

EHE Focus group 23/5/14

Attendance:

Mark Donnelly – facilitator (B)

Francis ?? – Note taker (B)

reps of 5 HE families (P)

Rules & scene setting

- Mark prepared presentation of policy (a summarisation) to run through to allow highlights and flaws to be commented upon
- B stated that they would be taking notes and preparing comments back to policy makers, P requested that these be pre-circulated for agreement to all present, B agreed
- P stated that it would be inappropriate for notes not to go to politicians who set policy as well as the civil servants who are responsible for implementation of policy
- P requested confirmation that the policy as distributed in the meeting remains draft as word not present. B confirmed.
- B confirmed that representative not involved in EHE or involved in policy setting thereupon.
- Purpose to generate comments on an improvements for the policy
- P asked how many reps of SEELB were involved as policy is joint doc across all 5 boards- B confirmed it was a senior officers group and so there was 1 from SEELB.
- P asked if 1 SEELB rep was available to talk to either now or in future, direct offer to facilitate conference call made. B said that they had been contacted by other parents who think that the policy makers speak to people on the ground, this will be forwarded as part of findings of consultation. P suggested that the form of words ought to be that failure to engage stakeholders prior to writing policy is an inappropriate position to be in. B confirmed that this will be in the report.
- Chatham house rules applied: all quotes are usable however attribution is not to be made to comments made [tags P and B used in these notes for anonymisation purposes]

Safeguarding

- P stated that safeguarding children is everyone's responsibility, not just the ELB. In particular is this not more social services rather than ELB. Reference made to judges comments in Birmingham case of abuse indicating that responsibility for child welfare is everyone's responsibility not just one part of the communities.
- P asked for clarification on point 2 "Throughout all stages ... potential safeguarding issues", is this not the role of social services?
- B said that EWO will be in touch with social services concerning de-registered children
- P confirmed that correct approach of referral to Social Services Gateway Team is in policy

Procedures (section 3 of policy doc)

1.

- 1.1. P confirmed that discussion with principal a natural approach, never heard of anything else.

- 1.2. P confirmed that this must be advise and parents must be free to take or reject this advice
- 1.3. [note: this was point of arrival of some attendees, B confirmed "intent" to circulate notes to attendees]
- 1.4.
- 2.
- 2.1. P confirmed that this is a problem. scenario: school failing child, i.e. not providing education. By asking for child to be kept in school the board is asking parent to break primary legislation, their obligation to ensure child gets an appropriate education
- 2.2. P stated that asking parents considering EHE to break the law by keeping children in school is unacceptable
- 2.3. All parents confirmed that de-registration not for fun and giggles but to ensure education needs of child are met. Total of 4 stories all representing situations where the child must be removed immediately and not after a potentially lengthy de-registration process. Stories confirmed that process involved discussion with school
- 2.4. P confirmed that this entire section must go- potential to re-phrase to word that the board permits a child to remain in school post initial indication of intent to de-register. Any statement worded "advise" - no, any statement worded "should" - no, any statement "expectation"- no, "until programme in place"- no
- 2.5. Parent is in position to protect child, to stand up for their rights, when school has failed. Need to be able to remove child from a poor experience, even when looking for an alternative school
3. Start of 2a.
- 3.1. Described as "laughable" by P. No legal obligation to notify board. P can't see why a parent might volunteer given the draconian policy.
- 3.2. P confirmed that if policy was a peer engagement it would be possible to advise someone to register, as a lord → peasant wording, it cannot be possible to advise anyone to voluntarily register and engage with policy.
- 3.3. P there are no positives from the policy, no reason why [a parent] would want to contact the board. There is nothing the board is offering to help. Not even exam centres.
- 3.4. B "we have officers" who engage with EHE, it's the perception that's important. P yes, perception is poor, P can't think of instance where advice has been to contact, always the contrary due to bad experiences.
- 3.5. P some officers are OK some of the time to some people. Still would not advise involvement.
- 3.6. B confirmed that there are families with whom there are good relationships, P confirmed that this should be "not too bad", "good" would be over-stating
- 3.7. B suggested that officers involve today in contributing to EHE. P contradicted that officers role today is not advisory or contributory but is solely monitoring. No advice, no facilities, no encouragement. All would be welcome. Would welcome something, anything from the board.
- 3.8. [additional people arriving, late due to poor directions]
- 3.9. P has law changed in relation to who tells whom about de-registration. P (not B) confirmed change in 2010 with circular including advice on de-registration to allow it in NI as advancement from previous position of DENI that deregistration not possible
- 3.10. Wishes of child: they are always taken into account- by parents

