

NEELB Focus Group III for Draft Policy on EHE – 28 May 2014 @ 14:00

The focus group was held at the NEELB offices in Antrim. There were two focus groups. Carol facilitated the group for parents and Daphne Wilson, who serves as the HE visitor for primary education, facilitated the group for children.

There were four families who participated in the adult focus group. Two were not registered and two were registered. One family volunteered that they were involved in SEN issues with their child.

There were two teens that participated in the children's focus group and they were from registered families.

At the start of the meeting permission was sought to make a recording. Carol said this was a violation of board policy as they felt it "suppressed free expression in meetings". Carol was informed that other boards had permitted audio recording of the focus groups. It was suggested that all the parties at the meeting would be asked for permission before recording and that all parties would be given a copy, however this was not accepted by Carol so no audio recording was made.

Carol was asked if her notes would be made available to all those in attendance at the focus group and she said they would not be made available. Only a summary of all focus groups would be released after the close of the consultation.

Carol was asked what the background of the draft policy was and how this draft came about. She replied that she had no knowledge of the policy origins nor the goals that were to be accomplished by it. She said that she did not have a background in education so was not able to weigh in on the merits of the various educational issues.

Carol did say that currently there is no "policy" for EHE but rather "practice and process" that has been in place for many years. (Editorial note: the distinction between "policy" and "practice and process" would apparently be "policy" has to have a public input component.)

Carol asked the group to walk through the draft policy and make comments. One parent asked to give feedback on the consultation process first. They said the consultation had a number of problems:

- 1) Poor publicity (Carol replied that they had reached out to HEdNI as their means to connect with the HE community that was not registered)
- 2) Failure to identify non-registered families as stakeholders and failure to identify any parent who might consider HE to be a stakeholder. Thus the scope of the consultation should have been much broader as both these groups would be impacted by the policy.
- 3) No research basis – this was confirmed by FOI requests and in variance UK and NI guidance for policymaking.

- 4) No impact analysis – again in variance with UK and NI guidance for policymaking.
- 5) No identification of a problem to be solved, at variance with NI and UK policymaking guidance.
- 6) No cost analysis – at variance with NI and UK policymaking guidance.
- 7) Failure to learn from others – The draft policy contained almost identical proposals as were found in the rejected Badman report in England and the recently rejected HE regulation proposals in Wales. Why was NI going down a path that had been rejected in other parts of the UK?
- 8) Failure to make the data and reasoning behind the policy easily accessible to those who may counter it – at variance to UK policy making guidance.
- 9) Timing of the consultation – consultation was held during an election and during exam time. This is at variance to UK guidance for policymaking.

Carol was offered a hard copy of the NI policymaking guidance document and she said that this document was rather general and old but did not indicate that there was more recent guidance. Carol was also offered a hard copy of the 3 page UK policymaking guidance but said that the board was aware of this document.

When the Badman report was referenced as an example of bad policy a hardcopy was shown as an illustration and Carol asked for a copy of that and it was given to her.

As the focus group began to walk through the policy one parent began by stating the policy was Ultra Vires, outside the powers of the board. That the board did not have power to enter homes, interview children, determine adequacy of HE education program. That while their family had a positive experience as a registered family they could see very serious encroachment on personal privacy and freedom to educate under this policy.

All the families participating in the focus group shared this concern.

All the families at the focus group objected to the issue of safeguarding. All stated that the safety of children in the home was the right and duty of parent and that the state has adequate provision in the police and social services to deal with those rare cases of parental abuse. It was noted by a parent that according to social services public data that only 8% of all referrals to social services come from the ELB's and that it was not possible to determine how many of these referrals were already known to social services. In Wales it was found that there were no referrals made to social services from education authorities that were not already known.

It was also stated the data from England on the rate social services referral in HE children showed that it was four times lower than the general population. That according to the data it appears that a choice to HE is good indicator of child safety. A copy of this data was offered to Carol and she said that the board had a copy of that data.

Additional comments about safeguarding referred to current board guidance about abuse. <http://www.nidirect.gov.uk/index/information-and->

[services/parents/schools-learning-and-development/your-childs-welfare-at-school/protecting-your-child-from-abuse-at-school-your-schools-role.htm](http://www.deni.gov.uk/services/parents/schools-learning-and-development/your-childs-welfare-at-school/protecting-your-child-from-abuse-at-school-your-schools-role.htm) that only the police and social services can take any investigative actions. The board is limited to a role of reporting, similar to health professionals, neighbors and relatives. It was also pointed out that previous legal analysis by the NI Department of Education found that the duty to safeguard under Children (NI) Order 1995 was limited to children ... while in the lawful control or charge of a member of staff of the school." <http://www.deni.gov.uk/dc2003-13circular-4.pdf> Therefore, it did not appear that the board should take a safeguarding role over children under the direct care of their parents. Carol was given a printed copy of these documents.

Reference was also made to the changes the board has made in safeguarding by the lowering of the requirement of "barred list checking" for volunteers and others with access to children in school. Carol was familiar with this policy and said that the universal background checks of all those with access to children was the result of an atrocity during the troubles. That in recent years there had been no evidence of significant risk posed by volunteers and others under supervision in schools so the requirement was "dialed back". A parent then made the point that if the board recognized that they had gone overboard in their safeguarding and had pulled back on a policy when there appeared to be little risk, why would the board form a new safeguarding policy for a setting with low risk to start with? http://www.deni.gov.uk/disclosure_and_barring_arrangements_-_guidance_for_schools_and_employing_authorities_-_volunteers_-_english_version.pdf

Carol was given a printed copy of this document.

