

Equality and Human Rights Screening Template

1.1. Policy Title

Education Authority Guidelines for Elective Home Education

1.2. Description of policy or decision

- *What are you seeking to achieve?*
- *How will you achieve it?*
- *Are there any key constraints?*

Elective Home Education is the term used to describe the practice by which parents decide to educate their children outside of the school system. This is different to tuition provided by the EA to a child who is unwell or who attends alternative group arrangements provided by the EA. Elective Home Education is sometimes referred to as 'EHE'. A parent/guardian can choose to educate their child at home and can do so either by not registering their child in school or by deregistering them if they have attended school for a period of time. A parent who is deregistering their child must advise the school in writing of their intention to home educate. These guidelines provide parents/carers with information when considering home education. The guidelines are not statutory but are best practice advice and guidance

These guidelines aim to:

- support parents in ensuring that children receive a suitable education;
- promote good practice by clearly defining the legislation, the respective roles and responsibilities of parents, the EA, and schools and any other relevant partner; and
- encourage working relationships that respect the parent's duty to educate and their role as decision maker in ensuring their child's right to an education, and
- assist the EA in fulfilling its statutory obligations to children of compulsory school age and children up to the age of 19, for whom the EA maintains a statement of special educational need

The guidelines outline the legislative context as it refers to Northern Ireland. Comprehensive information is provided in the guidelines for parents and carers considering elective home education, including;

- (i) Considering the views of children and young people
- (ii) Considering the educational approach
- (iii) The time it takes
- (iv) Financial considerations
- (v) Community and family considerations and support
- (vi) Consideration of education for children with special educational needs.

The guidelines also outline the roles and responsibilities of parents / carers, schools and the Education Authority.
They also provide information on family support, community use of schools, public examinations and safeguarding.

1.3. Who are the main stakeholders impacted? (Internal and external as well as actual and potential)

Parents

Parents choose to home educate for a wide variety of reasons which may include, but are not limited to:

- Spiritual beliefs
- Philosophical reasons
- Dissatisfaction with the system
- Bullying
- Special Educational Needs
- As a short-term measure for a specific reason

Children and young people –may have attended school and been actively involved in the decision to be educated at home. Some young people will never have been registered at school and have always been educated at home.

Schools – may not fully understand that a parent can legally choose to home educate and therefore the guidelines assist them in understanding the legal position in NI and also how they can assist parents.

Support organisations who advise re elective home education or family support opportunities.

1.4. Is the policy likely to impact people living in rural areas?

Yes	
No	√

1.5. Other policies or decisions with a bearing on this policy or decision?

- *What are they and who owns them?*

Education & Libraries Order 1986
 Education (NI) Order 1996
 UN Convention on the Rights of the Child
 EA Safeguarding & Child Protection Policy

2.1. What information did you use to inform this screening? E.g. census data, Equality Impact Assessments (EQIAs), consultation reports, service level data?

In the absence of compulsory registration, it is not feasible to reliably estimate the number or profile of home educated children in Northern Ireland. However the Education Authority is aware of 403 children and young people who are currently, that is to the end March 2019, being home educated.

This screening was informed by the Education and Library Boards (ELBs) consultation on a draft elective home education policy in 2014 and the subsequent consultation summary.

This screening is also informed by the working group who developed these guidelines and which has included stakeholders including Children’s Law Centre, HEdNI, Safeguarding Board NI, Dept. of Education and relevant EA officers.

2.2. Quantitative Data

What is the profile of the people that are impacted by this policy or decision?

Please provide a statistic breakdown of the people impacted by this policy or decision. Note, if the policy or decision impacts both staff and service users, please provide data on both.

Section 75 Group	Make up of affected groups?
Dependants	Not applicable
Disability	2018-19 data identifies that 33 of the 403 children known to