- 3.10.1. P gave examples of current bullying of parents by principal after intent to deregister indicated
 - 3.10.2. P gave examples Currently bullying of children by principal after intent to deregister indicated, therefore principal has no role in EHE
 - 3.10.3. P confirmed that the response of an 8yo to being told that the consultation process wanted to engage children was “they’ll just ask questions to make it sound like you want to go to school”, and so offer declined.
 - 3.10.4. P pointed out that if a parent originally sent child to school they were expecting child to stay in school and not home educate, removal is therefore a consequence of failing to educate by school. Asking small child’s opinion is not relevant or appropriate and will cause anxiety and suffering for that child. This section is therefore necessary to omit.
 - 3.10.5. P further pointed out that children are often distressed already, hence the need to remove from school and having principal interview them would be cruel
 - 3.10.6. P referred to previous comment that deregistration is not for fun and giggles, moreover since parents and principal have been discussing already as per point 1 of process (as agreed to be a normal good idea), there is no need for further discussion with the child.
 - 3.10.7. P pointed out that Children (NI) order applies to how the court deals with children, P confused as to where the court is involved and so not relevant. Consider factors only when court action under consideration. B stated that only certain articles article of the order referred to court action and so this could be included, P interrupted to say “no”, the entire order is not relevant to deregistration of a child, it imposes duties on the court and not on an EWO or ELB.
 - 3.10.8. P pointed out that it is normal for small snippets to be cherry picked from legislation for quotation. Not the whole. P suggested that this is done to scare recipients of policies and documents who don’t see the full context.
 - 3.11. P confirmed that English not 1st language. Policy document formally requested in Afrikaans from Board.
 - 3.12. P request for information on:
 - what legal advice taken when drawing up policy?
 - From whom?
 - When asked?
 - When (both calendar and in the lifecycle of the policy)?
 - Acknowledged by B
 - 3.13. P confirmed that legislation quoted is 1986 act, not 2005 amendment => legal advice, old and inaccurate
 - 3.14. P talking about “schoolhouse” Scottish charity challenging monitoring.
 - 3.15. P statement that if law is quoted it needs to be “relevant and correct”. One that’s currently in force.
- 4.
- 4.1. P Pointed out that the policy states “to determine other services known to the child” and that the average 5 yo wouldn’t know all that many

