

ELECTIVE HOME EDUCATION DRAFT POLICY

FOCUS GROUP NOTES 23 MAY 2014 – SEELB HQ

Introduction

A parent requested to make an audio recording of the discussion, to which Mr Donnelly agreed.

All parents were welcomed to the focus group. Mr Donnelly explained that he was there to facilitate consultation on behalf of the authors of the draft policy and to record any views and comments about the draft policy, which he would include in the response to this consultation.

Mr Donnelly agreed to send a copy of the notes of the meeting to the participants of the focus group.

One parent enquired as to who had produced the draft policy, to which Mr Donnelly advised that it had been produced by a 5 Board Senior Officers group, with 1 representative from the SEELB. When asked by the parent if the authors would be available to talk to the parents, Mr Donnelly advised that other parents had requested this and that he would pass the request on to the authors. The parent added that the failure to engage with stakeholders prior to writing the draft policy had been inappropriate.

A parent requested that the findings of the consultation should be forwarded to Politicians and not just to the authors of the policy.

Mr Donnelly delivered a detailed presentation on the contents of policy to which respondents gave their views and opinions at each stage.

Safeguarding

Parents commented that safeguarding is the responsibility of all. Parents made reference to a case in Birmingham where the judge stated that a child's welfare was everyone's responsibility. Parents however thought that safeguarding was more the responsibility of Social Services than Education and Library Boards.

Procedures for Elective Home Education (EHE)

- I.** *If the child is **registered** in a school, and the **parent is considering EHE they are advised to discuss with Principal***

Comments

A parent commented that it would be the normal course of action for parents to have a discussion with the Principal if they were considering Elective Home Education.

- II.** *It is the Board's **expectation** that the **school should advise the parent that the child should stay in school until the programme is in place**. If a child has never been registered with a school it is the **Board's expectation** that **parents would notify the Board** and follow this policy*

Comments

Parents commented that 'expectation' was too strong a word. They emphasised that a child should not be kept in school where their needs are not being met, where they are being bullied or where the child is unhappy. One parent commented that parents would be breaking the law with regard to their responsibilities if they kept the child in school any longer than the parent thought necessary. A parent commented that their child had been bullied by staff as well as pupils.

Parents commented that they found the policy laughable and dictatorial. Parents commented that they could not engage with the Board, as there is nothing positive in the policy for parents. They added that they would not advise anyone to contact the Board. However, with regard to the SEELB EHE Officers, they were held in better regard than what some parents had experienced in other Boards. They added that the policy offered nothing in terms of assistance; such as offering help to find an exam board or educational discounts for books, swimming lessons and so on.

With regard to those children who have never been registered in a school, the parents commented that there is no legal obligation for parents to notify the Board that they are home schooling the child.

III. *Principal will notify the school EWO of the parent's intention to EHE and if appropriate should include the wishes and feelings of the child as per Part II, Art 3 Children (NI) Order 1995*

Comments

Parents commented that it is irrelevant to quote the Children (NI) Order 1995 as this applies to the courts and not to the Boards. A parent referred to the quoting of legislation as 'bombastic'. They emphasised the need not to 'cherry pick' the law and, when it is quoted, to spell it out in plain English as it can be difficult to follow for parents who do not use English as their first language.

Parents thought that seeking the views of the child was irrelevant, considering the age of some children, and further added that parents would not trust the Board to seek the views and feelings of the child. One parent gave an example where a six year old child did not want to meet the Board EHE Officers, as they knew they would only be asking leading questions to get the answers they wanted.

A parent made a formal request to have the policy translated into his first language. Mr Donnelly agreed to look into this.

A parent asked what legal advice had been taken with regard to the draft policy, from whom it had been sought and when the advice had been given.

A parent suggested that the Boards should look at the website of the School House Charity in Scotland, as it outlines how they are challenging the Government's position on Elective Home Education, the rights of the parent and on monitoring arrangements.

IV. *EWO will complete a multi-disciplinary check to determine other services known to the child*

Comments

A parent suggested that the Boards should engage in better proof-reading and legal advice. They suggested rewording 'other services known to the child' to 'other services who know about the child'. A parent requested that the term 'multi-disciplinary check' should be spelt out and put in the context of education. They suggested that it is deliberately open, allowing for subjective interpretation.

A parent asked for details of forms EHE and EHE1. Mr Donnelly advised that, as far as he was aware, the forms had not been drafted. The parents commented that this made the consultation flawed as it was nonsense to ask them to comment on something that they could not have sight of.

- V. *Under Education and Libraries (NI) 1986 Schedule 13 Boards have a statutory duty 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*

Comments

A parent commented that the incorrect law had been quoted, as the Education and Libraries (NI) Order 1986 is out of date law. They added that references made to the Education and Libraries (NI) Order 1986 should be Education and Libraries (NI) Order 2005.

