

GRAHAM STUART M.P.



HOUSE OF COMMONS

LONDON SW1A 0AA

John O'Dowd MLA  
Minister of Education  
Department of Education  
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BT19 7PR

8 May 2014

Dear John,

**Draft Northern Ireland Elective Home Education Policy**

I am writing in my capacity as the Chairman of the All Party Parliamentary Group on Home Education regarding the draft Northern Ireland Elective Home Education Policy, which is currently the subject of consultation. I have concerns relating to the March 2014 draft version of the Policy, which I understand is intended to apply across Northern Ireland. This appears to misrepresent the role and responsibilities of Education and Library Boards regarding parents who elect to home educate their children – many of whom do so because their children would struggle to cope with mainstream schooling.

Specifically, I am referring to Section 3(v) of the Policy, which reads:

*“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, and to any special educational needs that he or she may have, and that parents fulfil their duty in this regard.”*

Schedule 13 of the Education and Libraries (Northern Ireland) Order 1986 does not mandate any such duty. Instead, it states:

*“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.”*

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The situation is analogous to that in England and Wales, where local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. Local authorities should intervene if they are alerted to a reason for doing so – but are not obliged, or indeed permitted, pre-emptively to seek reasons to intervene. Accordingly, the annual monitoring by Boards prescribed by section 7(iii) of the draft Policy would be inappropriate.

Stemming from this, I also have concerns regarding Sections 3(viii) and (ix) of the draft Policy, which would require families to submit their home education programmes for Boards to rule on their “appropriateness or otherwise”. Again, the law neither permits nor requires such a system. I can find no reference to any requirement stating that parents must register or seek approval in order to educate their children at home. No such requirement exists vis-a-vis local authorities in either England or Wales.

Linked to this, I want to raise the issue of the planned “Education Management System” database proposed in Section 3(iv) of the Policy. This week, the Welsh Government dropped plans to make home educating families join an official register, following an official consultation. Rather than pressing ahead with such a licensing scheme, I submit that it would be better for Education and Library Boards to concentrate on improving the support and resources available for home educating families, in accordance with their individual wishes.

I would be very happy to discuss any of these issues if it would be useful.

Yours sincerely,

Graham

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