- 4.2. P further pointed out that this indicates a lack of such simple things as proof reading and legal advice. "If I can pick that up in 20s I'm moderately confident that someone who is au fait with the legislation would take less than that".
 - 4.3. P asked the whereabouts of EHE1, B confirmed not been drafted. P therefore suggested that it is not possible to consult on this part until something as important as this can be seen by those engaging.
 - 4.4. P suggested therefore that this clause must be removed.
 - 4.5. P said it is unacceptable and that consultation cannot be effective until the form is available
 - 4.6. B asked for other issues on this point of policy, P said this must be put on hold, we can't consult s we don't have the data to consult, it would be like asking B to consult on engine types for supercharged BMW, it would be a pointless waste of time.
 - 4.7. P asked about multi-disciplinary check, what does this mean? Multi-agency, EWO, child protection? Maths, English and Science? Ambiguity must not be possible, the policy must be objective to avoid subjective interpretation. Objectivity is key.
 - 4.8. P confirmed that ambiguity whilst being the mother of debate should never be part of policy
- 5.
- 5.1. P confirmed that legal reference is wrong. Every time it is quoted.
 - 5.2. P pointed out that the board has no duty to ensure that children in their area are receiving efficient full time education, the law quoted (incorrectly) itself states "The parent of every ...". P pointed out to B the difference between the words "board" and "parent".
 - 5.3. P confirmed that boards do have a reactive only duty, where there is evidence or reason to suspect already present, there is no such duty other than when such reason to suspect is present.
 - 5.4. P pointed out to B the presumption in the UK of innocence until proved guilty and the policy approach of guilty until able to prove innocent. Makes a mockery of UK legal framework.
 - 5.5. B confirmed that the boards role is reactive only, P confirmed.
 - 5.6. P stated the "where it appears" text from the law is not included in the policy, it's included in the legal annex but misquoted in the policy doc itself.
 - 5.7. P suggested that this selective cherry picking of law is not acceptable.
 - 5.8. P also requested clarity of terminology, e.g. "full time"
 - 5.8.1.P directed B to English case law as there is none in NI
 - 5.8.2.P further suggested that there will be no case law until a board mans up and prosecutes, something that they are reluctant to actually do, all that comes is the repeated threat
 - 5.9. P pointed out that the boards own website includes words to the effect of the parent having the legal duty to begin their child at school. This is incorrect and must be taken down or amended to reflect the true law.
 - 5.10. P & B confirmed that Teachers and many other board personnel believe that school is compulsory and that EHE is not an option, P suggested that this indicates a need for the board to provide an education to its own staff that EHE is legal and can be effective meeting all of a childs needs
 - 5.11. P confirmed that the boards general lack of knowledge, experience, training or research into HE is a problem and causes issues with the boards. P continued that following a childs interests, needs and aptitudes changes the way HE may be delivered, sometimes

formal, sometimes less so. P confirmed that interests lead off in other direction than formal 9-3, example given of child interested in astronomy for whom studying a book 9-3 would be pointless whereas looking through a telescope at 23:00 would be educational. Sea-life and zoology similarly changes away from 9-3 book learning. P suggested that school is formal and prescriptive as a school cannot follow the interests individual needs of 30 children simultaneously, whereas EHE can, contact ratio is 1:2 or 1:3 and not 1:30, or 15:1 with a classroom assistant. P pointed out the scarcity of EHE families with 15 children and 1 home educating parent.

- 5.12. P suggested that child directed learning can be so alien to board staff as to blow their mind, leading to misunderstanding of the educational plan based on the child's naturally inquisitive mind. P gave many examples.
- 5.13. B asked if boards in England had more experienced personnel. P confirmed some do and provided Lancashire policy as a good start
- 5.14. P asked for clarity in national curriculum also to remove subjectivity exhibited by board personnel when EHE is trying to follow curriculum. Specific is needed or EHE parents cannot comply even if they want to.
- 5.15. P confirmed that board had informed them that National curriculum must be followed, other P's clarified that this is not the case, even for schools, e.g. the Steiner school in Holywood, or Montessori schools.
- 5.16. P suggested that if a board rep (EWO) does not approve of the principle of EHE it is impossible to satisfy them with any evidence as they have option to subjectively interpret policy to ensure that what you are doing is not good enough.
- 5.17. P suggested that the bet placed persons to see that a child is receiving an education and progressing is the parent, no matter whether child in or out of school there is no difference
- 5.18. P stated that the principle must be "trust parents". The default cannot be "don't trust parents". The policy must state "trust parents".
- 5.19. B pointed to article 44. Does this not give the board the power to have regard to whether the education provided by an EHE parents?
- 5.20. P pointed B to line 1 of article 44 "In the action of all powers and duties conferred or imposed on them..." and that none have been imposed or conferred in relation to EHE.
- 5.21. P further stated that the article includes the line "pupils shall be educated in accordance with the wishes of the parent". We want to HE.
- 5.22. B further suggested that the section in the middle gave the power to monitor EHE, P rebutted with the comment that the whole article must be read as one and that cherry picking was not appropriate and that as there are no powers or duties conferred in relation to EHE and so the B point is moot.
- 5.23. P pointed out that the article also calls for the avoidance of unreasonable public expenditure. P requested costing for policy, B confirmed not known. P suggested that this will cost a large amount for something that there is neither right nor obligation to do and that this money is taken from schools who're desperate for the money. P pointed out that the ELB budget is finite and that each £ can only be spent once and so as tax payers we want tax to be spent as effectively as possible and that implementation of this policy is not the best way to spend it. P understands that the board wants budget to increase but will remain finite. Therefore this policy must be subjected to comparative CBA with other

things the money could be spent on. E.g. improving school inspections to Ofsted standards. E.g. more SEN assistants. E.g. not requiring parents of school children in SEELB schools to rent iPads from the school. It is not one thing in isolation, costing must be against alternative uses for £'s

6.

