

Department of Education and Science

**Guidelines on the Assessment of
Education in Places Other Than
Recognised Schools**



AN ROINN OIDEACHAIS
AGUS EOLAÍOCHTA | DEPARTMENT OF
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Foreword by Noel Dempsey, TD

Minister for Education and Science



I am very pleased to publish these *Guidelines for the Assessment of Education in Places Other Than Recognised Schools*. The guidelines are intended to assist the National Educational Welfare Board in fulfilling its responsibilities to register children who are being educated at home and in other places outside of recognised schools and to assess the educational provision that these children receive.

The publication of the guidelines fulfils a requirement of section 16 of the Education (Welfare) Act 2000 and represents a further significant step in bringing all aspects of that legislation into force. I am conscious that the drafting and implementation of these guidelines represents a major innovation in the monitoring of the educational provision made

by home-based educators and by those working in non-recognised schools. This will be reflected in the implementation and ongoing review of the guidelines. Following the training of Authorised Persons who will carry out the assessments, the guidelines will be used for a limited period and reviewed, as necessary, in the light of experience. In addition, I have decided that the guidelines will be subject to further review from time to time.

The guidelines were drafted by a Working Group of the Inspectorate, and I am most grateful to the members of the Group for their research and work. I am also grateful to the many individuals and bodies, both here in Ireland and abroad, that generously assisted the members of the Working Group during their extensive consultations.

Our Constitution recognises the family as the primary educator of the child and defines duties and responsibilities for parents and the State in the education of children. Drawing on these provisions, on legislation, and on case law, the guidelines provide a working definition of “a certain minimum education” and guidance on how this may be assessed, given best educational practice and the nature of educational provision in the home and other settings.

I look forward to the guidelines providing valuable support to all involved in the provision and assessment of education in these environments. I trust that they will assist in ensuring that all children enjoy a beneficial educational experience suited to their individual needs and abilities.

Noel Dempsey TD
Minister for Education and Science

1 Introduction

This chapter sets out the background to educational provision in places other than recognised schools and the general principles that inform the assessment of this type of education.

1.1 The family: the primary educator of the child

The Constitution of Ireland acknowledges the family as the primary and natural educator of the child. The Constitution guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the education of their children. However, it does not prescribe how this education is to be provided. In practice, the requirement that children be educated can be met in a variety of ways.

Much of the child's development takes place entirely in the home environment, and during their early years, in particular, children acquire naturally a very broad range of knowledge, skills, and attitudes. As children grow and develop, most parents choose to avail of schools to provide education for their children. These schools provide a very significant element in the education of these children, but much learning continues to take place in the home and elsewhere outside school. However, as the Constitution makes explicit, the State does not oblige parents to send their children to any particular type of school. Parents are free to provide education in their homes, in private schools, or in schools recognised or established by the State.

1.2 Education in places other than recognised schools

Some parents choose not to avail of recognised schools to provide education for their children. These parents may choose to educate their children in their homes or, alternatively, by means of private schools. They do so for a variety of reasons, which may include

- a desire to incorporate education in the family life-style
- religious beliefs
- philosophical or ideological views
- a preference for a particular type of educational practice
- a desire to provide individualised learning to children of special abilities and needs
- a child's inability to go to school
- distance from, or difficulties regarding access to, a local school
- dissatisfaction with conventional schooling.

The learning experiences provided for children at home or in private schools can be very beneficial and successful for the children concerned.

1.3 The role of the State

The Constitution places a duty on the State to provide for the education of children, and this is done generally through the provision of recognised schools. The State also has a duty to ensure that children receive “a certain minimum education,” but parents are free to determine *how* this education is provided. So that the State can ensure that children receive a certain minimum education, the law requires that the education provided for a child be subject to assessment.

1.4 Assessment of educational provision: General principles

These guidelines are intended to assist persons who are engaged in assessing the educational provision made for children in places other than recognised schools. A number of important principles underpin these guidelines and the assessments that they describe. These principles include:

- that the child has a right to a certain minimum education
- that the individual needs of the child are a paramount consideration
- that the right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children is respected
- that education provided in places other than recognised schools may be significantly *different* from that provided in a recognised school setting and that, depending on the circumstances, it may be equally effective if not more effective in meeting the learning needs of the child
- that the selection of resources and curriculum materials is a matter for parents, to be made in line with their educational values and beliefs
- that in the conducting of assessments, it is critically important that parents and others work together in an atmosphere of openness, transparency and mutual respect in the best interests of the child.

1.5 Preparation and review of guidelines

These guidelines have been prepared for the use of the National Educational Welfare Board by the Inspectorate of the Department of Education and Science in consultation with the National Council for Curriculum and Assessment and others, as provided for under Section 16 of the Education (Welfare) Act 2000. The contents of the guidelines and the procedures described in them will be subject to periodic review.

2 The Legal Background to the Assessment Process

This chapter describes the legal provisions relating to the education of children in places other than recognised schools, including the role of Authorised Persons in assessments.

2.1 Definitions

A number of important terms require clarification at the outset of these guidelines:

Recognised schools

The Education Act 1998 provides that the Minister for Education and Science may designate a school or proposed school as a “recognised school” provided that it fulfils a number of conditions regarding curriculum, inspection and other matters. Technically, the term “recognised school” is defined in the Education Act 1998 and in the Education (Welfare) Act 2000 as

- (a) a school designated by the Minister [for Education and Science] under subsection (1) of section 10 of the [Education] Act of 1998 to be a school recognised for the purposes of that Act, or
- (b) a school deemed to be a school recognised in accordance with the said section 10.

Education in places other than recognised schools

Traditionally, when parents chose to provide for the education of their children in settings other than schools, the provision made was usually referred to as “home education.” However, the terminology used in the Education (Welfare) Act 2000 is preferred for future use. Accordingly, these guidelines refer to *the assessment of education in places other than recognised schools*.

Education provided in homes and private institutions is included under this definition, but the term does not encompass children being educated at schools outside the State or children who are participating in programmes of education, training, instruction or work experience prescribed by the Minister.¹

¹ These types of educational provision are specifically excluded from the form of assessment described in these guidelines by section 14 (19) of the Education (Welfare) Act 2000.

The child

Throughout these guidelines, the term “child” should be understood as defined in the *Education (Welfare) Act*, Section 2 (1):

“Child” means a person resident in the State who has reached the age of 6 years and who—

- (a) has not reached the age of 16 years, or
- (b) has not completed 3 years of post-primary education,

whichever occurs later, but shall not include a person who has reached the age of 18 years.

The parent

Throughout this document the term “parent,” in line with the use of the word in the Education Act 1998, section 2 and the Education (Welfare) Act 2000, should be taken to mean parent, guardian, foster-parent, a person acting *in loco parentis* who has a child in his/her care subject to any statutory power or court order, or a person who has adopted a child.

2.2 The legal background

Two particular elements of law govern the question of educational provision in Ireland for children who are not attending recognised schools. These are:

- the Constitution of Ireland (Bunreacht na hÉireann) and
- the Education (Welfare) Act 2000.

2.3 The Constitution

The Constitution of Ireland sets out the rights and duties of the State in the matter of education in article 42 and article 44. Of particular relevance is article 42, which states:

1. The State acknowledges that the primary and natural educator of the child is the family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.
2. Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State.
- 3.1 The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State.
- 3.2 The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.
4. The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation.
5. In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

2.4 The Education (Welfare) Act 2000

The Education (Welfare) Act 2000 was signed into law on 5 July 2000 and contained provisions that the act would come fully into operation by 5 July 2002. The act repealed the School Attendance Acts 1926 to 1967 with effect from 5 July 2002.²

The Education (Welfare) Act 2000 provides a major reformulation of the law in regard to all matters connected with school attendance and children's welfare in education. It provides for the establishment of a National Educational Welfare Board, a core function of which is to ensure that each child "attends a recognised school or otherwise receives a certain minimum education."³

2.5 Registration with the National Educational Welfare Board

A key aspect of the Education (Welfare) Act is that children receiving education in places other than recognised schools must be registered with the National Educational Welfare Board. Parents who choose to have their child educated in a place other than a recognised school must register with the Board, and the Board in turn must be satisfied that the child is receiving "a certain minimum education."⁴

2.6 The assessment process and the role of an Authorised Person

As part of the registration process, section 14 of the act provides for an assessment of the education that is being provided or planned for the child. This assessment process may take place in two stages.

The act provides that, initially, the National Educational Welfare Board will cause

an authorised person to carry out, in consultation with the parent who made the application, an assessment of—

- (a) the education that is being provided, or that it is proposed will be provided, to the child,
- (b) the materials used, or that it is proposed will be used, in the provision of such education, and
- (c) the time spent, or that is proposed will be spent, in the provision of such education.

The purpose of this assessment is to determine whether the child is receiving, or will receive, a certain minimum education. The Authorised Person must complete a report following this assessment for the National Educational Welfare Board. If, on receipt of the assessment report, the Board is unable to

² Other than children educated in private schools, there were two main ways in which children receiving education in a place other than a recognised school came to the attention of the Department of Education and Science in the past. The Garda Síochána or other enforcement body under the School Attendance Act 1926, could request the Department to provide a report on the education being provided to an individual child or children who were not attending a school. A court could also request the Department to provide a report on the education being provided to a child or children whose parents were being prosecuted under the School Attendance Act for failure to cause the children to attend school without sufficient reason, such as, for example, illness. In cases such as these inspectors of the Department examined the educational provision in place for the child and reports were furnished as requested. These arrangements remained in force until July 2002.

³ Education (Welfare) Act 2000, section 10 (1).