	the EA as being electively home educated have a statement of Special Educational Need
Religious Belief	EA does not routinely collect this data but recognises that it may be a reason why a family choose to electively home educate.(Bower 2016, Hopwood, O'Neill, Castro & Hodgson 2007) However based on NISRA population profile it identifies the religious breakdown in NI as follows: <ul style="list-style-type: none"> • 48% Protestant/Other Christian • 45% Catholic • 6% None • 1% Other
Gender	2018-19 data identifies 230 males and 173 females are being electively home educated.
Marital Status	Not applicable
Political Opinion	Not applicable
Ethnicity	Whilst ethnicity data is not collected some research would suggest that gypsy, roma and travellers are represented in the profile of those children being home educated in England (ADCS 2016, Hopwood, O'Neill, Castro & Hodgson 2007) In NI NISRA 2018 population profiles, it has been identified that the population is 98% white and 2% other.
Sexual Orientation	EA does not hold this data but recognises that it may be a reason why a family chooses to electively home educate. Working group members identified this as an issues they were aware off.
Rural Impacts	EA information would suggest that families from rural communities will choose to home educate, as will those from urban settings. This is not related to the availability of schools but rather reflects the various other reasons why parent/carers choose to electively home educate. There is no evidence to suggest though that the issue of rural/urban is the major driver in a family choosing to home educate in NI. Current NISRA population data identifies 23% live less than 60 mins from Belfast and 13% live more than 60 minutes from Belfast – these are rural populations.

2.3. Qualitative Data

What are the needs and experiences of the groups that are impacted by this policy or decision?

Are there different needs and experiences for any of the equality groups and what equality issues emerge from this?

Section 75 Group	What are the needs and experiences of the groups as they relate to the policy or decision?
Age	<i>EA data would identify higher numbers in the 12 – 16 age range being home educated. Therefore the guidelines include information regarding public examinations, community use of schools and information regarding family support.</i>
Dependants	<i>Not applicable</i>
Disability	<i>Parents /carers who choose to home educate would report that they have done so because they feel that their child's needs have not been met (Bower 2016). The guidance includes a section on how to resolve difficulties and a section on special educational needs to advise and support parents experiencing difficulty in this area.</i>
Religious Belief	<i>Religious belief is an identified reason to home educate.</i>
Gender	<p><i>With the exception of one year in the last four, males are the higher number of home educated children and young people compared to girls.</i></p> <p><i>There is some anecdotal information from working group members to suggest that parents of children who are transgender may choose to home educate as they may have had experience of bullying in school. The guidelines provide information about how to resolve difficulties, family support services and offer the support of the EA EHE team</i></p>
Marital Status	<i>Not applicable</i>
Political Opinion	<i>Not applicable</i>
Ethnicity	<p><i>Some research would suggest that gypsy, roma and travellers are represented in the profile of those children being home educated in England (ADCS 2016, Hopwood, O'Neill, Castro & Hodgson 2007)</i></p> <p><i>This is the same in Northern Ireland with a small number of children known to be from the traveler community being home educated.</i></p>

Sexual Orientation	<i>Anecdotally the EA is aware that families with same sex parents may choose to home educate as bullying has been a factor for their children related to their family composition.</i>

What are the social and economic impacts of the policy of people living in rural areas?

Please consider positive and negative impacts around issues such as access to education or youth provision, transport, broadband accessibility and employment impacts

Rural Impacts	<p><i>Where a parent chooses to home educate they take full responsibility for their child's education and the resources required to facilitate that.</i></p> <p><i>When working with a home educating family living in a rural setting the EHE team would acknowledge the following potential issues:</i></p> <ol style="list-style-type: none"> <i>1. Availability of local support services</i> <i>2. Travel</i> <i>3. Availability of venues to meet if required</i>
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2.4. Policy / Decision changes

Based on the equality issues that have been identified, what changes (mitigation) can you make to the policy in order to better promote equality of opportunity?

<p><i>In developing the policy or decision, what changes did you make, or do you intend to make to address any equality issues that you identified?</i></p> <p><i>In the development of the EA EHE Guidelines, the Authority was cognisant of previous consultation feedback from 2014.</i></p> <p><i>The guidelines outline that the views of children and young people should be considered and taken account of when parents / guardians are making decisions about Elective Home Education.</i></p> <p><i>Family Support and safeguarding advice and information is available in the guidelines, taking account of the child's best interests.</i></p>
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There is a dedicated section on special educational needs which clearly identifies the legislation in Northern Ireland and how the EA and parents can work within the processes related to special educational need..

Furthermore the guidelines clearly identify the following supportive factors:

- 1. Considerations for parents when they are thinking about home education*
- 2. How to deal with an issue in school if it is a factor in a parental decision to home educate*
- 3. How to get advice from EA*
- 4. Family support opportunities*
- 5. Managing any safeguarding issues*

Data will be sought, on a voluntary basis, on the disability and ethnic status of the young people availing of elective home education.

