



# **BELFAST EDUCATION AND LIBRARY BOARD**

## **HOME EDUCATION POLICY**

## **Aim**

The aim of the policy is to provide information about the arrangements operated by the Belfast Education and Library Board (BELB) for the home education of pupils at parental request and to ensure that all pupils receive an efficient full time education appropriate to their needs.

## **Objective**

The objective is to ensure that appropriate procedures are in place to meet the needs of pupils who are home educated.

**This policy was approved by the board's education committee (schools) on 9 June 2005.**

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# 1 Background Considerations

- 1.1 In making a policy for the Home Education of pupils the board recognises the right of parents to make provision for the education of their child in accordance with the provisions of Article 45 of the Education (Northern Ireland) Order 1986 (**Appendix 2**)
- 1.2 The board considers that the full time education of a child is determined by the length of time a pupil of similar age, ability and aptitude would receive education as a registered pupil of a local school. Guidance from DFES suggests the following periods are appropriate:-

<i>21 hours for 5—7 year olds</i>
<i>23.5 hours for 8—11 year olds</i>
<i>24 hours for 12—16 year olds</i>

- 1.3 The board also recognises that the rights of the child are paramount as determined in the United Nations Convention on the Rights of the Child (**Appendix 1**) and the Children (Northern Ireland) Order 1995.
- 1.4 This policy relates to pupils of compulsory school age. This is defined in the Education and Libraries (Northern Ireland) Order 1986 (1986 No 594-(NI3) Article 46 (i) as follows:-
- “Subject to the following provisions of this Article, in this Order the expression “Compulsory School Age” means any age between five years and sixteen years and accordingly a person shall be of compulsory school age if he has attained the age of five years and has not attained the age of sixteen years”*
- 1.5 The date of 2 July in the year the child becomes of compulsory school age will be used as a determinant in accordance with the peer group.

## 2 Requesting Home Education

- 2.1 Parents who are considering home education may wish to discuss the matter with the school educational welfare officer who can provide information on the board procedures.
- 2.2 The board has a statutory duty under Schedule 13 of the Education and Libraries (Northern Ireland) Order 1986 to ensure that pupils in its 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 with this regard.
- 2.3 For this reason, parents considering home education for their child should liaise with the board’s home education officer to enable the board to satisfy itself of the appropriateness or otherwise of the proposed programme and that efficient full time education will be provided.

- 2.4 The board will consider the circumstances of a parental proposal for home education. Where a decision to home educate a child appears to be made as a result of a school issue, the board may provide guidance to the parent as to how to address the issue with the school concerned.
- 2.5 Where a change of school placement may address the issue, information can be made available to parents as to how they may go about this.
- 2.6 For pupils with a statement of special educational needs, the mechanism for bringing about a change in the provision detailed in the statement is the annual review. Parents and schools **must** liaise with their statement officer at an early stage of either considering or a school receiving a home education request for a pupil with a statement.
- 2.7** In accordance with the Statutory Rules for Northern Ireland 1974, Number 78 and Department of Education Circular 1994/15 a *pupil's name can only be removed from the register in limited circumstances, as follows:- 'Transfer to another school in Northern Ireland, Departure from Northern Ireland, Expulsion, Death and where a pupil leaves school after having completed his/her compulsory education'*.
- 2.8 In accordance with this ruling, pupils who are home educated should be marked on the school's register as educated off site. Their names cannot be removed from the register.
- 2.9 Parents should give consideration to the meaningful and purposeful steps they will take to ensure the child's right to appropriate full time education.
- 2.10 The board **will** seek the opinion of the child, appropriate to his or her age, ability, aptitude and to any special educational needs he or she may have.
- 2.11 To enable the board to reach a decision that the proposed home education programme for the child is of a full time nature and appropriate to the age ability and aptitude of the child, and to any special educational needs he or she may have, parents should complete Form HSP1 (**Appendix 3**) and return this to the board for consideration.
- 2.12 In cases where a parent does not demonstrate that child is receiving efficient full time education appropriate to his or her age, ability and aptitude, and to any special educational needs he or she may have, the board will make an order for a child to attend school in accordance with the Education and Libraries (Northern Ireland) Order 1986, Schedule 13 (**Appendix 2**).
- 2.13 It is anticipated that the majority of disputes can be resolved satisfactorily. However, the board will exercise its statutory powers to ensure a child is receiving efficient full time education appropriate to his or her age, ability and aptitude and to any special educational needs he or she may have, in accordance with the Education and Libraries (Northern Ireland) Order 1986, Schedule 13 (**Appendix 2**).