A parent commented that the role of the Board is only reactive. The duty on the Board is only 'where it appears' that the child is not receiving a full time education. They added that it is the legal duty of the parent to provide education for the child and not the Board; parents should be presumed as innocent until proven guilty. They commented that the policy was cherry-picking the law.

A parent commented that there is no definition in the policy as to what is defined as 'full time education'. Another parent commented that the SEELB website incorrectly states that parents have a legal duty to send their children to school. They added that this should be corrected to 'parents have a legal duty to educate at school or otherwise'.

A parent commented that there is a need for staff within education to be more aware of elective home education. They added that Board staff undertake no basic training or research into elective home education, which means that Officers are not comfortable with anything outside of their own perception of 'normal'. Mr Donnelly asked the parents if they thought that the LEA's in England are more experienced in elective home education. One parent replied that there are better policies, but that they are not without their flaws. One parent suggested that Lancashire County Council has a good policy which is better than most. They added that home education follows the individual interests of the child.

A parent commented that the Northern Ireland Curriculum is very vague and open to interpretation. They stated that it is wrong for the Board to give out the message that one must follow the national curriculum. They commented that it is impossible to comply with an ambiguous document, and they added that parents are best placed to provide an education that is appropriate to the age/ability/aptitude of the child.

The parents commented that in their opinion the Board does not trust parents, despite parents having the legal responsibility. They commented that the policy has no positives for them, and suggested that it should be written in a language that trusts

parents. They added that it feels as if the Board are trying to take over the duty that is given to parents.

When asked about the Education and Libraries (NI) Order 1986 Article 44 and the duty that it places on the Board, the parents commented that the statement is too vague and still does not affect their rights under the Education and Libraries (NI) Order 1986 Article 45. They further advised that reference should be made to a letter from Graham Stuart MP, Chairman of the All Party Parliamentary Group on Home Education to John O'Dowd MLA, Minister of Education Northern Ireland which outlines his concerns over the misrepresentation of the law regarding the role and responsibilities of the Boards.

VI. *SEELB named officer for EHE has responsibility for:*

- ***Maintaining the Education Management System database (EMS)***
- ***Making the decision as to appropriateness or otherwise of programme***
- ***parents are visited at least once per year***

Comments

A parent commented that there was nothing in law to say that the named officer for EHE has to maintain the Education Management System, make the decision as to the appropriateness of the EHE programme, or visit parents once per year.

They further questioned what the policy is trying to achieve and what research has been carried out regarding the policy. One parent stated that they felt bullied by the policy. Another parent added that if the Board is going to be a Government Body then we need to do it right. They further added that the Nazis barred home tuition and this was history repeating itself.

One parent expressed concern over the subjectivity of the Board Officer's opinion as to the suitability of the EHE programme, commenting that they would only know one style of teaching. They added that it would depend entirely on which Board Officer you were assigned.

A parent questioned which stakeholders had been contacted prior to this consultation and criticised the lack of effort that had been made to contact those EHE parents not registered with the Board. They stated that they did not accept that putting the consultation on Board websites was a sufficient method of consultation awareness, as parents would not be visiting Board websites. One parent added that some parents who are registered with the Board received no communication about the consultation. Mr Donnelly advised that there had been a consultation strategy and that HEdNI and others

had been written to. It was suggested by one parent that 'Education Otherwise' was a large organisation worth referring to as a point of contact.

One parent stated that they found the policy intimidating and suggested that Home Educating should be seen as equal to schooling. One parent spoke of the need to 'un-school' a child before you can really start home tuition in order to remove the school approach and make learning more fun.

They added that parents would welcome proactive support from the Boards with regard to such things as discount for resources, swimming classes, recommended resources; lots of which could be available from Board websites. They noted that this would be much better than the negative attitude currently experienced towards EHE. Another parent referred to famous people who had been home educated, and commented that some universities now allocate places specifically for young people who have been home educated.

- VII.** *School to use code 3 to record absence between when parent informs the school that they intend to educate at home until the issuing of certificate of attendance S.A.I. When SAI issued pupil removed from school register*

Comments

No comments –administration procedure

- VIII.** *When the **parent** receives SAI they should forward a copy their EHE programme to the SEELB named officer for a decision as to whether it is efficient and appropriate to the age, ability and aptitude of the child and to any SEN*

Comments

A parent commented that there is nothing in law that states that the parents are required to submit a copy of an EHE programme to the Board. Again they stated that this statement ignores the process of 'un-schooling'. They added that parents do not always follow an EHE programme for their child and to have one is just another strain put on them by this policy. They further stated that they do not take the decision lightly when deciding to remove their children from schools.

One parent commented that they have concerns over the establishment of ESA as they have heard stories of bullying by Board Officers in other Boards; which may affect them as parents if ESA means a move to a single body.

- IX. SEELB named officer will assess the learning environment together with the suitability of the programme and communicate in writing their decision as to the appropriateness or otherwise of the programme to the parent having due regard to the best interests of the child and the legislation***

Comments

A parent commented that the learning environment is everywhere and not just the home. They stated that there is no legislation which allows the Board access to the home of a parent or child. They questioned that if the Board wanted access into the homes of home educators, were they intending to demand access into the house of every child who is being educated at pre-school level or other children who do their homework at home.