⁴ Education (Welfare) Act 2000, section 14.

determine that a certain minimum education is being provided or likely to be provided, the Board may proceed to the second stage of the assessment and may cause the Authorised Person to

- (i) enter the place at which the child is being educated and observe the child receiving the education that is being provided to him or her,
- (ii) inspect such premises, equipment and materials as are used in the provision of education to the child, and
- (iii) carry out an assessment of the child, in the said place or such other place as the Board considers appropriate, as to his or her intellectual, emotional and physical development, which shall include an assessment of his or her knowledge and understanding of such subjects, and proficiency in such exercise and disciplines, as the authorised person considers appropriate.⁵

On receipt of the resulting assessment report, the Board must invite the parent to make comments on it, and must then consider these comments (if any) and the assessment report. If the Board is satisfied that the child is receiving a certain minimum education it will register the child. Alternatively, it may choose to register the child subject to the parent undertaking in writing to provide a satisfactory certain minimum education, or it may refuse to register the child.

Under section 14 (7) of the Education (Welfare) Act, the National Educational Welfare Board may also have an Authorised Person carry out assessments of the educational provision made for a registered child from time to time. In these circumstances, a modified assessment process is permitted.⁶

The Authorised Person may be an educational welfare officer, an inspector of the Department of Education and Science, or another person appointed by the National Educational Welfare Board.⁷ These guidelines are intended to provide support for Authorised Persons as they undertake the assessment of educational provision for a child.

2.7 A certain minimum education

The central issue to be determined in an assessment of education in a place other than a recognised school is whether or not the child is receiving a certain minimum education in accordance with the law. There is no absolute definition of a certain minimum education, but the following chapter provides an elaboration or working definition of what such a minimum education entails.

⁵ Education (Welfare) Act 2000, section 14. For the purposes of these guidelines, the terms *Preliminary Assessment* and *Comprehensive Assessment* will be used to distinguish between the two stages of assessment. See section 5.2 for further details.

⁶ See section 5.9 for further details.

⁷ Education (Welfare) Act 2000, section 14 (20) (a).

3 Towards a Definition of a Certain Minimum Education

This chapter sets out a number of important considerations that have direct relevance to the concept of a certain minimum education. These considerations derive in part from the law and in part from educational considerations. The constitutional and legal sources examined include the Constitution of Ireland, the Supreme Court judgement in DPP v. Best in which the concept of a certain minimum education was treated at length, the UN Convention on the Rights of the Child, and the Educational (Welfare) Act 2000. Drawing on these constitutional, legal and educational considerations, the final section of the chapter provides a definition of the broad characteristics of a certain minimum education.

3.1 The Constitution

Education and the Constitution

The Constitution sets out the rights and duties of citizens of the State in the matter of education in article 42 and article 44. These articles describe what one writer has called “a complex network of relationships between parents, children and the State.”¹

Under article 42.1, the State guarantees to respect the right and duty of parents

to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children

and article 42.2 states that

parents are free to provide this education in their homes, or in private schools or in schools recognised by the State.

A further clause, article 42.4, places a duty on the State to “provide for free primary education.”

Despite these provisions, no legal definition of what should constitute education has been determined by the legislature, and it has been left to the courts to define what the term “education” means in the context of these articles. While some judges interpreted the term “education” as “one that can be provided in schools and must, therefore, be of a scholastic nature,” this view was altered by the Supreme Court judgement in *Ryan v. Attorney General* (1965) which defined education as follows:

Education essentially is the teaching and training of a child to make the best possible use of his inherent and potential capacities, physical, mental and moral.²

¹ *Annual Review of Irish Law*, 1993, p. 150.

² Per Ó Dálaigh CJ, p. 350, *Ryan v. Attorney-General* [1965] IR 294.

The value of this working definition has been acknowledged in later judgements, which have stressed that education must be regarded as much more than that “of a scholastic nature.”³

Minimum education and the Constitution

It is clear that the Constitution envisaged a subordinate role for the State in education. The State has a duty to provide for education as an assistance to parents but cannot require the attendance of children at schools established by the State. It has, however, an important role in protecting the child if parents neglect their obligations. Article 42.3.2 provides that

the State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.

While ultimately it is up to the courts to determine the interpretation of the law in particular cases, the Constitution specifically refers to “moral, intellectual and social” aspects of the education that is required. It can be posited, therefore, that these aspects must be attended to in some measure to satisfy the obligation imposed by article 42.3.2.

It should be noted that this certain minimum education is more restricted than the education that may be envisaged under article 42.1 or 42.4, discussed above. While the State is required to ensure that children receive a certain minimum education under the headings “moral, intellectual and social,” parents are to provide for education under the headings “religious and moral, intellectual, physical and social.” The exclusion of religious education from the responsibilities of the State is understandable, but the Constitution appears not to place a responsibility on the State to require that physical education be provided. As will be seen below, physical education is mentioned in the Education (Welfare) Act as one aspect of the child’s education to be reported upon. While the provision of physical activity is desirable, and the absence or otherwise of this provision should be reported upon, there is some doubt whether physical education activities ought to be considered an *essential* aspect of a certain minimum education.⁴

3.2 Supreme Court judgement in *DPP v. Best*

The term “a certain minimum education” is not defined in the Constitution, and this has meant that courts have had to attempt to describe what might be regarded as a minimum education. A particularly important judgement was given in the Supreme Court in *DPP v. Best*. The court gave detailed consideration to issues that need to be kept in view when determining whether or not a child is receiving a certain minimum education. These included the following:

- that children should receive an education that need not exceed “a certain minimum education, moral, intellectual and social”⁵
- that “a certain minimum education, moral, intellectual and social”, is “a minimum standard of elementary education of a general character but should have regard to the intellectual and other capacities of the child”⁶ and that “the certain minimum is the provision of tuition in those subjects that suit the particular child and at the same time will not deprive that child of future opportunities”.⁷

³ Per O’Hanlon J, p. 61–62, *O’Donoghue v. Minister for Health* [1996] IR 20.

⁴ A more detailed discussion of this aspect of the Constitution and its implications may be found in Oliver Mahon, *The Principal’s Legal Handbook* (IVEA, Dublin, 2002), p. 11.

⁵ Per Barron J, p. 75, *DPP v. Best* [2000] 2 IR 72.

⁶ Per Denham J, p. 50, *DPP v. Best* [2000] 2 IR 17.

⁷ Baron, p. 77.

- that in determining whether or not a “certain minimum education” is being provided, it is important to take into account a number of factors:
 - **time:** i.e. “what might be a certain minimum education standard in the 1940s may not be appropriate in the 1990s which in turn may not be appropriate in 2040”⁸; and that “in the past, a certain minimum education might well have been regarded as having been provided if the child concerned could read and write and have reasonable numeracy together with a smattering of knowledge in other disciplines. Such would not be so regarded today.”⁹
 - **the family** and its special place in the education of children¹⁰
 - **means:** the right and duty of parents to provide according to their means for the education of their children “must include a requirement to ensure that their child’s personal potential is enhanced and not suppressed,”¹¹ and that the right of parents to educate their children at home “cannot be abused to the detriment of the child”¹²
 - **the child**, including the child’s ability/disabilities, “the child’s personality,” “the quality of the home education being provided” and “the response of the child to this [home] education as compared with its response to such other education as it may receive or have received,” “whether the child will be adversely affected by continuing in the home education,” and the need “to ensure that the right of the child to develop its potential is not infringed”¹³
 - **geography:** i.e. that the geographical situation of the family needs to be considered¹⁴
 - **actual condition**, i.e. “the actual conditions, in a wider sense, in the community” which includes the general educational standards of the times.¹⁵ The primary school curriculum “may be used as a benchmark in analysing a home programme of tuition for children. However, it may not be used inflexibly as a test of what is suitable elementary education.”¹⁶
 - **the common good:** “the common good places the child’s right to receive a certain minimum education, moral, intellectual and social as a priority. It does not require a high standard of education — but it is a mandatory minimum standard. . . . The minimum education must be conducive to the child achieving intellectual and social development and not such as to place the child in a discriminatory position”¹⁷
 - **Irish:** that the teaching of Irish is “a factor to be considered having regard to the position as a whole.”¹⁸

It should be remembered that the list of factors above is derived from the Supreme Court judgement in a particular case, and that this list may not be exhaustive. For example, a child’s first language could be a major consideration in determining whether or not a child is receiving a certain minimum education. Indeed the clear advice of the Supreme Court is that the precise circumstances of each case must be looked at with care. Moreover, if further cases are examined by the Supreme Court, the resulting judgements may refine or amend the judgement in *DPP v. Best*.

⁸ Denham, p. 46.

⁹ Barron, p. 76.

¹⁰ Denham, p. 46 and p. 48.

¹¹ Denham, p. 47.

¹² Barron, p. 76.

¹³ Barron, p. 76 and p. 78.

¹⁴ Denham, p. 46.

¹⁵ Denham, p. 46.

¹⁶ Denham, p. 45.

¹⁷ Denham, p. 49–50.

¹⁸ Barron, p. 77 and per Keane J, p. 60, *DPP v. Best* [2000] 2 IR. 51.

3.3 The United Nations Convention on the Rights of the Child

The rights of the child

Ireland signed the United Nations Convention on the Rights of the Child on 30 September 1990, and the Convention was ratified by Ireland on 21 September 1992. The convention was described as “a positive step towards the protection of the human rights of all children” and the State committed itself “to achieving the maximum protection possible for the rights of all children.”¹⁹

In its First National Report on the implementation of the convention, the Government acknowledged that in Ireland,

historically and constitutionally, the family has been the unit of society which received special protection, and children’s rights have been taken into account within this unit.

The report also acknowledged that the convention reflected a move towards recognising the child as a separate entity, with rights distinct from the family, and pointed to the enactment of the Child Care Act 1991 as an example of

a movement away from the concept of children as parental property to an understanding of the child as a person who has rights by virtue of being a child.²⁰

Two rights delineated in the UN Convention are of particular relevance in a discussion of a minimum education: the right of children to have their views heard (defined in article 12) and the right to education (defined in article 28).