### **3 Board Consideration**

- 3.1 The board will only consider a home education programme from the parent or those with parental responsibility for the child as defined in the Children (Northern Ireland) Order 1995.
- 3.2 The board will acknowledge receipt of the proposed programme and give consideration to the programme within a time period of 20 working days.
- 3.3 The board will reach a decision as to the appropriateness or otherwise of the programme in a fair and equitable manner having due regard to the best interests of the child and relevant legislation.
- 3.4 As part of the consideration process, the board's home education officer may contact the parent and school at which the child is registered by telephone or post for clarification or further discussion.
- 3.5 On occasions it may be necessary for the board's home education officer to visit a home in order that full consideration can be given to the proposed programme. A mutually suitable appointment will be arranged in these circumstances.
- 3.6 Parents who do not wish a home visit to take place will be required to provide information as detailed in an alternative way, such as written reports, samples of programmes etc. In cases where information is not provided the board will make an order as detailed in 2.12.
- 3.7 At the end of the 20 day period, the board's decision will be communicated to the parent in writing. Where a decision cannot be reached within the 20 day time period, the parent will be informed of this and a new timescale provided.

### **4 The Board's Decision**

#### ***4.1 Home Education Programme Considered Appropriate***

- 4.1.1 When a decision has been made by the board that it considers a request for home education of a child to be appropriate, the board will communicate the decision to the parents, principal of the registered school and the educational welfare service.

## **4.2 *Home Education Programme Not Considered Appropriate***

- 4.2.1 Where the board does not consider the programme appropriate, the reasons for the decision will be provided by letter to the parents making the request. A copy of this letter will be sent to the principal of the child's registered school and the educational welfare service.
- 4.2.2 Parents will have an opportunity to provide supplementary information pertaining to their request within 10 working days of the date of the letter.
- 4.2.3 The board will then give a further consideration period of 10 working days.
- 4.2.4 Where a decision cannot be made by the board within 10 working days, parents will be informed in writing and a new timescale provided.
- 4.2.5 After considering the supplementary information the board considers the home education programme is appropriate for the child, the provisions of section 4.1.1 will apply. However, where the board considers that the home education programme is not in the best interests of the child the board will take measures to ensure that the child receives an efficient full time education.

## **5 Support for Home Educating Parents**

- 5.1 The board recognises the considerable commitment and sacrifice made by home educating parents and wishes to provide reasonable and appropriate support.
- 5.2 The board will make available information on the legal and other considerations that parents should take account of when considering home education. The board will publish a guide on its website and alternative formats as requested.
- 5.3 The board has no statutory responsibility to make a financial contribution, provide tutors in the home or set or mark a child's work for parents who chose to make educational provision for their child through home education.
- 5.4 Alternative arrangements are in place for pupils with a statement of special educational needs and the relevant statement officer will consider each case on its merits before making a recommendation to the board.

- 5.5 The board can make available advice and guidance with regard to a number of areas, including;
- (a) considerations in making a request for home education;
  - (b) the Northern Ireland Curriculum;
  - (c) social interaction;
  - (d) support organisations for home education;
  - (e) registering with a local school as an examination centre for public examinations, eg GCSEs
  - (f) maintaining a relationship with a local school for appropriate resources;
  - (g) educational publishers and suppliers of educational materials;
  - (h) information and communications technology;
  - (i) home study environmental matters.

