

## Preliminary Minutes of Meeting at SEELB Focus Group 23.05.2014

Present 6 home educating parents and 1 parent who currently has a child in school but has home educated, Mark Donnelly SEELB, lady to take notes for SEELB.

### Introduction

Parents (P) asked permission to record the meeting and this was granted.

Mark (M) started off by saying that this meeting was important as it was to get our views on the draft policy as we are the people on the ground.

He assured us that a report of the meeting would be forwarded to us to verify.

M said that our views will be reported back to the policy authors.

P suggested that our views should also be forwarded to the legal policy writers.

M assured us that all comments would remain anonymous.

M had prepared a condensed version of the policy which we went through point by point. This is quoted in green.

### The Process

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

P pointed out that if a decision has been taken to EHE then parents would have already discussed this with the Principal. The decision to remove a child from school is not taken lightly.

2. 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

P gave 5 examples of personal or anecdotal experience of where a child should not be delayed in de-registration. Where a child is being failed by the school and is behind, or where a child is being bullied and the safety and well being of the child is at risk if not removed from school immediately. P expressed that it was very important that de-registration not be delayed when the decision had been taken to remove a child from school.

P also stated that we would welcome advice, access to school benefits such as school pricing and discounts for materials, access to rooms, access to labs and help with exam centres etc

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

P said they were confused as the Children (NI) Order only applied to courts and does not impose any duty on ELBs. The Children (NI) Order is not relevant and should not be quoted in this document. It would only be relevant if and when the ELB was considering bringing a case to court but not as a matter of course and not in the EHE policy.

P went on to ask what legal advice had been sought, from whom and when. M assured us he would find out the answer and let us know.

P also stated that they would not trust the board to seek the wishes and feelings of the child in an impartial manner and an example was given of a 6 year old child having been asked if they would like to speak to the board but the child had said they did not want to ask the board would ask leading questions and try to make them say something they did not want to.

### The Process (2)

5. Under Education Order (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.

P pointed out that the Education and Libraries (NI) Order 1986 was an out of date Order and the current one is the 2005 Order. M noted this and said he would ask for it to be corrected.

P pointed out that the policy omitted the words “where it appears” in the policy wording and that this is reactive and no duty is imposed on the board unless “it appears” that a child is not receiving efficient full time education etc. Parents should be presumed innocent until proven guilty and the policy is presuming guilt until proven innocent which makes a mockery of the presumption of innocence.

P stated that it is the legal duty of the parent to provide the education.

P said that there was no definition given for full time. What does ‘full time’ mean?

P pointed out that they had noticed that the SEELB website states that it is compulsory to send children to school. P said that this was incorrect and that the website should be changed immediately to correctly quote the law that parents have a legal duty to educate by regular attendance at school or otherwise - being home education.

M said that he would look into this and see that it was corrected.

### The Process (3)

6. 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

8 When the parent receives SA1 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

P repeated that the board was under no legal obligation to do any of these things.

Concern was expressed at the potential for the board to ‘lose’ the personal data recorded in the database as these systems are not routinely encrypted.

There is no legal duty to monitor.

P asked what training, research into or experience of home education the named officers had.

P stated that in general even parents who were known to the board and had a 'good' relationship with them would advise a parent considering contacting the board against doing so. P had not heard of a case where another parent would advise contacting the board. Parents do not trust the board and from experience the board are only happy with a prescriptive, timetabled programme of education following the National Curriculum. They are not supportive of other methods of home education and appear not to have any knowledge of these methods.

P urged the board to ensure that named officers had read about and researched different forms of home education and received training in different methods used before being allowed to make a decision as to the appropriateness of a programme.

P stated that it is not necessary to follow the National Curriculum or to have a timetable. For schools educating many children at once it is essential to have this framework but often completely unnecessary at home and many parents do neither. Some parents might use a structured approach with one child but not with another as they are able to tailor the education very closely to each child as they have the knowledge of what is appropriate for that child and the time to carry out the education not just during school hours.

P pointed out that even schools do not have to follow the National Curriculum - for example Steiner and Montessori schools have their own curriculums.

P stated that it had been impossible to find the National Curriculum and when shown it found that it was very vague anyway.

P said that Board must not say that HEers should follow the National Curriculum as there was no legal obligation to do so and suggesting otherwise is misleading and unhelpful.

#### The Process (4)

9 SEELB named office 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.

P pointed out again that there was no legal duty imposed on the board to decide whether a programme was appropriate. The best person to determine this is the parent who knows the child and has their best interests at heart.

P also pointed out that as there were a number of ways to home educate it was also not always possible to produce a programme and any programme would likely change.

P asked for forms EHE1 and 2 to be produced. M said that these had not been drafted yet. P stated that the consultation should be stopped until these forms could be produced. As they determine what the board is looking for when monitoring EHE they are an integral part of the policy and cannot be omitted.

It is not proper for the consultation to continue without these forms and the consultation should be stopped until such a time as the forms can be produced.