The right to education

Article 28 of the UN Convention committed signatory states “to recognise the right of the child to education” and “to achieving this right progressively and on the basis of equal opportunity.” In describing how this is to be achieved, however, the article confines itself largely to education provided through conventional educational institutions. Nevertheless, it has been accepted that this right to education has already been identified by the superior courts in Ireland as an unenumerated right under the Constitution.²¹

The purpose of education

More significantly, article 29 of the UN Convention provides a statement regarding the purpose of education:

State parties agree that the education of the child shall be directed to:

- (a) The development of the child’s personality, talents and mental and physical abilities to their fullest potential
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations
- (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living,

¹⁹ Government of Ireland, *United Nations Convention on the Rights of the Child: First National Report* (Stationery Office, Dublin, 1996), p. 1.

²⁰ *Ibid.*

²¹ Government of Ireland, *Report of the Constitutional Review Group* (Stationery Office, Dublin, 1996), p. 328.

the country from which he or she may originate, and for civilizations different from his or her own

- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and personas of indigenous origin
- (e) The development of respect for the natural environment.

It is clear that, by referring to the abilities or talents of the child, article 29 (a) of the UN Convention has close parallels with the approach adopted by the Supreme Court when defining the nature of education in *Ryan v. Attorney-General* as far back as 1965. It should also be noted that in considering the concept of a minimum education, the *DPP v. Best* judgements also make reference to having “regard to the intellectual and other capacities of the child” and the requirement to ensure that a “child’s personal potential is enhanced and not suppressed.”²²

The right of children to have their views heard

Article 12 of the UN Convention commits signatories to giving children a voice in the decision-making processes affecting them:

Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

This implies that governments and agencies that work with children and young people must take into account the views and ideas expressed by children when making decisions that have a direct impact upon their lives. Commentators have observed that, to date, while some developments have taken place in order to give effect to this article in the Irish context, the extent to which this right has been respected is limited. Nevertheless, the right of children to have their voice heard has informed the *Education Act 1998*, where provision is made for the formation of student councils in recognised schools. In addition, the National Children’s Strategy (both in its recommendations and in the process leading to its formulation) espoused the principle that children should be active participants in the decision making process.²³

The rights of the family v. the rights of the child

However, as the Constitutional Review Group pointed out any discussion of the rights of the child must have regard to the fact that the provisions of the Constitution and the UN Convention give rise to issues relating to a balancing of rights. These issues involve the balance between the rights of the family unit and of the individual member of the family, and between any constitutional protection of family autonomy (or parental rights) and the rights of the child.²⁴

The Review Group recommended that specific provision should be made in the Constitution for the explicit granting of rights to the child and to parents and that where these rights might conflict, the best

²² Per Denham J, p. 50 and p. 47, *DPP v. Best* [2000] 2 IR 17.

²³ Dympna Devine, “Voicing concerns about children’s rights and status in school” and Richard Rose and Michael Shevlin, “Providing opportunities and learning by encouraging voices” in Michael Shevlin and Richard Rose (eds.), *Encouraging Voices: Respecting the Insights of Young People who Have Been Marginalised* (National Disability Authority, Dublin, 2003), p. 36-55 and p. 5-9.

²⁴ Government of Ireland, *Report of the Constitution Review Group*, p. 330.

interests of the child should be the determining factor.²⁵ However, these recommendations have not so far been acted upon.

Irish law and its interpretation evolve over time and in the light of court cases. Future developments may clarify the impact on Irish law of the UN Convention on the Rights of the Child and other such international agreements. However, the present position appears to be that the rights of parents, as enshrined in the Constitution, remain paramount, and that

the role of the State in protecting abused or neglected children is recognised, but it may only be exercised in exceptional circumstances where parents have failed in their duty towards children, or where other “compelling” reasons exist based on the child’s welfare. Also, the State’s intervention should be the minimum necessary to protect the child.²⁶

Minimum education and the UN Convention on the Rights of the Child

For these reasons, when defining a certain minimum education, these guidelines have placed somewhat greater emphasis on the constitutional provisions than on definitions relating to the rights of the child as defined in the UN Convention. The guidelines, for sound educational reasons and following the judgements of the Supreme Court, state that any education must be responsive to the age, ability, aptitude, personality and individual needs of the child but do not prescribe any particular range of educational experiences, such as might be inferred from the UN Convention. However, it is recognised that this position may change over time, particularly as the understanding of children’s rights may develop further in Irish law, and practice evolves in giving recognition to the independent voice of the child. This should be taken into account during ongoing implementation and any future reviews of the guidelines.

3.4 The Education (Welfare) Act 2000

The Education (Welfare) Act 2000 provides for the entitlement of every child in the State to a certain minimum education. The act specifically provides for consideration to be given to such aspects as premises, equipment, and time devoted to education, in addition to the child’s intellectual, emotional and physical development. The child’s “knowledge and proficiency in those aspects that are considered appropriate” are to be considered within this framework. All these provisions must be kept in view in the assessment of education in places other than recognised schools.

3.5 Broad characteristics of a certain minimum education

Given the provisions of the Constitution, the interpretation of the Supreme Court judges in *DPP v. Best* and other cases, and the requirements of the Education (Welfare) Act, it is possible to delineate some broad characteristics of a certain minimum education. These may be used to judge the efficacy or otherwise of the provision made for a child, but, as the Supreme Court findings make clear, they will need to be adapted to individual circumstances and applied with regard to the nature of education in places other than recognised schools.

²⁵ Ibid., p. 259, p. 330, p.336-7.

²⁶ William Duncan, “The constitutional protection of parental rights” in *Parenthood in Modern Society*, J M Eekelaar and P Sarcevic (eds.), 1993, reprinted in *Report of the Constitution Review Group*, p. 617.

A certain minimum education should

- be suited to the age, ability, aptitude and personality of the child
- be responsive to the child's individual needs, should take cognisance of the areas of learning that are of interest to the child, and should ensure that his/her personal potential is enhanced and not suppressed
- address the immediate and prospective needs of the child, in the context of the cultural, economic and social environment
- provide a reasonably balanced range of learning experiences, so that no one aspect of the child's learning is emphasised to the exclusion of others
- develop the personal and social skills of the child and prepare him/her for the responsibilities of citizenship
- contribute to the moral development of the child
- ensure the development of basic skills (as outlined below) so as to prepare the child to participate in society and everyday life
- provide opportunities for the child to develop his/her intellectual capacities and understanding.

Basic skills

In elaborating the concept of a certain minimum education, account must be taken of those basic skills without which a child would be placed at a serious disadvantage. Development and progression in oral language, literacy and numeracy are vital for other areas of learning and for the child to participate in society and everyday life. *However, it must be remembered that these basic skills form only one aspect of the broad characteristics of a certain minimum education.*

Provision for language and literacy skills should

- reflect the child's age and stage of development
- reflect the child's personality, interests and general ability
- provide for the following, in accordance with the general ability of the child:
 - the acquisition of listening and speaking skills (including appropriate verbal and non-verbal communication behaviour)
 - reading (vocabulary development, comprehension and reading fluency)
 - writing (including grammar, spelling and punctuation sufficient to convey meaning)
- ensure that the child is developing oral language skills, literacy skills, comprehension skills and expressive skills in his/her first language, to his/her potential so that he/she may participate in society and everyday life.

Provision for numeracy should

- reflect the child's age and stage of development
- reflect the child's personality, interests and general ability

- provide for the following in accordance with the general ability of the child:
 - number
 - number operations
 - measures in money, time, length, area, weight and capacity
- ensure that the child is developing understanding, skills and knowledge, to his/her potential so that he/she may participate in society and everyday life.

4 Home-based Education and its Assessment

This chapter discusses some of the distinctive features evident in home-based education and how these must be considered when assessing the educational provision that exists or is proposed for a child.

4.1 The nature of home-based education

Home-based education occurs when a parent chooses to educate his/her child or children at home or mainly at home. The learning experiences may be provided by the parents themselves, or they may choose to have another person (such as an adult relative or an employed tutor) organise and provide the learning experiences.

4.2 Need to consider features of home-based education

In considering whether a child is receiving a certain minimum education at home an Authorised Person must have regard to the distinctive nature of home-based education. Home-based educators may use a wide range of approaches, many of which are uncommon in conventional school-based learning and teaching. It is critically important that those involved in the assessment of educational provision at home recognise that the customs, practices and standards that obtain generally in school-based education are not necessarily relevant to education that is provided in places other than recognised schools.

A number of distinctive features will be evident in home-based education and these must be borne in mind when assessing the educational provision that is in place or proposed for a child. This chapter discusses some of the more important of these features.

4.3 The individual circumstances of each case

Home-based education may vary considerably, depending on the individual circumstances of the family and child. As discussed in chapter 3, the courts have emphasised that judgements about the efficacy of home-based education, and whether a certain minimum education is being provided, must be based on a thorough and careful assessment of the circumstances of each case.

4.4 Responsibility of parents

Parents who choose to educate their child in places other than recognised schools take on a most responsible and important role. They undertake to provide a certain minimum education for their child—a task that requires considerable forethought and effective implementation, as well as a major commitment in time and energy. The vast majority of parents who choose to educate their children in this way demonstrate great commitment to the process and find it a satisfying and successful experience.

It must be remembered that, while parents may employ a variety of resources (including, in some cases, tutors, specialist teachers, correspondence courses, on-line educational programs, etc.) in providing home-based education, the overall responsibility for the education provided for the child remains with the parents. It should also be noted that the law places an onus on the parent as a provider and primary educator to assist an Authorised Person in carrying out an assessment of the education being provided.