- 6.1. P stated that there is no legal basis for any of this section
- 6.2. With regards to the effectiveness of programmes it was pointed out by P that in schools for younger age groups learn through play is the norm, less than 20 minutes per day is "formal". P expressed concern that named officer will not respect this with regards to EHE children who can learn from play at home. P suggested that provision of a programme is therefore impossible. P would propose to marry home approach with school approach.
- 6.3. P asked what problem the policy is seeking to address?
- 6.4. P asked what research was undertaken and by whom prior to drafting the policy?
- 6.5. P asked why member of board making decisions on appropriateness where parent is best placed.
- 6.6. P suggested that this policy is highly negative and that experience is that named officers vary in their approach. One will accept another reject the same plan.
- 6.7. P pointed out training need that EWOs only experienced in one style of education and require appropriate training in order to engage effectively with EHE. The background of formal schooling means that anything else is not acceptable.
- 6.8. P this policy reads as though the board is wanting to ban home education by making it impossible to comply. If the board wants to be involved in EHE, do it right. Giving access and pointers to resources even would alleviate this.
- 6.9. P further provided anecdotal evidence of the need to un-school to undo the harm that school has done to children. Policy actively prevents this, P pointed out the need to un-school prior to beginning home education to nurture and encourage the child.
- 6.10. P re-iterates the things that the board can do to help, e.g. provision of board facilities for groups, facilities that are otherwise unused at that time, ELB can help without cost.
- 6.11. P stated that the board staff always appear negative to EHE, P suggested that letting staff know of people like Lord Kelvin, Graham bell, James Clerk Maxwell, or HM Queen and similar who were successfully educated other than in formal school.
- 6.12. P stated that HE is not new, it has been around a long time and pre-dates schooling as we know it today and has been accepted as a way of creating creative, entrepreneurial individuals.
- 6.13. P suggested that John Holt should be compulsory reading for all board staff that are engaged with EHE families
- 6.14. P asked what stakeholders were engaged prior to drawing up policy, B confirmed not. This is described by P as a shocking disrespect for the rights of parents and children.
- 6.15. P asked about publicity for policy. Not all known EHE families have been contacted. 1 letter to HEDNI, none to education otherwise. B asked people to do their best on website as latest news.
- 6.16. P confirmed that this policy affects all parents as any parent has the right to EHE.
- 6.17. P re-iterated that there is a rights of parents .

- 6.18. P re-iterated the previous reference to “in accordance with the wishes of their parents” and that the boards must change so that they see EHE as equivalent to and as effective as traditional schooling, this is not evidenced today
- 6.19.
7. Admin only
- 8.
- 8.1. P pointed out no legal basis
- 8.2. P pointed out that this ignores child lead part of EHE
- 8.3. P pointed out that unschooling is ignored and not possible
- 8.4. P pointed out that this is not an SEELB decision to make, it is for the parents
- 8.5. P pointed out that the tone is poor and suggests that all rights are with the boards, this is particularly worrying in the light of some of the stories concerning bullying of parents by board officials.
- 8.6. P pointed out that in the light of the one board that is for the future the staff that have employed intimidation and bullying of EHE parents risk spilling into SEELB areas from others
- 8.7. P pointed out that if the named officer is in any way negative to you or your style of education it will be the same person one meets with year on year and this is a problem
- 9.
- 9.1. P questioned the meaning of “learning environment” as the flow chart indicates “home visit”. P pointed out that these are not the same
- 9.2. P suggested that to properly assess the full learning environment then the entire globe, every cm², must be assessed.
- 9.3. P said that the true learning environment is not just the home.
- 9.4. P stated that there are other transitions as often one parent has quit work to EHE, in this transition of income the environment could be assessed incorrectly if staff not trained, board staff looking for fancy materials as in schools. P pointed out that educational materials need not be the same as in school, e.g. the Open University who gets students to do complex experiments with everyday items. Many anecdotes from P
- 9.5. P noted that there is no duty or right in law for the board to have access to homes
- 9.6. P referred back to non-available EHE1, as this is not available it is impossible to know what is being looked for.
- 9.7. Once again the subjectivity is a problem to P.
- 9.8. P provided further anecdotes.
- 9.9. P further stated again for record that the boards duty is limited to intervention when there is reason to suspect etc.
- 10.
- 10.1. P said “no”, this assumes guilt and is not in accordance with the legislation

