, recognising the unique role that schools play as a daily point of contact with children, whereby signs of abuse or neglect may be picked up, proper consideration must be given to how ELBs can fulfil their responsibility to meet the safeguarding needs of children who are home educated.