4.5 Qualifications of those providing education

There is no requirement for parents or others responsible for the education of a child in a home or other setting outside of a recognised school to have any special qualifications. Some successful home-based educators have no formal educational qualifications. However, it is reasonable to expect that they would demonstrate a commitment and capacity to providing an education suited to the needs of the child concerned. It should also be noted that when a parent chooses to educate his/her children at home, many opportunities may be created for shared learning (where both parent and child learn simultaneously).

4.6 Learning and teaching

Education in centres other than recognised schools may reflect a wide range of teaching and learning approaches. Many home-based educators use an informal or semi-informal approach, in which opportunities for learning that arise in everyday experiences are used in a highly flexible, child-centred manner. Such home-based education can facilitate considerable individualised teaching and learning, and provide opportunities for more self-directed learning than may occur in schools.

A formal and structured approach involving, for example, timetabled lessons and using traditional subjects is less common but may be used in some instances. The most common instances of formal approaches occur among parents who have recently taken their children out of school or among older children who may study prescribed courses and participate in State examinations. It should also be noted that parents who start with a formal approach often change to a more informal one over time.

Irrespective of the manner in which the provision is made, the critical issues to be considered are whether the approach adopted is suited to the needs of the child, whether successful learning is taking place, and whether the child is making reasonable progress, given his/her ability, aptitude and learning needs.

4.7 The learning environment

Home-based education may be provided in a number of places. The Education (Welfare) Act requires that a Comprehensive Assessment must include an inspection of the premises, equipment and materials used. For the purposes of the assessment, the “premises” will be the place where *most* of the child’s education is experienced. In the majority of cases, this will be the child’s home and its immediate environs, but it should be remembered that learning may take place throughout the home and will often be supplemented through experiences encountered on planned visits to places of interest and facilities such as libraries and other centres.

An assessment of home-based education will normally include a visit to the home but might also include accompanying the child and his/her parent/tutor to other places. This will probably only be necessary in a small number of cases and it should be remembered that considerable evidence about the outcomes of learning will be available through the encounter with the child.

Parents who educate at home may use a wide variety of resources and materials to support learning. These may range from everyday objects and materials to specific educational equipment, publications and resources. Not all these materials may be immediately visible during an assessment: some resources may be in other rooms in the home, while others may be available on loan from the local library or other sources. Information should be sought about all these materials during any assessment.

4.8 Planning of learning activities

When children are educated in places other than recognised schools, and especially if they are educated by a parent at home, less formal planning than that normally associated with recognised schools is to be expected. For example, the individualised learning opportunities provided by a parent at home may enable the parent to be familiar with the progress that the child is making and to be ready to develop the activities in accordance with the child's needs. However, some planning will be needed, and parents should have given some thought to issues such as

- the learning needs of the child and how these may be addressed
- how the child's abilities will be developed
- how basic skills (oral language, literacy, and numeracy) will be acquired and developed
- the range of topics or areas of learning to be made available for the child in the short term and in the long term
- how these learning experiences are to be provided and/or taught
- the time to be devoted to this learning and the importance of frequent and regular learning experiences in ensuring effective learning and reinforcement
- how further assistance can be obtained for particular aspects of learning/teaching, if needed.

In summary, parents should be able to provide some indication of their objectives and must be clear about how the requirements of a certain minimum education will be met in the case of each child.

4.9 Written learning activities

When children are educated in a place other than a recognised school, the extent of written work completed by the child may be significantly less than that commonly found in a school setting. This may occur because individualised learning or tuition (and the greater opportunities present for oral discussion between the child and tutor) can reduce the need for the child and tutor to use written work to confirm the child's understanding of material taught. However, written work can play an important role in enabling the child to achieve mastery of a concept or skill, and it must also be remembered that sufficient attention needs to be paid to the development of writing skills so as to enable the child to write effectively for various purposes.

4.10 Monitoring work

Regular feedback and encouragement for the child on all aspects of his/her learning, including written learning activities, make an important contribution to effective learning. It should also be apparent that any learning difficulties that may be experienced by the child are identified and appropriate strategies adopted to address these learning needs.

Conventional “marking” or “correcting” of written work may be much less evident when education is provided outside of the setting of a recognised school. This may occur because the parent will be able to observe and comment on the child’s work, identify problems if they occur, and discuss these with the child as learning activities are in progress.

4.11 Recording

Formal recording of learning activities completed by children and the use of assessment instruments to monitor the progress made by them are often less common when children are educated elsewhere than in a recognised school. Some parents educating their children in this manner find it useful to maintain a diary or other means of recording the learning experiences engaged in by the child and the progress achieved. Such evidence, if available, can be useful in assessing the education being provided for the child. However, the absence of formal recording of work completed and progress achieved should not, of itself, be taken as conclusive proof that the parent is unaware of the child’s progress and needs.

4.12 Learning other languages

The Supreme Court judgement in *DPP v. Best* stated that the opportunities provided for the child to acquire skills in Irish should be considered “having regard to the position as a whole.” This judgement referred to an instance where Irish was a second language for the learners. When assessing whether a certain minimum education is being provided for children whose mother tongue is English, consideration should be given to whether or not opportunities for learning Irish are provided and whether this is appropriate, given the ability, aptitudes, needs, personality and interests of the child. Where the mother tongue of the child is Irish, the opportunities provided for the child to learn English should be considered, having regard to all the circumstances involved.

The opportunities provided for the acquisition of the mother tongue as well as English or Irish for children whose first language is neither English nor Irish (such as the children of non-nationals) should be considered in the context of the ability, aptitudes, needs, personality and interests of the child concerned and the overall circumstances of the case.

4.13 Cultural context

The content of the education that is considered as suitable for a child may vary according to the cultural identity, language, values or religious beliefs of the family and/or community in which the child is living and the community from which he/she may have originated. Assessments of minimum education must have regard to such factors.

For example, cultural or religious reasons may influence a parent to consider certain elements of education as essential or as inappropriate, depending on the age or sex of the child. Authorised Persons must be sensitive to these factors while conducting assessments and in determining whether a certain minimum education is being provided.

4.14 Education following trauma

Some parents may choose to educate their child at home because of a traumatic or upsetting experience involving the child at a school or elsewhere. The trauma or stress attendant on the withdrawal from school may necessitate a period of adjustment for the child. If the need to withdraw the child has arisen

suddenly, the parent may also require some time to prepare for his/her new role as educator. The move to home-based education may also involve some adjustment on the part of both parent and child to the less formal approach to education that is possible in the home setting.

Some commentators suggest that in these cases the child, regardless of age, may regress to some extent in behaviour, learning, social skills etc. until a certain stability or confidence is established that will enable progress to be made. The extent to which this may happen can depend on the nature and severity of the trauma and other factors, but once the child has recovered from the effects of whatever trauma he/she has experienced, and his/her confidence has returned, progress can be very significant.

Assessments of minimum educational provision may have to take such factors into account. In general, if the assessment occurs within a short period after the commencement of home education, in circumstances where the child was involved in a traumatic experience, it may be advisable to conduct a Preliminary Assessment only at that stage. This will involve an interview with the parent but will not require interaction with the child or observation of learning taking place. Subsequently, a second Preliminary Assessment and, if necessary, a Comprehensive Assessment may be carried out.¹

The circumstances of each case will dictate the period between the initial Preliminary Assessment and the subsequent Preliminary and Comprehensive Assessments. In general, it is reasonable to assume that if a second Preliminary Assessment and, if necessary, a Comprehensive Assessment are made three months after the initial Preliminary Assessment, some evidence should be available to show that education is being provided that is suited to the age, ability, aptitude, personality and individual needs of the child (including adaptations necessitated by the trauma experienced, if any). While not required, any evidence available from psychological, psychiatric or other medical reports may be considered in determining whether the educational provision is suited to the needs of the child.

It is also reasonable for a Preliminary or Comprehensive Report to recommend that a further assessment of provision be made at a specified future date so that the child's right to a minimum education is protected. This further inspection would be carried out under section 14 (7) of the Education (Welfare) Act, which provides for assessments of educational provision at intervals.²

¹ See section 5.2 for more detail on Preliminary and Comprehensive Assessments.

² See also section 5.9.

5 Arranging and Carrying out Assessments

This chapter describes the arrangements under which assessments of educational provision in places other than recognised schools will be carried out by Authorised Persons acting under the Education (Welfare) Act 2000. The general principles adopted and much of the detail of the arrangements will be of relevance to all Authorised Persons, but specific reference is also made to the arrangements that apply when the assessment is carried out by an inspector of the Department of Education and Science.

The arrangements outlined in the chapter will require adaptation when assessments are carried out in non-recognised (or private) schools. These adaptations are discussed in chapter 6.

5.1 Purpose of assessment

A request for an assessment of educational provision being made for a child will arise under section 14 of the Educational (Welfare) Act. The assessment may be required

- as part of the process arising from an application to the National Educational Welfare Board from a parent seeking to register his/her child as receiving education in a place other than a recognised school
- or*
- as part of ongoing monitoring by the National Educational Welfare Board of the educational provision for a child receiving education in a place other than a recognised school.

The assessment process is designed to assist the Board in determining whether the child is receiving a certain minimum education.

5.2 Two stages of assessment

Section 14 of the Education (Welfare) Act provides for two distinct stages of assessment. In the first stage, the assessment of the educational provision will be carried out by an Authorised Person in consultation with the parent, without necessarily visiting the place where education is provided or meeting the child concerned. In some cases this may conclude the process. The second stage involves the Authorised Person visiting the place at which the child is being educated and engaging with him/her.¹

¹ See section 2.6.

For the purposes of these guidelines, the terms *Preliminary Assessment* and *Comprehensive Assessment* will be used to distinguish between these two stages of assessment:

A *Preliminary Assessment* will involve an assessment of

- the education that is being provided or proposed
- the materials used or proposed to be used
- the time spent or proposed to be spent on education.