SEN

- 1.
- 1.1. P stated ELB assessment not needed, professionals are already involved with children with SEN, this is normal and so ELB psych assess not needed
- 1.2. P suggested that full time involvement of parents with children with SEN gives the parents the best view on progress, not a one off visit from the board
- 1.3. B suggested that the text reads that the board is just available.

- 1.3.1.P disagreed
- 1.4. P suggested that there is potential for discrimination here along with potential for disturbing child by forcing an assessment that is not wanted.
 - 1.5. P reminded B that a SEN on a child confers obligations on the board if and only if the child is in school. B asked if P was saying that statement on board not child, P clarified that statement imposed obligation only on board and that only for schooled children as an EHE child would not need or obtain a SEN, the parent would just get on with education. Assessments can be made available, but not compulsorily.
 - 1.6. P provided anecdotal evidence of parent doing better than school at dealing with SEN. Also in dealing with late starters for reading or maths or...
 - 1.7. P suggest strongly that parents are good at responding to needs, giving examples
 - 1.8. P suggested that this part of policy labels all children with SEN as disadvantaged. This is discriminatory as children have an SEN due to exceptional ability as well as disadvantage
 - 1.8.1.P said that in this case the policy is inappropriate
 - 1.9. P pointed to the 7 intelligences that add to a rounded individual, a person being ahead or behind on one is not an impact on the outcome on the primary point of education- to create well rounded individuals who can take their place in society, not just about number of GCSE's
 - 1.10. P provided anecdotes of where progress is not about academic, it's about learning how to deal with their abilities in an appropriate setting and that schools can't provide this, for statemented child
 - 1.11. P gave description of how boards have failed children with SEN in the past, this indicates a need for the ELBs to get their own houses in order before looking outside
 - 1.12. P suggested that policy statement that DE permission needed for anything other than school is not based on law, P further suggested that this prevents parents meeting legal obligation to provide education for child in the event that school is not working and so the child needs to be removed.

Minimum standards

1.
 - 1.1. P stated that this an assumption of the board that they have the right to inspect home premises etc.
 - 1.2. P suggested that the 4 bullets are correct. The statement that the Board/ ESA decision will be made is unacceptable and inappropriate. The final non bulleted item must go as not being the role of the board
 - 1.3. P if the board assumes this role for EHE, it must also assume this for every pre-school child, every location that a child undertakes homework, etc. taking on this role is ludicrous. Short of this extension to all kids would be to discriminate against parts of the community who home educate. To take on the role would be prohibitively expensive.

Support for home educators

1.
 - 1.1. P said it would be nice to have some.
 - 1.2. P said that the referred to list of resources that are available is not made available.

- 1.3. P confirmed that no money comes to EHE families but that the support listed would be welcomed and is not there, board invited to comply with this
- 1.4. P confirmed happy to pay for resources, board needs to assist and point EHE parents to them, good examples being lab space or EHE meeting space for EHE co-operatives, or confirmation that EHE groups are OK to get discounted access to council facilities that is available to only to formally constituted groups, the ELB can facilitate this
- 1.5. P asked Give signposts to EHE help resources
- 1.6. P suggested that improvement here would encourage engagement with the board, and that there is plenty of opportunity for low or no cost improvement
- 1.7. P restated lord → peasant view of bulk of policy and how it feels to EHE families. If it was peer interaction and there were resources. P reminded B that peasants revolt occurred because lords were not listening to peasants. P asked for a peer interaction with friendly approachable conversations.
- 1.8. P stated that EHE families have been asking to be involved in the policy drafting to help this peer interaction, there is no excuse based on not knowing who to engage with, families had been asked for years ahead of formal release of the draft for consultation.
- 1.9. B confirmed that his report will contain statement that EHE families are open to and asking for involvement as stakeholders in the drafting of policy.

