

Northern Ireland
Elective Home Education Policy

Version
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DRAFT

Purpose

The aim of this guidance is to provide information about the arrangements to be made by the Northern Ireland Education and Library Board (the Board)/Education and Skills Authority (ESA) for ensuring that the parents of children and young people who are electively home educated provide an efficient full time education for their children appropriate to their age, ability, aptitude and any special educational needs they may have.

Note: Reference in this document to *parent* should be taken as all those with Parental Responsibility as defined by the Children (NI) Order 1995.

This document also considers the term “parent” as including those individuals who meet the definition of the term as stated in Article 2D of the Education and Libraries (Northern Ireland) Order 1986 and includes any person who is not a parent of the child but who has parental responsibility for him or her, or who has care of the child.

A flow chart illustrating an overview of the stages in the process can be seen in Appendix 1.

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1. Legislative Background

Although not legally binding, the Board/ESA recognises the United Nations Convention on the Rights of the Child. A number of these rights are summarised in Appendix 2, including an outline of the duties of parents and authorities in respect of children's education and welfare.

The Board/ESA considers that the welfare of the child is paramount as determined by the Children (Northern Ireland) Order 1995 Part II.

In relation to the Elective Home Education (EHE) of children and young people, the Board/ESA recognises the right of parents to make provision for the education of their child in accordance with the provisions of Article 44 of the Education (Northern Ireland) Order 1986 (Appendix 3).

This states that:

“In the exercise and performance of all powers and duties conferred or imposed on them by the Education Orders, the Department and boards shall have regard to the general principle that, so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils shall be educated in accordance with the wishes of their parents.”

However, parents are placed under a duty to ensure their child is educated in accordance with the provisions of Article 45 of the said Order:-

“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.”

This guidance relates to children and young people of compulsory school age. This is defined in the Education and Libraries (Northern Ireland) Order 1986 (1986 No 594-(N13) Article 46 (1) as follows:

Compulsory school age

46.—(1) Subject to the following provisions of this Article, in the Education Orders the expression “compulsory school age” means any age between four years and sixteen years and accordingly a person shall be of compulsory school age if he has attained the age of four years and has not attained the age of sixteen years.

(2) Where a person attains the age of four years—

(a) on any date occurring in the period beginning on (and including) 1st September in any year and ending on (and including) 1st July in the following year, he shall be deemed not to have attained the lower limit of compulsory school age until 1st August in that following year;

(b) on any date occurring in the period beginning on (and including) 2nd July in any year and ending on (and including) 31st August in the same year, he shall be deemed not to have attained the lower limit of compulsory school age until 1st August in the following year.

(3) Where a person attains the age of sixteen years—

(a) on any date occurring in the period beginning on (and including) 1st September in any year and ending on (and including) 1st July in the following year, he shall be deemed not to have attained the upper limit of compulsory school age until, or as the case may be, deemed to have attained that upper limit on 30th June in that following year or such other date as the Department may, by order subject to affirmative resolution, prescribe;

(b) on any date occurring in the period beginning on (and including) 2nd July in any year and ending on (and including) 31st August in the same year, he shall be deemed not to have attained the upper limit of compulsory school age until 30th June in the following year or such other date as the Department may, by order subject to affirmative resolution, prescribe.]

2. Safeguarding

a. The welfare of the child is paramount. Throughout all stages of the procedures outlined below, consideration will be given to any existing and/or potential safeguarding issues. The EWO for the school, if the child is on the register of a school, or, if deregistered, the designated officers for child protection in the CPSSS will be contacted **on the same day** that any concerns are noted. Whatever steps are deemed necessary to ensure that the safeguarding needs of the child are met at the earliest opportunity, will be taken, including onward referral to social services Gateway team. Further information may be found on the Safeguarding Board for Northern Ireland (SBNI) website at www.safeguardingni.org/resources. Relevant information will be recorded on the EMS database.

3. Procedures for Elective Home Education

(i) For children who are registered in a school, and where consideration is being given to EHE by those with parental responsibility, they will be advised to discuss the matter with the child or young person's school Principal.

(ii) In cases where a parent may be considering EHE, it is the Board/ESA's expectation that the school should advise the parent that the child or young person should continue to attend his or her registered school until such times as the programme is in place. (Where a child has never been registered in a school it is the Board/ESA's expectation that parents would notify the Board/ESA that they are home educating their children and follow the arrangements in this guidance)

(iii) The Principal will notify the school education welfare officer (EWO) of the parents intention, on form EHE including, where appropriate, the wishes and feelings of the child as per Part II, Article 3 Children (NI) Order.