A *Comprehensive Assessment* will also involve

- entering the place where the child is being educated and observing the child receiving the education that is being provided for him/her
- inspecting the premises, equipment and materials used in the provision of education to the child
- carrying out an assessment of the child with regard to his/her intellectual, emotional, and physical development, including an assessment of his/her knowledge and understanding of such subjects, and proficiency in such exercises and disciplines, as the Authorised Person considers appropriate.

5.3 Role of the National Educational Welfare Board

Receiving applications from parents for registration

It is likely that most assessments of educational provision in places other than recognised schools will arise when a parent educating his/her child at home or in a non-recognised school seeks to register with the National Educational Welfare Board. On the application for registration (Form R1) the parent will be invited to submit relevant information about their child's/children's education and will be required to grant his/her consent for an assessment to take place. Alternatively, the application form will allow the parent to state that his/her child is being educated in a non-recognised school and that the educational provision for the child may be assessed in that setting.²

Initiating an assessment

The responsibility for initiating an assessment lies with the National Educational Welfare Board. The Board will request that an assessment be carried out by an Authorised Person, who may be an educational welfare officer, an inspector of the Department of Education and Science, or another person authorised by the Board.

Requesting an assessment

A request for an assessment will be sent by the National Educational Welfare Board to an Authorised Person and should indicate clearly the type of assessment required: either a Preliminary Assessment or a Comprehensive Assessment. In some cases the National Educational Welfare Board may decide that to carry out an assessment satisfactorily the expertise of an inspector of the Department of Education and Science is required. Where this is the case, requests for an assessment of the educational provision being made (or that which is proposed) for a child in a place other than a recognised school will be forwarded

² See chapter 6 for further details of the process in respect of children in non-recognised schools.

to Special Education Section 2, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath.³

Prior requirements

Before requesting that an Authorised Person undertake an assessment, the National Educational Welfare Board will

- *Assemble information*
The Board will assemble all available information and background material, including the application for registration, correspondence, reports, and other relevant documents. These will be submitted to the Authorised Person (or to Special Education Section 2 of the Department of Education and Science) with the request for an assessment.
- *Procure parental consent*
The written consent of the parent must be obtained by the Board for an assessment to take place. This consent will normally be obtained at the time that a parent seeks registration with the National Educational Welfare Board. A copy of the application form or other document indicating the consent of the parent should be included in the file sent to the Authorised Person (or Special Education Section 2 of the Department of Education and Science).
- *Clarify where the assessment will take place*
The venue at which the assessment will take place will vary according to the circumstances of the case and the type of assessment to be completed. A *Preliminary Assessment* will involve a consultation with the parent, and this *may* take place in the home or the place at which the educational provision is made. However, the Education (Welfare) Act does not *require* that this Preliminary Assessment be carried out in the home or place at which the education is provided.

In the case of a *Comprehensive Assessment*, the Education (Welfare) Act provides that the Authorised Person should enter the place at which the child is being educated and observe the education that is being provided. Section 10 (4) and Section 14 (5) (iii) of the act also provide that the National Educational Welfare Board may determine that the assessment of the child should be carried out at “such other place as the Board considers appropriate.” The request from the National Educational Welfare Board will indicate the appropriate venue.

5.4 Involvement of the Department of Education and Science

Role of Special Education Section 2 within the Department

In cases where the National Educational Welfare Board requests the Inspectorate of the Department of Education and Science to carry out an assessment, Special Education Section 2 of the Department will receive the request. This section has overall administrative responsibility within the Department for cases in which education is being provided to children in places other than recognised schools. The section will oversee the involvement of the Department with each case from its initial stage until the case is concluded.

³ At the time of writing, and pending reorganisation of the Department of Education and Science, Special Education Section 2 has overall responsibility for the administrative aspects of these requests.

The staff in Special Education Section 2 will:

- receive and acknowledge the request for an assessment report from the National Educational Welfare Board
- receive all available information and background material that has been assembled by the National Educational Welfare Board
- refer the case to the relevant Assistant Chief Inspector
- arrange, in consultation with the parent and nominated inspector, a suitable date for an assessment and formally notify the parent, normally by registered post. Every effort will be made to accommodate the family and other circumstances of the child. It is preferable that the assessment be carried out during the time normally allocated to teaching and learning activities
- liaise with the inspector(s) involved
- conduct correspondence with the National Educational Welfare Board and other bodies
- receive the Assessment Report from the Assistant Chief Inspector and issue it to the National Educational Welfare Board
- maintain the official record of the Department's involvement with the case
- generally oversee the Department's involvement with appeals and court cases.

Role of Assistant Chief Inspector

Special Education Section 2 will refer requests for assessments of education in places other than recognised schools to the appropriate Assistant Chief Inspector, who will nominate an individual inspector to act as an *Authorised Person* as understood under the Education (Welfare) Act 2000. The initial file with all relevant background information will be forwarded to the inspector who will act as an Authorised Person.

5.5 Authorised Person

The responsibility for the assessment will lie with the Authorised Person. He/she will carry out the assessment and will have sole responsibility for the Assessment Report.

5.6 General principles for Authorised Persons

Every consideration will be shown to the parent(s) and the child(ren) concerned in the conduct of the assessment. Where an inspector of the Department of Education and Science acts as an authorised person, his/her relationship with all concerned will be in accordance with the *Professional Code of Practice on Evaluation and Reporting for the Inspectorate*.

In particular, when carrying out interviews and assessments, the Authorised Person will

- foster mutual respect and trust between him/her, the parent/educator and the child
- show courtesy, respect and fairness to the parent/educator and the child
- ensure that interviews and assessments are conducted in a calm and co-operative manner

- encourage the creation of an atmosphere of openness and transparency in the best interests of the child
- show sensitivity to the teaching and learning approaches used in the education of the child
- ensure that his/her interaction with the child is relaxed and helpful for the child and the parent/educator
- collect information and data in an accurate and consistent manner, so that assessments may be based on reliable and accurate evidence
- demonstrate sensitivity towards the parent/educator, and clarity in the manner in which findings are communicated, so as to enhance the motivation and overall capacity of the parent/educator to make effective provision for the child's education.

5.7 Carrying out a Preliminary Assessment

Preliminary Assessment/Interview

A Preliminary Assessment will take place largely through a structured interview with the parent and, if appropriate, any other person responsible for the education of the child. The Education (Welfare) Act places an onus on the parent as a provider and primary educator to assist the Authorised Person in carrying out the assessment of the education being provided (or that he/she proposes to provide).⁴ The interview should be conducted in as comfortable a setting as possible. Normally, the child or children should not be present during this time.

During the preliminary assessment the work of the Authorised Person will be guided by the “General Principles for Authorised Persons” in Section 5.6 above. The interview(s) will be structured in accordance with the Preliminary Assessment/Interview Schedule set out in the Appendix. The interview may require one hour or more to complete.

Purpose of Preliminary Assessment/Interview

The purpose of the Preliminary Assessment is to gather all relevant information on the education that is being provided or proposed to be provided for the child. In particular, information will be gathered on:

- the name, date of birth and other details of the child/children involved (if not already included in the file supplied by National Educational Welfare Board)
- the educational history of the child to date, his/her general ability, his/her special learning needs (if any), and his/her abilities or talents
- the person or persons providing education for the child (or those proposed as providers) and his/her/their commitment and capacity to provide satisfactory educational experiences for the child
- the education being provided (or proposed to be provided), including details of
 - any particular principles or philosophy underlying the education
 - the provision made for the development of intellectual skills, moral development, social and emotional development, and physical development

⁴ Education (Welfare) Act 2000, section 14 (13) (b).

- the methodologies used
- the progress achieved by the child as described by the parent/tutor
- the progress achieved as demonstrated in work and/or assessments completed
- the materials used (or proposed to be used)
- the time spent (or proposed to be spent) on education, including any records of the time that has been devoted to education before the assessment
- any other relevant information concerning the education being provided.

Discussion of the findings/draft assessment report with parent

Following the conclusion of the Preliminary Assessment/Interview, the Authorised Person will discuss his/her findings with the parent of the child. In some circumstances, and particularly if the Authorised Person intends to report that a certain minimum is in place, it will be possible for this discussion to take place at the conclusion of the Preliminary Assessment/Interview with the parent. In other cases the Authorised Person may opt to prepare a draft written report and present its contents to the parent at a further meeting.

The discussion on the findings of the Authorised Person should

- provide feedback to the parent on the outcome of the assessment
- make the parents aware of the findings and conclusions of the Authorised Person
- provide an opportunity for the parent to comment on the findings and conclusions of the Authorised Person
- provide opportunities, if necessary, for factual errors to be corrected, misunderstandings to be clarified, and any additional relevant information to be identified.

During these discussions it should be emphasised to the parent

- that the final contents of the report and its findings are the responsibility of the Authorised Person
- that, under section 14 (9) of the Education (Welfare) Act, the parent will receive a copy of the final report directly from the National Educational Welfare Board and will be invited to make representations to the Board on its contents.

Preparation and finalisation of the written assessment report

As soon as possible following completion of the Preliminary Assessment/Interview, the Authorised Person will prepare an Assessment Report. The report will

- provide details of the child for whom education is provided/proposed to be provided
- provide details of the parent or other person providing/proposed as provider of the education
- describe the evidence collected during the assessment
- make an evaluation of the provision being made or proposed

- provide a judgement as to whether the education being provided/proposed may or may not be deemed a certain minimum education

or

state that on the basis of the evidence available it is not possible to determine whether the education being provided/proposed may be deemed a certain minimum education.

The report will state clearly the reasons for that conclusion.