One parent commented that no one could guarantee the total safety of children but that this approach was seeking to crack a nut with a sledgehammer.

The uniform concern expressed by all parents was the implication of suspicion of parents who HE.

All the parents, even those who were registered and had positive experiences with home visits, rejected the idea of mandatory home visits. The unanimous position was home visits should be purely voluntary. Parents expressed concern once mandatory home visits were in place this would lead to a slippery slope of intrusion in the home and education choices.

There was concern expressed over the implied requirement for all families to register. The draft policy states " the board expects " non-registered families to comply with the policy. Parents, who were not registered, pointed out that not being registered was legal and was confirmed as being so by the Minister of Education. What would the legal status be of parents who were not registered if they refused to comply with the policy?

All the parents raised objection to the idea of a HE course of study being "approved" and assessed by the board. One parent was concerned that there are so many ways to approach HE that a parent might choose to not press literacy

until 8 or even 9 years of age and could be judged to be inadequate when the outcome of later literacy is often a highly literate child that exceeds peers in public education. Another parent stated that the board did not appear to have a broad knowledge of HE theory and practice and that would be important if they were to have useful input for HE families. Concern was also expressed that evaluations would use national curriculum as the basis of comparison.

All the parents also rejected the idea of annual monitoring. Carol commented that when she read the policy her initial thought was “would that be enough?” Parents commented that HE families often provide feedback for each other and currently the board was offering nothing of substance to HE families. All families agreed that things the board could do to help HE families were:

- 1) Make classroom facilities accessible for lab science
- 2) Make meeting spaces available for low cost or no charge
- 3) Develop a HE focused resource on their website
- 4) Offer GCSE and A level provision and access

One family expressed the desire to see funds made available to HE families. It was stated that currently schools receive £2,700 per student a year, yet HE families cover all their own costs while paying the taxes to fund public education. Other families warned that accepting funding would hand control over to educational authorities and this was not worth the risk. One parent suggested that if the board were concerned about educational standards they should provide the GCSE and A levels freely to all HE families on a voluntary basis and that would be an incentive to parents to choose those as goals in their education program. One parent commented that the great expense of GCSE tests and prep materials meant that they were limiting the number of GCSEs they would pursue and the same applied to A levels also.

With regard to monitoring Carol asked if the problem was with the word “monitoring”? Parents replied that monitoring did not imply help or resources. It did not show an interest in working with parents for the child’s best interests but rather a top down regulatory response.

A parent then brought up the HE policy from Lancashire as an example of a good policy that allowed parents to receive help from their board if they desired but that respected the rights and privacy of families. Carol was offered a copy of this policy and she said that board was aware of the policy.

It was stated by a parent that in Wales the efforts to change law had been rejected but the local authorities determined to make a policy that was not supported in law because they had a great felt need for a policy. This was a bad outcome as an unworkable and extra-legal policy is being put forward. It was suggested that this need not be the outcome in NI. That it was possible for parents and ELBs to develop a policy that both protected the rights and privacy of HE families and satisfied the need for regulators to have a workable and cost effective policy. Carol commented that this was a very welcome attitude.

On the issue of the child’s view being sought – all the parents objected to this idea. One parent gave the example that if one asked a child if they wanted to go

to bed they would say no but they did not have the larger perspective needed to make that decision. Another parent said children in public education are not consulted about their desire to be in school and if they were that opinion would not be actionable. To establish this only for HE families is biased. Another parent pointed out that according to correspondence between the Human Rights Commission of Northern Ireland and the Minister of Education for Northern Ireland <http://www.nihrc.org/uploads/documents/advice-to-government/2012/ADVICE%20-%20Redress%20within%20the%20SEN%20system%20and%20IHRL.pdf> it had been noted that in the UK and NI children do not have a legal voice in education decisions thus to do so in this policy would require the creation of new law. Even if it was within the current law to include children's opinion in educational decisions there was an established framework in the UNCRC for this that has not been included in the draft policy. Carol was given a printed copy of this document.

There was an additional objection raised to the selective use of parts of the UNCRC to justify the draft policy. In the draft policy it is assumed that a child would welcome the intrusion of a stranger into their home who would then ask them probing and personal questions about their private life, personal interests and educational experience. There is not reason to assume this to be welcome by all children and in itself is a violation of article 16 of the UNCRC, which protects the privacy of the child. Carol was given a printed copy of the UNCRC.

Another issue was raised about the forms mentioned on page nine of the draft policy (EHE1 and EHE2). Carol said that these were administrative forms that would be developed later. A parent commented that in a previous version of this draft a year ago those forms were pressing forward an evaluative framework that as centered on a traditional school setting and curriculum. As these forms represented the evaluation criteria they were a vital part of the draft and their absence meant that the policy could not be fairly evaluated.

At the end of the focus group Carol thank everyone for participating and encouraged every one to submit a written response to the consultation. At this point one parent stated that they found the response documents structured more as a test in reading comprehension than an actual method of responding to the policy. Carol stated that there was no limit to the number of pages of a personal response could be and encouraged everyone to submit a full detailed response in writing.