



Home Education in Northern Ireland - Information for Professionals

The law

The section of Northern Ireland legislation which allows for home-education as a legal and equal option to school is Article 45 of the Education and Libraries Northern Ireland Order 1986 SI 1986/594:

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 school or otherwise.

Education is the responsibility of the parent, and that the parent can choose how they provide education. The majority of families choose to fulfil their legal obligation by having their children attend school; however other forms of educational provision are available and permissible.

Schedule 13 to that Order is used when it appears that a parent is not fulfilling the obligations outlined above:

1(1) If 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 being less than fourteen days from the service of the notice, to satisfy the board that the child is, by regular attendance or otherwise, receiving efficient full-time education suitable

This means that the Education Authority has no day to day role in home education but must investigate any concerns which are brought to their attention.

Case law and guidance makes it clear that these enquiries should be informal initially and that parents can respond in the format they choose – they are not required for example to fill in particular forms, to invite Education Authority personnel into their home or meet them elsewhere.

DCSF Guidance¹ makes it clear that home educating parents are not required to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications make
- detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards.

Home education and special educational needs

Nothing in the SEN framework modifies the parental duty laid out in Article 45 of the primary legislation. A statement of special educational needs is an agreement between the Education Authority and the school, it is not binding on the parent. This means that while parents must meet the child's needs (under their Article 45 duty) and these needs might reasonably be defined with reference to the needs detailed in the statement, they can meet these needs in the way that they judge best and need not make the provision in the statement. **Any provision which meets the child's needs can be considered suitable** under the meaning of Article 45.

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/288135/guidelines_for_las_on_elective_home_educationsecondrevisev2_0.pdf



Unless the Statement specifies provision at home to be made by the Education Authority, the statement becomes a legally unenforceable document. The Education Authority will no longer have a statutory duty to arrange the educational provision specified in the Statement. The Education Authority remains under a duty to review the statement at least annually, until such time as they cease to maintain it. Where a child is established in elective home education, it is reasonable for the Education Authority to conclude that it is no longer necessary for them to make provision or to continue to maintain the statement. Parents who no longer seek provision from the Education Authority could write asking them to cease to maintain the statement, as it is no longer appropriate.

A note on special provision / EOTAS

Where the Education Authority is satisfied that it would be inappropriate for a child to receive their education in a school, they can arrange for provision to be made otherwise than at school. In this case the Education Authority and not the parents is responsible for the provision, and it is often referred to as Education Otherwise Than At School (EOTAS). This is different from Elective Home Education (EHE or HE)

A note on welfare

Recent DHSSPSNI Guidance² makes it clear that home education is not in itself a welfare concern and that home educated children should be treated in the same way as those enrolled in school.

“3.4.1 ... As with children enrolled as pupils in a school, if any safeguarding concerns become evident, they must be referred to the appropriate authorities”.

Removing a Child From School

To deregister a child from a school the parent has to write to the school saying that they are now home educating. It is the school's responsibility to inform the Education Authority. The parents do not have to inform the Education Authority or anyone else. There is no legal requirement for parents to register their child as home educated, or to inform the Education Authority or anyone else if they have never been to school.

What Does Home Education Look Like?

There are as many different ways to home educate as there are children. The advantage of home educating children with special educational needs is that their specific needs can be met on a one to one basis. Parents do not have to follow the Revised Curriculum, have a time table or prepare formal lesson plans. They do not have to observe school hours, formally assess their children, or match school-based, age-specific standards.

Socialising

Parents do not have reproduce school type peer group socialisation. There are many of ways in which children can mix with others, through clubs, home education groups, special interest groups and activities for children with special educational needs. Some children may have sensory processing difficulties, anxiety or social and communication disorders, and a carefully tailored approach starting with very small amounts of peer interaction may be more appropriate. While many children pick up social skills naturally some children do not, and home education is an ideal way for adults to teach the life skills needed for children with special educational needs to become independent. Home education allows a child to have the amount and type of social contact that is right for them.

Health Care Needs

The one to one nature of home education means that any therapies or health care recommended for the child can be delivered by the parent and integrated into everyday life, promoting quality, quantity and continuity of care.

Links to further information

- www.hedni.org
- www.he-special.org.uk
- www.educationotherwise.net

² <https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/co-operating-safeguard-children-young-people-NI.DOCX>
Home Education Northern Ireland is an active peer support group for home educating parents in Northern Ireland. This document has been prepared by volunteers to the best of our knowledge and circulated for comment. We are not legal professionals and where necessary proper legal advice should be sought.