The Preliminary Assessment/Interview Reporting Template in the Appendix of these guidelines will assist in preparing the Assessment Report. Other than where the Authorised Person intends to report that a certain minimum education is in place, a draft of the Assessment Report should be discussed with the parent prior to its finalisation. Such discussions, if necessary, should take place as soon as possible following the completion of the assessment visit.

Completion and processing of the report

Following discussion of the findings of the Authorised Person with the parent (or, if necessary, discussion of the draft report with the parent), the Authorised Person will complete the Assessment Report. The completed report should include a short note indicating that the findings (or draft report as relevant) were discussed with the parent.

Normally, where the assessment is carried out by an inspector of the Department of Education and Science, the Assessment Report will be forwarded to the Assistant Chief Inspector within twenty-eight days of the assessment. The Assistant Chief Inspector will forward the Assessment Report to Special Education Section 2 for issue to the National Educational Welfare Board. Reports written by Authorised Persons who are not inspectors of the Department will be sent directly to the National Educational Welfare Board within twenty-eight days of the assessment. Reports will remain confidential, to be made available only to those persons who have entitlement to their contents.

5.8 Carrying out a Comprehensive Assessment

A Comprehensive Assessment will involve observation of the education being provided, an inspection of the premises, equipment and materials used, and an assessment of the child's progress and development. Normally, it will be requested by the National Educational Welfare Board when the Board is unable to determine, on the basis of a Preliminary Assessment Report, whether a child is receiving a certain minimum education. It may also be required as part of the Board's ongoing monitoring of the education being provided for a child.

This type of assessment may require a substantial amount of time, depending on the circumstances, and may, if necessary, occupy a substantial part of a day. It is preferable that the assessment be carried out during the time normally allocated to learning activities.

If required, a second visit may be necessary in order to complete the assessment or to provide opportunities for progress to be observed. It is essential that the parent remains present for the full duration of the assessment visit(s). Reasonable provision should be made for rest periods and breaks, in consultation with the parent.

During the Comprehensive Assessment the work of the Authorised Person will be guided by the "General Principles for Authorised Persons" in section 5.6 above. The Comprehensive Assessment

Schedule in the Appendix will assist in the recording of evidence during the period of observation and evaluation. However, the schedule should be used flexibly, and care should be taken to ensure that, as far as possible, the structure of the schedule does not impinge on learning activities or adversely affect the interaction between the child and the Authorised Person.

Observation of learning activities

Engagement with the actual provision of education in the surroundings in which the education is normally experienced by the child is a central element of the Comprehensive Assessment. This will involve the observation of learning and teaching activities, consideration of selected aspects of learning, exploration of work done, and examination of written work, other work samples, and arrangements for monitoring and assessing the progress of the child. This period of observation may involve interaction between the Authorised Person and the child.

When observing learning activities in a home-education context, it is particularly important that the Authorised Person bears in mind the characteristics of home-based education discussed above in chapter 4.

Inspection of premises, equipment and materials

The equipment and material used in the provision of education and the premises in which the education is provided should also be considered in a Comprehensive Assessment. Much information on this aspect of the education will have been collected during the Preliminary Assessment/Interview stage, but the observation of learning and teaching should provide additional information on how equipment and materials are used with the child, the suitability of the premises, and the extent to which the learning environment in general contributes to meeting the learning needs of the child.

Assessment of the child

The Comprehensive Assessment will also involve an assessment by the Authorised Person of the intellectual, emotional and physical development of the child. This will include an assessment of the child's "knowledge and understanding of such subjects, and proficiency in such exercises and disciplines, as the authorised person considers appropriate."⁵

This element of the assessment will be achieved largely through interaction between the Authorised Person and the child, but useful information will also be collected through observing the child while learning is in progress.

Much of the interaction between the child and the Authorised Person will be an informal conversation, in which the Authorised Person will seek to establish the areas of interest to the child and encourage him/her to talk about them. Through the conversation the Authorised Person will seek to create opportunities in which the child's knowledge, understanding and skills may become evident. The Authorised Person will be conscious that evidence of learning and development in oral language, literacy, numeracy and other areas of learning may be gleaned from such a conversation, often irrespective of the actual topic of conversation.

The Authorised Person will also have regard to the information on the child's learning that has been provided by the parent/educator and may explore aspects of this learning through the course of the

⁵ Education (Welfare) Act, section 14 (5) (iii).

conversation or by inviting the child to undertake activities in which he/she can demonstrate certain skills or abilities. Suggestions for these activities may arise naturally in the course of the conversation; in other cases they may be suggested by the Authorised Person.

The assessment will also draw upon any available assessment data and on a scrutiny of work completed or under completion by the child. The assessment may also involve the administration of standardised assessment instruments/tests if the circumstances warrant their use and if conditions are appropriate.

Discussion of the findings/draft assessment report with parent

Following the conclusion of the Comprehensive Assessment, the Authorised Person will discuss his/her findings with the parent of the child. In some circumstances, and particularly if the Authorised Person intends to report that a certain minimum is in place, it will be possible for this discussion to take place at the conclusion of the period of observation. In other cases, the Authorised Person may opt to prepare a draft written report and present its contents to the parent at a further meeting.

The discussion on the findings of the Authorised Person should

- provide feedback to the parent on the outcome of the assessment
- make the parents aware of the findings and conclusions of the Authorised Person
- provide an opportunity for the parent to comment on the findings and conclusions of the Authorised Person
- provide opportunities, if necessary, for factual errors to be corrected, misunderstandings to be clarified, and any additional relevant information to be identified.

During these discussions, it should be emphasised to the parent

- that the final contents of the report and its findings are the responsibility of the Authorised Person
- that, under section 14 (9) of the Education (Welfare) Act, the parent will receive a copy of the final report directly from the National Educational Welfare Board and will be invited to make representations to the Board on its contents.

Draft assessment report

As soon as possible following completion of the Comprehensive Assessment, the Authorised Person will prepare a draft Assessment Report. The report will

- provide details of the child for whom education is being provided
- provide details of the parent or other person providing the education
- describe the evidence collected during the assessment and make an evaluation of the provision that exists for the child under headings such as:
 - the learning environment (including the materials used and the premises in which education is provided)
 - the learning encounter (including the manner in which the education is provided and learning takes place)

- provision for the child’s intellectual development (including language skills, literacy, numeracy and any other area of learning)
 - physical development
 - social and emotional development
 - moral development
 - arrangements for the monitoring and assessment of the child’s learning that are in place, if any
- provide a judgement as to whether the education being provided should be deemed a certain minimum education. In instances where, in the opinion of the Authorised Person, a certain minimum education is not being provided, the reasons for this conclusion should be clearly stated.

The Comprehensive Reporting Template in the Appendix will assist in the preparation of the Assessment Report.

Completion and processing of the report

Following discussion of the findings of the Authorised Person with the parent (or, if necessary, discussion of the draft report with the parent), the Authorised Person will complete the Comprehensive Assessment Report. The completed report should include a short note stating that the findings (or draft report as relevant) were discussed with the parent.

Normally, where the assessment is carried out by an inspector of the Department of Education and Science, the Assessment Report will be forwarded to the Assistant Chief Inspector within twenty-eight days of the assessment. The Assistant Chief Inspector will forward the Assessment Report to Special Education Section 2 for issue to the National Educational Welfare Board. Reports written by Authorised Persons who are not inspectors of the Department will be sent directly to the National Educational Welfare Board within twenty-eight days of the assessment. Reports will remain confidential, to be made available only to those persons who have entitlement to their contents.

5.9 Modifications to the assessment process for ongoing monitoring

Requests for assessment may arise either from an initial application for registration or from ongoing monitoring of provision by the National Educational Welfare Board. In the latter case section 14 (7) of the Education (Welfare) Act provides that modifications may be made to the assessment process.

In these cases, the request from the National Educational Welfare Board will indicate that the assessment arises from ongoing monitoring and the nature of any modification that is to be made to the assessment process. As in the normal procedure, the draft report should be discussed with the parent before it is completed and submitted to the National Educational Welfare Board.

5.10 Safety and welfare of the child

A particularly important consideration is the safety and well-being of the child. If the Authorised Person has any concern for the safety or well-being of the child, he/she should report this to the appropriate authorities, as provided for in *Child Protection: Guidelines and Procedures* (Department of Education and

Science, 2001) and *Children First: National Guidelines for the Protection and Welfare of Children* (Department of Health and Children, 1999). In exceptional circumstances, it may be necessary for an assessment to be terminated.

The Authorised Person should also provide a short statement, separate to his/her assessment report, for the use of the National Educational Welfare Board. This statement should simply record that a report has been made to the appropriate authorities but should not contain details of the concerns reported.

5.11 Appeal under the Education (Welfare) Act 2000

Section 15 of the Education (Welfare) Act contains provision for an appeal committee to be appointed by the Minister for Education and Science, to hear and determine an appeal against a decision of the National Educational Welfare Board. An appeal committee, comprising a judge of the District Court, an inspector and another person, would invite the parent of the child concerned and the Authorised Person who prepared and submitted the report to make submissions to it concerning the matters to which the appeal relates.

An important feature of this procedure is that the appeal committee may require a parent to undertake to comply with whatever requirements it considers appropriate. Any requests for appeal committee appearances by inspectors of the Department of Education and Science in connection with assessments will be dealt with in the first instance by Special Education Section 2 of the Department.

6 Assessments in Non-recognised Schools

This chapter discusses the adaptation of the registration and assessment process for use in non-recognised schools. It should be read in conjunction with the general arrangements outlined in chapter 5.

The main adaptations are concerned with the submission of applications for registration (which involves the principal of the private school as well as the parent) and with the assessment process (which has regard to the fact that, in general, the child receives his/her education in the company of other children in a group or class.)