(iv) Should the parents proceed, the EWO will log the details on the Education Management System (EMS) database and complete a multi-disciplinary check to determine other services known to the child. Form EHE1 will then be completed and forwarded to named officer for EHE who will assume responsibility for the case.

(v) 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.

(vi) The Board/ESA's named officer for EHE, has responsibility for maintaining the database, making decisions with regard to the appropriateness or otherwise of programmes and ensuring that families with children who are home educated are visited at least once a year. It is also the responsibility of the named officer(s) to liaise with the other Board/ESA services as appropriate.

(vii) When parents take the decision that their child or young person is to be removed from the school register for the purpose of EHE, the school will be advised to use Code 3 (temporary code) to record the period of absence between when the parent informs the school that they intend to educate at home until the issuing of the certificate of attendance (S.A.1). When S.A.1 has been issued the pupil may then be removed from the General Register. Ref: DE Circular 2013/13.

(viii) Following receipt of S.A.1 parents should forward a copy of their EHE Programme to the Board/ESA named officer for EHE to enable the Board/ESA to reach a decision that the proposed programme for the child is efficient and appropriate to the age, ability and aptitude of the child, and to any special educational needs he or she may have.

(ix) The Board/ESA named officer will assess the learning environment and the suitability of the programme to meet the educational needs of the child. The Board/ESA's decision as to the appropriateness or otherwise of the programme, having due regard to the best interests of the child and relevant legislation, will be communicated in writing by the named officer for EHE to those with parental responsibility.

(x) In cases where a parent fails to demonstrate that the 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/ESA may take legal action in accordance with the Education and Libraries (Northern Ireland) Order 1986, Schedule 13 or Article 55 of the Children (Northern Ireland) Order 1995.

4. Children with SEN

(i) Should any officer or parent have cause for concern in relation to any developmental issues, these will be discussed on an individual basis with the parent, for example, special educational needs. A parent can contact the Board/ESA Special Educational Needs Advice and Information Service. On occasion it may also be necessary for an Educational Psychology assessment to be arranged by the Board/ESA in order to ensure that reasonable and adequate progress is being made, or to determine the nature and extent of any special educational needs the child may have.

(ii) For children 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 the Board/ESA's Special Education section in this regard. Department of Education approval is required to name anything other than grant aided school provision in a child's Statement of Special Educational Needs. In accordance with the statutory rules for Northern Ireland 1974, Number 78 and Department of Education Circular 2010/07.

5. Minimum Standards

The following minimum standards should apply for children who are home educated:

- The child is educated in an environment which is safe;
- The child has access to a conducive learning environment, appropriate to their age, ability and aptitude and to any special educational needs they may have;
- The programme is suitable and meets the learning needs of the child;
- The child's physical, social, emotional health and wellbeing needs are being met.

Board/ESA decisions will be made as to the suitability or otherwise of Elective Home Education based on these standards.

6. Support for Home Educators

The Board/ESA has no statutory responsibility to make a financial contribution to parents who chose to make educational provision for their child through Elective Home Education. A list of useful resources is made available on the Board/ESA website.

7. Monitoring of Elective Home Education Programmes

(i) Once an EHE programme has been considered suitable by the Board/ESA, parents will be provided with the name of the officer with responsibility for managing EHE with whom they should liaise.