The parents raised concerns over what Board Officers would expect to see in the home. One parent commented that home education often means that one parent has to give up employment and, as such, finances are limited which can affect the standards and resources in the home, particularly with regard to children with Special Educational Needs. They also added that home educators often use household items as resources such as vinegar and vaseline; which may not be visible or appear to Board Officers as resources when they visit the home. They requested that the Boards should spell out what they expect to see in the home, and questioned whether the Board had budgeted for the proposals in the policy. They commented that it would be very costly to carry out such proposals, and that the Boards would be better spending their money on failing schools.

One parent talked about the better adult to pupil ratios in home education, how pupils can follow their dreams more in home education than in school, and how home education follows the United Nations Convention on the rights of the child.

- X. If the parent fails to demonstrate that they meet Article 45, the SEELB may take legal action under Education and Libraries Order (NI) 1986, Schedule 13 or Article 55 Children (NI) Order 1995***

Comments

A parent again reiterated the comment that it is the parent's statutory right to ensure that the child receives an education and not the responsibility of the Board. The Board only has a legal duty when it appears to them that the parent is in breach of their duty. The parents again commented that the Education and Libraries (NI) Order 1986 is out of date legislation. The parents added that the policy is very offensive, adversarial and deems them as guilty until proven innocent.

Children with Special Educational Needs (SEN)

One parent commented that they found this section quite threatening. They stated that in their opinion it is about the Board forcing an assessment on the child. They added that it is up to the parent to decide if the child has SEN and not for the Board to decide to carry out an Educational Psychology assessment. One parent stated that the parent will respond to the needs of the child and do it better than outsiders. They noted that in their experience the length of the statementing process is too long, which results in the parent having to provide the appropriate/relevant measures long before a statement is issued. They commented that once again the statements in the policy are too vague; for example, it is unclear what happens if the child has an off day when an assessment is being carried out. One parent gave an example of how her child could not read at the age of six, yet could read most things by the age of seven. They added that the law allows their child to develop at different stages. Another parent commented on how she did not want her child labelled at the age of four or five as requiring SEN.

Minimum Standards

The parents had no issue with any of the minimum standards outlined in the policy, however, the statement 'the Board will make decisions as to the suitability or otherwise of EHE based on these standards' was deemed to be ludicrous. They added that the statement assumed that the Board will check on these standards for all children including pre-school children and children doing their homework; which would be impossible, illegal and not cost effective. They suggested that the statement is removed.

Support for Home Educators

Parents stated that they get little practical support from the Board and that the Board's website does not have a list of useful resources as stated in the policy. They added that they would welcome more support and believed that there is lots of potential for the Board to do more which would improve the engagement with parents. Suggestions included a list of useful resources, educational discounts, away days and access to school science laboratories – particularly during summer months. They added that they would be willing to pay for qualified staff to take lessons with the children. They suggested that the Board's website could be used to advertise events, which would promote peer interaction.

Monitoring Arrangements

A parent stated that there is no legal duty for the Board to have monitoring arrangements in place. They questioned why the Boards want to keep an electronic database of pupils when there is no legal obligation to do so. They also questioned the security of such information

and suggested that any database should have robust encryption built into it as Government is well known for information/data leakages.

With regard to the child's opinion being taken into consideration, the parents asked if every child attending school was going to be asked if they like school. They added that some children simply do not want to talk to anyone associated with school or education and that they, as parents, are only protecting their children.

One parent questioned that if they did not engage with the Board would that be taken as prima facie evidence that a suitable education was not being provided. They added that this could result in a referral to Social Services. Parents also suggested that the policy should make it clear that non-engagement will not be perceived as negative. It was suggested that the Lancashire County Council approach should be used, where parents are asked if they 'would like' to engage, as opposed to an attitude of 'you must'. They added that, if the Board wanted parents to engage, they would need to adopt a more positive approach.

One parent commented that she had heard of a situation where the Board just turned up and demanded access. They added that in their opinion it is not the role of the Board to turn up at houses, and that the Board appears to want more rights than the police.

A.O.B.

One parent commented that they will no longer engage with the Board because of the content of this draft policy.

A parent referred to a comment from Jeffrey Donaldson MLA concerning the draft policy which stated that it imposed unnecessary levels of regulation on elective home educators.

A parent expressed dissatisfaction that the consultation process was taking place during the exam period and that the consultation period was for a 9 week period and not 12 weeks as recommended in Government Guidelines.

One parent handed the following documents to Mr Donnelly;

- Assembly Question AQW 9311/11-15
- Assembly Question AQW 30468/11-15
- Lancashire County Council – Elective Home Education Procedures
- A paper on the law as it applies to Elective Home Education

Mr Donnelly thanked the parents for their contribution and assured them that their comments would be passed on to the relevant people.