6.1 Non-recognised schools

The term “non-recognised school” refers to any form of school that is not recognised under Section 10 of the Education Act 1998 and in which education is regularly and systematically provided for a number of children in a place other than their home.

The term “non-recognised school” encompasses a wide variety of institutions. For example, parents may choose to have their children attend a private or independent school operated by a body (such as a trust, religious body, charity, foundation or company) or an individual. Some of these private schools have been founded with the intention of offering a particular or specialised curriculum, or for religious or cultural reasons. Many private schools have been in operation for a considerable time and offer a curriculum similar to that available in recognised schools. Other non-recognised schools are established informally by parents who may co-operate to educate their own children and the children of others. In some cases, parents may co-operate for a period to employ a person to provide an education for their children.

6.2 Responsibility for provision

It must be remembered that parents continue to have overall responsibility for the education provided for their children, irrespective of the arrangements they make with a non-recognised school. As in the case of parents who educate children at home, parents who choose to send their children to a non-recognised school are legally obliged to assist an Authorised Person in carrying out an assessment of the education being provided.

6.3 Assessment of children in non-recognised schools

Section 14 (6) of the Education (Welfare) Act provides for an assessment to be carried out in respect of a child who is a student at a school other than a recognised school. It should be noted that an assessment of the educational provision in a non-recognised school is concerned only to establish that the children in the school are receiving a certain minimum education, as defined in these guidelines. (The assessment

is **not** an *inspection*, such as that carried out by inspectors of the Department of Education and Science in recognised schools under section 13 of the Education Act 1998.) The assessment may be carried out by any Authorised Person appointed by the National Educational Welfare Board.

The limited purpose of the assessment process is designed to respect the rights of parents with regard to the education of their children while at the same time ensuring that the State's obligations to ensure that children receive a certain minimum education can be fulfilled. It must be noted that the provision of a certain minimum education does not necessitate the use of any prescribed curriculum, the use of particular methodologies, or the inclusion of any specific subjects. Moreover, the assessment process will have regard to linguistic, cultural and religious factors, such as those discussed in sections 4.12 and 4.13 above.

The procedures for arranging and conducting assessments as outlined in chapter 5 of these guidelines will be adapted when assessments are being conducted in non-recognised schools. The remaining sections of this chapter outline some of the more significant modifications that may need to be made.

6.4 Application for registration

The Education (Welfare) Act 2000 places a responsibility on parents who choose to provide for the education of their children in a place other than a recognised school to apply to the National Educational Welfare Board to have their children placed on the register. Irrespective of the arrangements that the parents make with a non-recognised school, parents remain responsible for applying for registration.

A parent, on applying to the National Educational Welfare Board for registration of his/her child, may indicate to the Board that the child is receiving an education in a non-recognised school. The application form (Form R1) will ask the parent to consent to the assessment of the educational provision being made for the child at the non-recognised school and will ask him/her to provide details of the school concerned. Normally, the parent will give the application form to the principal teacher of the school, who must complete a further section of the form. This will provide evidence to the Board that the child is receiving education in the school or that it is expected that he/she will do so in the near future.

Usually, the completed application form for registration will be submitted to the National Educational Welfare Board by the principal teacher of the school acting on behalf of the parent. Such an application will be submitted once only, unless the child is moved to another school.

The principal of the non-recognised school will also be required to complete a Return Form (Form R2). This form will contain details of the school, the time allocated to education (days and hours of opening, timetables of learning activities), the teachers working at the school, and the children attending the school. The form will also contain details of the learning activities/curriculum provided and information on the monitoring of pupils' progress. This Return Form will be completed annually by the principal teacher. It will be submitted to the Board together with the completed Forms R1 in respect of each child who has not been previously educated in the school.

In summary, therefore, assessments of educational provision in non-recognised schools will be triggered by

either

the receipt at the National Educational Welfare Board of a completed Return Form (Form R2) from the principal of the private school accompanied by a completed Application Form

(Form R1) in respect of each child not previously registered with the Board as receiving education in that school

or

ongoing monitoring by the National Educational Welfare Board of educational provision in a private school at which children registered with the Board are receiving education.

6.5 Carrying out assessments

The assessment process will be carried out by an Authorised Person, using the procedures outlined in Chapter 5 of these guidelines, adapted as considered necessary by the Authorised Person and the National Educational Welfare Board. In the case of a non-recognised school where a small number of children are educated, the procedures may require little modification, while in a larger or more formal school setting, considerable adjustment may need to be made.

Some of the alterations that may need to be made include the following:

Scheduling assessments

Assessments will be scheduled by the staff of the National Educational Welfare Board or staff at the Department of Education and Science in consultation with the non-recognised school and the Authorised Person. Formal written notification of the assessment will be issued to the school.

Preliminary Assessment

A Preliminary Assessment may be required either as part of the initial registration process for children or as part of ongoing monitoring of educational provision. Normally, when conducting a Preliminary Assessment in a non-recognised school, the Authorised Person should interview the principal and/or teacher(s) of the children rather than the parents. However, a parent may also be interviewed if this is considered necessary.

The Preliminary Assessment is intended to collect information on the provision being made for the children. In non-recognised schools, assessments may have regard to the fact that children receive their education in the company of other children in group(s) or class(es). Consequently, the information to be gathered at this stage will usually relate to the education being provided for the group(s) or class(es) in which the children normally receive their education, and the general educational provision in the school. However, details of any individualised provision may also be sought and reported upon as necessary.

The questions and headings in the Preliminary Assessment schedule in the Appendix, adapted as necessary, will assist in the collection of the required information. As in the case of home-education assessments, the Authorised Person will report on whether he/she is of the opinion that a certain minimum education is being provided for children in the non-recognised school.

Discussion of the findings/draft assessment report

Following the conclusion of the Preliminary Assessment, the Authorised Person will discuss his/her findings with the principal and/or teacher(s) of the children. In some circumstances, and particularly if the Authorised Person intends to report that a certain minimum is in place, it will be possible for this discussion to take place at the conclusion of the period of observation. In other cases, the Authorised

Person may opt to prepare a draft written report and present its contents to the principal and/or other teacher(s) at a further meeting. In very exceptional circumstances the Authorised Person may discuss his/her findings and/or the draft report with the parent of a child if this is considered necessary.

Completion and processing of Preliminary Assessment report

Under section 14 (9) of the Education (Welfare) Act, the principal teacher, on behalf of the parents, will receive a copy of the completed Preliminary Assessment Report from the National Educational Welfare Board. Where the report states that the Authorised Person is of the opinion that a certain minimum education is **not** being provided for a child, a copy of the report will also be forwarded directly to each parent, and they will be invited to comment on the report before any decision is taken by the Board concerning it. In addition to considering comments from parents, the National Educational Welfare Board may also consider comments from the principal teacher of the school (acting on behalf of parents) before any decision is taken by the Board concerning the report.

Comprehensive Assessment

A Comprehensive Assessment may be required either because the National Educational Welfare Board is unable on the basis of the Preliminary Assessment report to determine satisfactorily that a certain minimum education is being provided, or as part of ongoing monitoring. As in the case of the Preliminary Assessment, the Comprehensive Assessment may have regard to the fact that children receive their education in the company of other children in group(s) or class(es). Normally, the Authorised Person will make observations and collect information about the educational provision for the group(s) or class(es) in which children are receiving education. The Assessment will not normally involve an individual assessment of a single child.

During a Comprehensive Assessment, the Authorised Person will

- enter the classroom or other place where the children are being educated and observe the children receiving the education that is being provided
- inspect the premises, equipment and materials used in the provision of education to the children
- through interacting with the group(s) or class(es) in which the children are receiving education, and through the examination of work completed by the children, carry out an assessment of the children with regard to their intellectual, emotional and physical development, including an assessment of their knowledge and understanding of such subjects, and proficiency in such exercises and disciplines, as the Authorised Person considers appropriate.

When interacting with the children, the Authorised Person will bear in mind the learning experiences that the teachers have planned for the children and the progress that they have recorded, as well as the requirements of a certain minimum education. The questions and headings in the Comprehensive Assessment schedule in the Appendix, adapted as necessary, will assist in the collection of the required information. The Authorised Person will report on whether he/she is of the opinion that a certain minimum education is being provided for the children in the non-recognised school.

Discussion of the findings/draft assessment report

Following the conclusion of the Comprehensive Assessment, the Authorised Person will discuss his/her findings with the principal and/or other teacher(s) of the children. In some circumstances, and particularly if the Authorised Person intends to report that a certain minimum is in place, it will be

possible for this discussion to take place at the conclusion of the period of observation. In other cases, the Authorised Person may opt to prepare a draft written report and present its contents to the principal and/or other teacher(s) at a further meeting. In very exceptional circumstances, the Authorised Person may discuss his/her findings and/or the draft report with the parent of a child if this is considered necessary.

Completion and processing of Comprehensive Assessment report

Under section 14(9) of the Education (Welfare) Act, the principal teacher, on behalf of the parents, will receive a copy of the completed Comprehensive Assessment Report from the National Educational Welfare Board. Where the report states that the Authorised Person is of the opinion that a certain minimum education is *not* being provided for a child, a copy of the report will also be forwarded directly to each parent, and they will be invited to comment on the report before any decision is taken by the Board concerning it. In addition to considering comments from parents, the National Educational Welfare Board may also consider comments from the principal teacher of the school (acting on behalf of parents) before any decision is taken by the Board concerning the report.

6.6 Registration of children following assessments

The Education (Welfare) Act provides that having received a satisfactory assessment report on the education provided by a non-recognised school, the National Educational Welfare Board may determine that the school is providing a certain minimum education to all children at the school. In these circumstances, the National Welfare Board may accept applications for registration from parents of other children at the school and register the children concerned, provided that the applications are accompanied by satisfactory evidence of attendance. The appropriate section of the Application Form completed by the principal teacher and the School Return Form (Form R2) will provide this evidence. This will mean that an assessment need not take place each year, but a non-recognised school will be required to make an annual return of pupils attending the school.