P also stated that no proper response can be made to the consultation without these forms and therefore the full facts.

10 If the parent fails to demonstrate that they meet Article 45, the SEELB may take legal action under Education Order (NI) 1986 Schedule 13, Article 55 Children (NI) Order

P again pointed out that it is the parents duty to provide the education and they are under no obligation to demonstrate this to the board. Only where evidence comes to light that a parent is not providing a suitable education may the ELB take legal action.

P also pointed out again that the out of date Education Order is quoted

P asked What will this cost?

Have the ELB made a costing or budget?

M said that he was not aware of a costing having been made.

P said that if they were to carry out the register and monitoring suggested in the policy that it would cost a great deal of money and this would be better spent on schools some of which we know are failing.

P said that a proper Cost Benefit Analysis should be made.

P asked what problem does this policy seek to address?

M answered that he did not know.

P asked what research was undertaken and by whom?

P asked why was there no publicity in order to contact parents not already known to the board?

P Why were no Stake holders consulted before drawing up the policy. P expressed their incredulity that no Stakeholders had been consulted.

P also pointed out that even some of those known to the board were not notified of the draft policy and consultation. This is unacceptable.

P noted again that the policy is very negative and adversarial.

P it would be impossible to assess the learning environment as the education of home educated children did not only take place at home but outside the home and in fact all over the world.

P asked that if the board were to asses the learning environment would they also be assessing pre-school children's learning environment or even school children who do homework at home, in the car, outside etc. This is an impossible task and pointless.

### Children with SEN

2 On occasions it may be necessary for an Educational Psychology assessment to be arranged by SEELB to ensure that reasonable and adequate progress is made, or to determine the nature and extent of an special educational needs the child may have

P gave personal anecdote of child with SEN and the length of time it had taken. However P stated that she was providing the relevant and appropriate care needed before a statement was in place. Statement doesn't change the care that a parent provides.

P the section on SEN is threatening in tone, potentially discriminatory in that only children with SEN ( not necessarily having Statements) are required to show 'progress' (which is not defined) brings up the possibilit of the Board forcing medical assessments (by Educational Psychologist) against the parent's wishes, and assumes that the parent is bound by any Statement. This is not the case - a statement is binding only on the Board.

SEN is discriminatory as labels children with SEN as behind.

#### Minimum Standards

- 1 The child is educated in an environment which is safe
  - 2 The child has access to a conducive learning environment, appropriate to their age, ability and aptitude and to any SEN they may have
  - 3 The programme is suitable and meets the learning needs of the child
  - 4 The child's physical, social, emotional and wellbeing needs are being met
- The Board will make decisions as to the suitability or otherwise of the EHE based on these standards

P These are all fine but it is the parent who has a duty to ensure the above not the Board. The last paragraph should be scrapped.

#### Support for Home Educators

- 1 The SEELB has no statutory responsibility to make financial contribution to parents
- 2 A list of useful resources is made available on the Board website

P no such list of resources is available on the SEELB website. We would welcome such a list if it were there!  
We would also welcome practical help such as halls, access to chemistry and physics labs or even a summer school with access to labs and a teacher to lead experiments etc

The Board could make available to home educators via website of invitations to events such a music or theatre that are regularly made to schools.

#### Monitoring Arrangements

- 1 Once the EHE programme has been considered suitable by SEELB, parents will be provided with the name of SEELB named officer with responsibility for managing EHE with whom they should liaise.
  - 2 Board will maintain a confidential electronic database of pupils receiving EHE in accordance with Data Protection and FOI Acts
  - 3 SEELB will monitor EHE programmes on at least an Annual basis to ensure that the child is receiving an efficient full time education suitable to his or her age, ability and aptitude and to any SEN
- The child's opinion will also be taken into account.

P the Board is under no legal obligation to keep a register.  
Why is this needed?

P the named officer must be trained and knowledgeable in all aspects and methods of EHE and not just timetabled National Curriculum. How is suitable defined? One named officer might deem a programme suitable but not another.

Again P brought up the problems of data protection of unencrypted personal data.  
Is a database really necessary?

There is no legal duty to monitor EHE programmes annually or otherwise.  
The legal duty is the parents.

If they are going to take the child's opinion into consideration does this mean that they will also seek the opinion of every school child? This could lead them to huge problems and potentially greatly increase the numbers of home educated children!

Final questions asked

Why is this policy needed?

Will failure to submit to the process be taken as prima facie evidence that a suitable education is not being provided?

P suggests that policy should say that failure to engage in the process is **not** evidence that an education is not being provided.

What will happen if a family does not register according to expectation?

Board should not mix education with welfare. There are already agencies who deal with welfare. This is not an education issue.

Mark was handed:

the legal briefing on the law as applies to EHE

Lancashire policy as an example of widely regarded 'good' EHE policy

Ministerial Answers: AQW 30468/11-15

AQW 9311/11-15

Mark thanked us for coming and assured us that our comments would be passed on to the relevant people.

M would recommend to policy authors that home educators should be involved in the writing of the policy.