## **6 Board Monitoring of Home Education Programmes**

- 6.1 Once a home education programme has been considered appropriate by the board, parents will be provided with the name of a home education officer and an educational welfare officer with whom they should liaise.
- 6.2 In accordance with the Data Protection Act (1998) and the Freedom of Information Act (2000) the board will maintain a confidential electronic database of pupils receiving home education. The parents of an individual child can receive hard copies of any information maintained on their child. The information may be shared with relevant board officers on a need to know basis, eg educational welfare officers or special educational needs officers.
- 6.3 The board will monitor home education programmes on a minimum of an annual basis to ensure the child is receiving efficient full time education suitable to his age, ability and aptitude and to any special educational needs he may have. The board's home education officer will contact the parent to arrange a mutually suitable appointment in advance of a monitoring visit taking place.
- 6.4 The educational welfare officer will visit the home on a more regular basis to ensure that appropriate arrangements are in place.
- 6.5 On occasions the home education officer may involve a specialist to assist in the monitoring arrangements.
- 6.6 The home education officer will consider in detail the programme being delivered, the progress of the child commensurate with children of his or her age, ability and aptitude in local schools and to any special educational needs he may have. The child's opinion will also be taken into consideration.

- 6.7 Should the educational welfare officer, home education officer or other board officer have cause for concern in relation to the well-being of the child, the board's child protection policy and procedures will be enacted. Other referrals as relevant may be made.
- 6.8 On occasions it may be necessary for a board educational psychology assessment to be arranged in order to ensure that reasonable and adequate progress is being made, or determine the nature and extent of any special educational needs the child may have.
- 6.9 Should the board consider that a home education programme should cease and the child should return to school, the decision will be communicated to the parents in writing and the provisions of the Education and Libraries (Northern Ireland) Order 1986, Schedule 13 will apply.

## **APPENDIX 1**

### **UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD**

**The following extracts relate to Home Education of Pupils**

#### **Article 3**

- 1 In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.
- 2 States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take appropriate legislative and administrative measures.
- 3 States Parties shall ensure that the institutions, services and facilities responsible for the care and protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff as well as competent supervision.

#### **Article 12**

- 1 States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 2 For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative of an appropriate body, in a manner consistent with the procedural rules of national law.

#### **Article 28**

- 1 States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular:
  - (a) Make primary education compulsory and available free to all;
  - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance on the case of need;
  - (c) Make higher education and vocational information and guidance available and accessible to all children;
  - (d) Take measures to encourage regular attendance at schools and the reduction of drop out rates.
- 2 States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
- 3 States Parties shall promote and encourage international cooperation on matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

## **Article 29**

- 1 States Parties agree that the education of the child shall be directed to:
  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principals enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, Language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, In the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) The development of respect for the natural environment.
  
- 2 No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

***Passed unanimously by the United Nations General Assembly on 20 November 1990 and entered into force on 2 September 1991***

## **APPENDIX 2**

### **The Education and Libraries (NI) Order 1986**

#### ***Duties of parents to secure full-time education for their children.***

- 45 (1) The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, either by regular attendance at a school or otherwise.
- (2) The provisions of Schedule 13 shall apply to the enforcement of the provisions of paragraph (1) and a parent who contravenes the provisions of that Schedule shall be guilty of an offence and liable to the penalties provided by paragraph 4 of that Schedule.