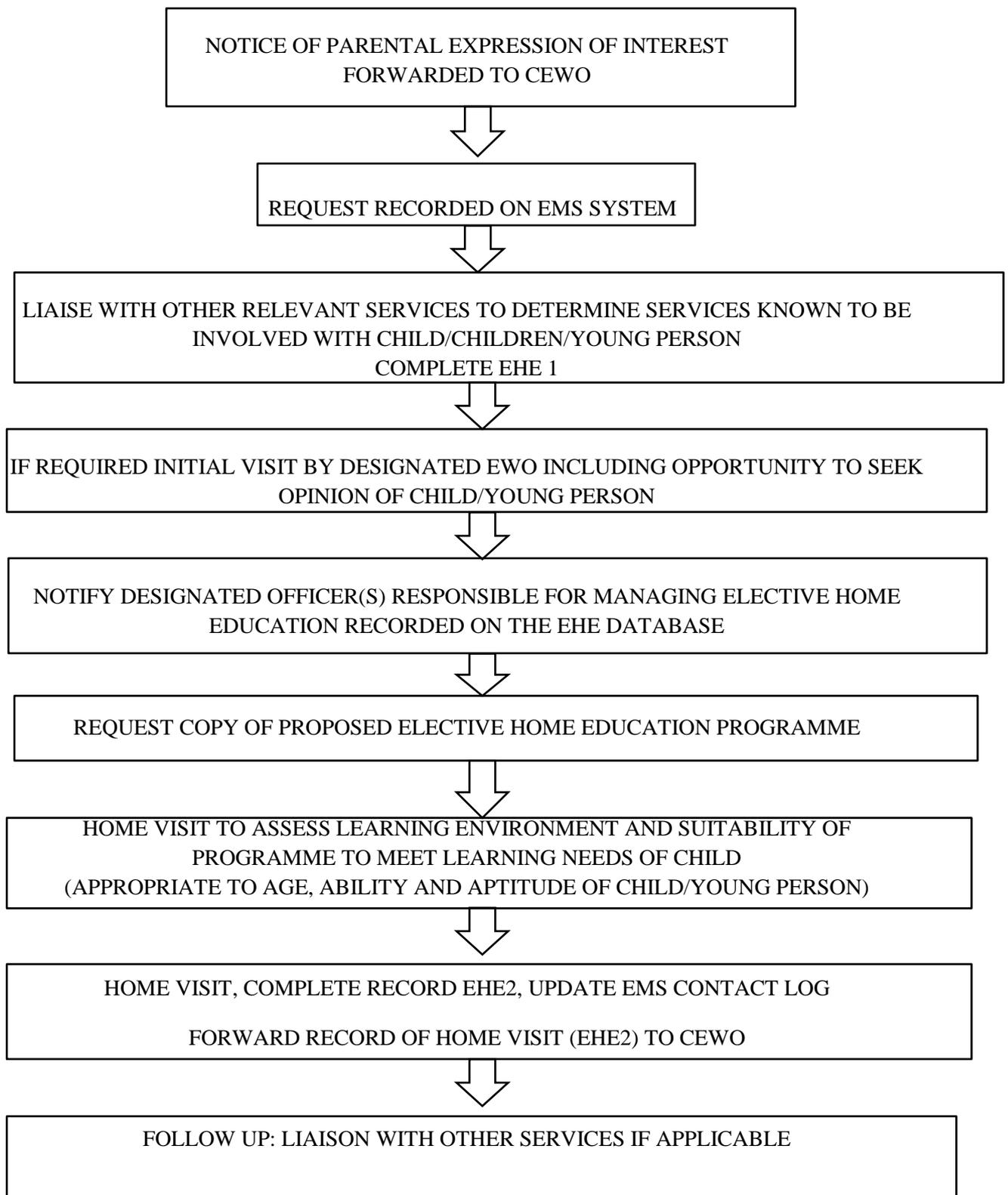
(ii) In accordance with the Data Protection Act (1998) and the Freedom of Information Act (2000) the Board/ESA will maintain a confidential electronic database of pupils receiving EHE.

(iii) The Board/ESA will monitor EHE programmes on at least an annual basis to ensure the child is receiving efficient full time education suitable to his or her age, ability and aptitude and to any special educational needs he or she may have. The child's opinion will also be taken into consideration.

Appendices

Appendix 1

FLOW CHART - ELECTIVE HOME EDUCATION



Appendix 2

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

The following extracts relate to home education of pupils.

Article 3

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.

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.

States Parties shall ensure that the institutions, services and facilities responsible for the care and protection of children 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

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 given due weight in accordance with the age and maturity of the child.

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

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:

Make primary education compulsory and available free to all;

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;

Make higher education and vocational information and guidance available and accessible to all children;

Take measures to encourage regular attendance at schools and the reduction of drop out rates.

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.

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

States Parties agree that the education of the child shall be directed to:

the development of the child's personality, talents and mental and physical abilities to their fullest potential;

the development of respect for human rights and fundamental freedoms, and for the principle enshrined in the Charter of the United Nations;

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;

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;

the development of respect for the natural environment.

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 3

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 1

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 14 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, serve in the prescribed manner on the parent an order in the prescribed form (in this Schedule referred to as a 'school attendance order' requiring him 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:

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 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.

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).

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 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 thereof 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 subparagraph (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.