Based on the rural impacts that you have identified, what changes (mitigation) can you make to the policy?

In developing the policy or decision, what changes did you make, or do you intend to make to address any equality issues that you identified?

3.1. Are there any changes to the policy or decision that you would make to better promote good relations?

GROUP	Impact on Good Relations	Policy / Decision Changes
Religion		None
Ethnicity		None
Political Opinion		None

This section is only relevant to the Section 75 Equality Duties

4.1. How would you categorise the impacts of the policy or decision?

Please refer to guidance notes on categorising impacts

Please select:

Major Impact	
Minor Impact	√
No Impact	

4.2. Does the policy or decision require a full Equality Impact Assessment?

Please select:

Yes	
No	√

Please provide reasons for your decision

The guidelines for Elective Home Education are being put in place to aid, support and promote good practice for families and children and young people who are being home educated.

The guidelines support parents and young people in making decisions and delivering effective home education and take account of different needs.

The EHE team will take cognisance of the individual family circumstances and tailor the support required as appropriate.

5.1. Does the policy or decision encourage the participation of disabled people in public life? Or is there anything you can do within the policy or decision to encourage participation of disabled people in public life?

<i>How does the policy encourage the participation of disabled people in public life?</i>	<i>Is there anything further you can do to encourage the participation of disabled people in public life?</i>

5.2. Does the policy or decision promote positive attitudes towards disabled people? Or is there anything you can do within the policy or decision to promote positive attitudes towards disabled people?

<i>How does the policy promote positive attitudes towards disabled people?</i>	<i>Is there anything further you can do promote positive attitudes towards disabled?</i>
<i>There will be opportunities for those families home educating a child with a disability to request help and also be able to access training.</i>	

6.1. Are Human Rights Relevant?

Article		Relevant Yes/No
Article 2:	Right to Life.	
Article 3:	Right to freedom from torture, inhuman or degrading treatment or punishment.	
Article 4:	Right to freedom from slavery, servitude & forced compulsory labour.	
Article 5:	Right to liberty and security of person.	
Article 6:	Right to a fair & public trial in a reasonable time.	

Article 7:	Right to freedom from retrospective criminal law & no punishment without law.	
Article 8:	Right to respect for private & family life, home & correspondence.	√
Article 9:	Right to freedom of thought, conscience & religion.	
Article 10:	Right to freedom of expression.	
Article 11:	Right to freedom of assembly & association.	
Article 12:	Right to marry & found a family.	
Article 14:	Prohibition of discrimination in the enjoyment of the convention rights.	
Protocol 1, Article 1	Right to a peaceful enjoyment of possessions & protection of property.	
Protocol 1, Article 2	Right of access to education.	√

If you answered 'no' to all human rights considerations, please go to section 7 – monitoring

6.2. If you have answered yes to any of the Articles, does the policy or decision have a potential positive impact or does it potentially interfere with anyone's Human Rights?

Article number	Positive impact or potential interference?	How?	Any legal issues arise?
Protocol 1 Article 2	Positive impact	<i>The guidelines clearly outline the child's right to an education and the steps that the EA will undertake if this right is being negatively impacted upon.</i>	None

7.1. What data will you collect to monitor the impact of the policy in terms of equality of opportunity, disability duties or human rights compliance?

Section 75	Disability Duties	Human Rights
<i>The guidelines clearly outline the child's right</i>	<i>The EA will collect data on the number of</i>	<i>Where the EA has a concern that a child is</i>

<p><i>to an education and the steps that the EA will undertake if this right is being negatively impacted upon.</i></p> <p><i>EA will continue to collect data (on those known to us) on age, gender, sexual orientation, reason for home educating and SEN and will on a voluntary basis seek information regarding religious belief and ethnicity</i></p>	<p><i>children known to them to be home educated who also have a statement of special educational need.</i></p> <p><i>EA will continue to collect data on SEN and will on a voluntary basis seek information regarding disability</i></p>	<p><i>not receiving an education the Authority will retain data linked to its informal and formal process noted in the guidelines.</i></p>
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Please note that the template **must be published** as part of the screening process. Please forward the completed template to equality.unit@eani.org.uk for publication