#### **Schedule 13**

#### ***Enforcement of Duty Imposed By Article 45 as To Education of Children of Compulsory School Age***

##### **PART I**

##### **School Attendance Orders**

- 1 (1) Where 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 Board shall serve on the parent a notice requiring him, within such period not less than fourteen days from the service of the notice as is specified in the notice, to satisfy the Board that the child is, by regular attendance at school or otherwise, receiving efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.
- (2) Where a parent on whom a notice is served under sub-paragraph (1) fails within the period specified in the notice to satisfy the Board that the child to whom the notice relates is receiving efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, the Board shall, if it is of the opinion that it is expedient that the child should attend school, service in the prescribed manner on the parent an order in the prescribed form (in this Schedule referred to as a 'school attendance order') requiring home to cause the child to become a registered pupil at the school named in the order.
- (3) Before servicing an order on a parent under sub-paragraph (2) the Board shall, where practicable, give him an opportunity to select the school to be named in the order and, if the parent then selects a school, that school shall be named unless the Department otherwise directs, be the school named in the order.
- (4) Where the Board is of the opinion that -
- (a) the school selected by a parent as the school to be named in a school attendance order is unsuitable to the age, ability, aptitude or the special educational needs of the child with respect to whom the order is to be made; or
  - (b) the attendance of the child at the school selected by the parent would prejudice the provision of efficient use of resources; the Board may, after giving the parent notice of its intention to do so apply to the Department for a direction determining the school to be named in the order.
- (5) Where the Board maintains a statement of special educational; needs for the child under article 31 the Board or, in the case of a voluntary school, the managers shall admit the child to the school named in the order in pursuance of a direction of the Department under sub-paragraph (4).

- (6) Where the school named in a school attendance order serviced under sub-paragraph (2) provides education for pupils to the upper limit of compulsory school age or beyond, the order shall, subject to paragraph 2 continue in force so long as the pupil is of compulsory school age and where the school does not provide education up to or beyond that age the order shall expire when the pupil has reached the age at which he would normally leave that school.
- 2 (1) Where, at any time whilst a school attendance order is in force with respect to a child, the parent of the child makes an application to the Board by whom the order was made requesting that another school be substituted for that named in the order or requesting that the order be revoked on the grounds that arrangements have been made for the child to receive otherwise than at school efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, the board shall amend or revoke the order in compliance with the request unless it is of the opinion that –
- (a) the proposed school is unsuitable age, ability and aptitude and to any special educational needs of the child; or
  - (b) the attendance of the child at the school would prejudice the provision of efficient education or the efficient use of resources; or
  - (c) where the Board maintains a statement of special educational needs for the child under Article 31, the proposed change of school is against the interests of the child; or
  - (d) no satisfactory arrangements have been made for the education of the child otherwise than at school.
- (2) A parent who is aggrieved by a refusal of a Board to comply with a request made under sub paragraph (1) may refer the matter to the Department and the Department shall give such direction thereon as it thinks fit.
- (3) Where in the case of a child for whom the Board maintains a statement of special educational needs under Article 31 the Department gives a direction under sub-paragraph (2) directing the Board to substitute another school for that named in the order the Board or, in the case of a voluntary school, the managers shall admit the child to the school so substituted.

## APPENDIX 3



### HSP1 HOME EDUCATION PROGRAMME FORM

Full name of child		Date of birth	
Home address		Names of those with parental responsibility	
		<input type="checkbox"/> Please tick to indicate if the home address is the same as the child	
Postcode		Home telephone number	
Mobile telephone number		Email address	
Last school attended (if applicable)		Date of last school attendance	
Date from which you wish to commence Home Education		Current school year	
Is the child a Looked After Child	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please state the name and contact address of the social worker	
Please detail any special educational needs the child has			
Is the child subject to a statement of special educational needs	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please provide the name of the LEA or Education and Library Board who made the statement of special educational needs	
		Date of statement	

1 Please state your reasons for proposing Home Education for the child.

2 Please provide the child's opinion of the proposal.

3 Do you intend to follow the Northern Ireland Curriculum?  Yes  No

*Please provide evidence using additional sheets as to how the NI Curriculum will be followed.*

3 If you do not intend to follow the Northern Ireland Curriculum, please provide detailed evidence of the programme you wish to follow using additional pages.

4 In the following space, please provide the weekly education programme for your child

Day of the Week	Session 1	Session 2	Session 2	Session 4	Session 5
	<i>Please provide times of each session below</i>				
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					

5 Total number of hours per week this programme will entail \_\_\_\_\_

6 Other information you wish to provide

7 Board Involvement

- i) Are you willing for a board officer to visit your home to monitor the programme being delivered?  Yes  No
- ii) Are you in agreement with the child being present during a visit?  Yes  No

Signed \_\_\_\_\_ Date \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

*Names of those with Parental Responsibility*

Signed \_\_\_\_\_ Date \_\_\_\_\_

Child/Young Person