Monitoring

1.
 - 1.1.
2.
 - 2.1. P questioned whether it was necessary to have data on database
 - 2.2. B confirmed that it is all data from schools to be on data
 - 2.3. P confirmed no obligation to keep data
 - 2.4. P suggested that “necessary” principle of data collection act is potentially breached as the board has no obligation to keep data on EHE families. P stated that this would be difficult to justify in England under interpretations of DPA there. B stated data is general in nature, P confirmed that so long as there is personal data, the “necessary” condition applies
 - 2.5. P stated that frequency of loss of data by government agency resulted in a desire for ELB not to have it to lose.
3.
 - 3.1. P no legal basis for annual inspection
 - 3.2. P referred to Lancashire approach of “please” rather than “thou shalt”.
 - 3.3. P asked whether the referral to taking child's opinion into account also meant that every child in school would similarly be asked if they would prefer to be home educated? P suggested that this would vastly increase the EHE register.
 - 3.4. P emphasised that if EHE children are to be asked then it would be inappropriate not to ask all children.
 - 3.5. P asked whether refusal to engage with monitoring would be taken as prima facie evidence that an appropriate education is not being provided. B clarified as to whether this was concerning the request for annual visit. P clarified positively that this referred to an EHE family who replied to such request with response that they were under no legal obligation to either meet or provide details of programme. [B gave no answer]

- 3.6. P suggested policy wording improvement to add clause that failure to engage will not be taken as evidence of non-provision of effective education. P suggested this provided clarity to EWOs etc. P clarified that not engaging means one thing only, that the family wishes not to engage with the ELB and means nothing more than this. P stated that this addition removes ambiguity from the policy.
- 3.7. P suggested that this is necessary in the light of the tone of the remainder of the policy doc and the attitude of EWOs to EHE in NI.
- 3.8. P further suggested that policy needs to additionally state that failure to engage is not a welfare issue and must not be taken as such, not engaging is not an indication of child being at risk.
- 3.9. P further gave examples where children have had such a negative experience of school that they are strongly averse to talking to anyone to do with school. In such circumstances the parent must stand up for the rights of and protecting their child in the face of the ELB who is not.
- 3.10. P gave examples where EWO are turning up at houses demanding to come in and stated that to do this the police need a warrant, which is given in the light of evidence. A policy demanding access to the home over and above the rights the police have is plainly wrong.

AOB

1. P requested clarity on what happens when a child who has never been to school is not registered with ELB, what is the process if policy "expectations" are not met?
2. P stated Policy needs to become positive, the approach is negative and policy is putting P off engagement, families who have had "not bad" relationships with EWO in the past will have no relationship with EWO because of this policy and will continue so until policy is shredded.
3. P ensured Words from Jeffrey Donaldson added to record "...needlessly impose unnecessary and inappropriate levels of regulation on elective home educators"
4. P noted that EHE2 also referred to and that this needs to be available. If EHE1 and 2 are not available P stated that consultation must be stopped and a new period of consultation started once they are available. P further stated that stakeholder engagement ahead of this consultation would be appropriate
5. P stated that any new period should meet the governments guidelines of 12 weeks (excluding periods of holiday or election) for consultation on policy which may be contentious. P made B aware that the current 9 week consultation over the Easter vacation and election period was not appropriate. P also suggested that exam season would be a good period not to consult in as children are focussed on these.
6. P stated that communication of timings and detail of focus groups needs to be set early as arrangements need to be made by attendees, the notice given was not appropriate. B stated that this was due to availability of facilities. P offered assistance if space is a problem.