Under section 14 (7) of the Education (Welfare) Act the Board may have an Authorised Person conduct Preliminary and/or Comprehensive Assessments on the educational provision in the non-recognised school at intervals.

6.7 Appeal under the Education (Welfare) Act 2000

As outlined in section 5.11 above, section 15 of the *Education (Welfare) Act* provides for an appeal committee to be appointed by the Minister for Education and Science to hear and determine an appeal against a decision of the National Educational Welfare Board.

Applications for appeal may be made by parents only (as the responsibility for the provision of education rests with the parents and not with any non-recognised school). A parent making an appeal and the Authorised Person against whose report the appeal is made will be invited to make submissions to the Appeal Board concerning the matters to which the appeal relates. The parent, in his/her submission, may include evidence from the principal of the non-recognised school, and the Appeal Board may consider such evidence. However, there is no provision in the act whereby a non-recognised school may itself make an appeal.

6.8 Education outside the State and programmes prescribed by the Minister

It should be noted that these guidelines and the assessment process provided for under section 14 of the Education (Welfare) Act do not apply to children being educated at schools outside the State or to children participating in programmes of education, training, instruction or work experience prescribed by the Minister for Education and Science.

Appendix

Assessment Schedules and Reporting Templates

This appendix provides a number of schedules and templates, as follows:

- Preliminary Assessment/Interview Schedule
- Preliminary Assessment Reporting Template
- Comprehensive Assessment Schedule
- Comprehensive Assessment Reporting Schedule

These schedules and templates are designed to assist Authorised Persons in undertaking assessments of educational provision in places other than non-recognised schools. They will need to be adapted to the needs and circumstances of each case and in the light of ongoing experience in the implementation of the guidelines.

Education (Welfare) Act 2000

Assessment of Education in Places Other Than Recognised Schools Under Section 14 of the Act

Preliminary Assessment/Interview Schedule

General Instructions

This schedule is designed to assist an Authorised Person in gathering information when conducting a Preliminary Assessment of the education being provided or proposed for a child. The Preliminary Assessment/Interview should be conducted with the parent (and, if appropriate, any other person responsible for the education of the child).

The aspects listed in the schedule are not intended to be prescriptive and should be adapted to the needs and circumstances of each individual case. The user should be thoroughly familiar with the content of *Guidelines on the Assessment of Education in Places Other Than Recognised Schools* before conducting a preliminary assessment. In particular, Authorised Persons should bear in mind the broad characteristics of a certain minimum education as outlined in chapter 3 of the *Guidelines* and the specific advice on the nature of home-based education and its assessment contained in chapter 4. Advice on the assessment process may be found in chapter 5.

The schedule may be adapted as necessary in the case of children in a non-recognised school. In these circumstances the Preliminary Assessment/Interview should be conducted with the principal and/or teacher(s) of the child rather than, or in addition to, the parent.

Specific advice on the adaptation of the assessment process for use in non-recognised schools is contained in chapter 6 of the *Guidelines*. In particular, the assessment may have regard to the fact that children receive their education in the company of other children in group(s) or class(es). Consequently, the information to be gathered at this stage will usually relate to the education being provided for the group(s) or class(es) in which the children normally receive their education, and the general educational provision in the school. Where the word “child” occurs in the schedule it may be understood to refer to the children within the class/group as necessary.

Authorised Persons should note that any concerns regarding the safety and well-being of a child should be reported to the appropriate authorities in accordance with *Child Protection: Guidelines and Procedures* (Department of Education and Science, 2001) and *Children First: National Guidelines for the Protection and Welfare of Children* (Department of Health and Children, 1999). The fact that such a report has been made (but not the details of the report) should be supplied to the National Educational Welfare Board.

Preliminary Assessment/Interview Schedule

THE CHILD (IN THE CASE OF HOME-BASED EDUCATION)

<i>Name</i>		<i>PPS Number</i>
<i>Date of birth</i>	<i>Age at assessment</i> Years Months	<i>Nationality</i>
<i>Address at which assessment/interview was conducted</i>		
<i>Date of assessment</i>	<i>Time</i> From to	<i>Date of previous assessment (if any)</i>

**THE PARENT AND OTHER INTERVIEWEE(S)
(IN THE CASE OF HOME-BASED EDUCATION)**

<i>Name of parent(s) interviewed</i>
<i>Name of other adult(s) present (if any) and their relationship to the child</i>

IF ASSESSMENT IS CONDUCTED AT NON-RECOGNISED SCHOOL

<i>Name of school</i>		<i>Date of assessment</i>
<i>Address</i>		
<i>Telephone</i>	<i>Fax</i>	<i>E-mail</i>
<i>School hours</i>	<i>Main breaks during the day</i>	<i>Is school in operation for more than five years?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Opening time</i>	<i>From</i> <i>to</i>	<i>If no, please give date on which school commenced operation</i>
<i>Closing time</i>	<i>From</i> <i>to</i>	
<i>Name of principal and/or other teacher(s) interviewed (normally interview should take place with the principal)</i>		

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

THE LEARNING NEEDS AND EDUCATIONAL BACKGROUND OF THE CHILD

Information should be sought on

- *any specific reason for providing learning opportunities for the child outside of a recognised school (e.g. geographical, philosophical, religious, health-related, educational reasons, etc.)*
- *the child's educational experience to date (e.g. period of education outside of recognised school, in school, etc.)*
- *the parent's view of the progress that the child has made*
- *any special talents/abilities that the child has*
- *any special learning needs that the child has*
- *any relevant formal assessments that have been carried out.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

THE PERSON(S) PROVIDING THE EDUCATION OR PROPOSED AS A PROVIDER

Name of the person _____ Relationship (if any) to the child _____

Information should be sought on

- the opportunity the person has to create/provide learning experiences for the child
- the motivation that the person has to create/provide learning experiences for the child
- whether any other person assists/will assist in the provision of education for the child, even informally.

Information may also be recorded on

- the person's educational background and any relevant qualifications, talents or experience that the person has if this information is offered by the parent/educator.

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

TIME DEVOTED TO EDUCATION OR TIME PROPOSED TO BE SPENT ON EDUCATION

Information should be sought on:

- *the time allocated/to be allocated to the education of the child*
- *whether learning is provided for in an open-ended manner*
- *whether learning activities are scheduled or partly scheduled using a timetable following a daily/weekly/monthly pattern*
- *the estimated number of days during the year on which education is/will be provided*
- *arrangements made/to be made for holidays*
- *whether any records are/will be maintained of the time/periods/days devoted to education or attendance at the school.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

THE LEARNING ENVIRONMENT

Information should be sought on the premises used/proposed to be used for the provision of education. Consider

- *where most of the education is/will be provided*
- *the size of the space that is/will be available, furniture provided, etc. and any special features*
- *any outdoor area that can be/will be used by the child.*

Information should be sought on the equipment and materials used/proposed to be used in the provision of education. Consider

- *materials that are used/proposed to be used during the provision of education*
- *any equipment in use/to be used (e.g. everyday items, improvised equipment, toys, specialised educational equipment)*
- *textbooks, other books or printed materials (e.g. newspapers, magazines, manuals) in use/to be used*
- *any facilities for displaying the child's work*
- *access to materials on loan from local library or other sources.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

THE EDUCATIONAL ACTIVITIES

Information should be sought on the general characteristics of the provision, such as

- What are the main areas of learning for which provision is/will be made?
- What type of education is being/will be provided? Describe any principles or philosophy underlying the education.
- What consideration has been given to how the learning needs of the child are/will be met over a period of time and whether plans are/will be recorded?
- What approaches/methods are/will be used to facilitate learning (e.g. autonomous learning, semi-structured approaches, structured learning, a mixture of these)?

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

LANGUAGE AND LITERACY SKILLS

Information should be sought on how the child's language skills (oral language skill and literacy skills) are developed/proposed to be developed. Consider

- *range of skills that is/will be developed*
- *approaches through which these skills are/will be learned/taught.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

NUMERACY

Information should be sought on how the child's numeracy skills are developed/proposed to be developed. Consider

- *range of skills and concepts that are/will be developed*
- *approaches through which these skills are/will be learned/taught.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

IRISH

Information should be sought on how provision is made/proposed to be made for language skills or language awareness in Irish. Consider:

- *range of skills that is/will be developed*
- *approaches through which these skills are/will be learned/taught.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

OTHER AREAS OF LEARNING

Information should be sought on how other areas of learning are developed/proposed to be developed. For each area of learning, information should be sought on

- *the range of skills and concepts that are/will be developed*
- *approaches through which these skills are/will be learned/taught.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

OTHER AREAS OF LEARNING (continued)

Information should be sought on the provision being made/proposed to be made for the child's physical development.

Information should be sought on the provision being made/proposed to be made for the child's social, emotional and moral development.

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

ASSESSMENT AND RECORD KEEPING

Information should be sought on the monitoring and assessment of progress. Consider

- *the ways in which the child receives feedback and encouragement on learning*
- *the ways in which the child's progress is/will be monitored/assessed*
- *provision for formal assessment, if any*
- *any records that are/will be maintained of the child's progress or of work completed.*

What is the parent's/tutor's assessment of the progress made by the child in each area of learning?

- *language skills (oral language and literacy)*
- *numeracy*
- *other areas of learning*
- *physical development*
- *social, emotional and moral development.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

OTHER RELEVANT INFORMATION

Is there any other relevant information that the adult providing the education would like to have considered or recorded?

NOTES

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

EVALUATION OF PROVISION

You are asked to provide an evaluation of whether the education provided/to be provided is “a certain minimum education, moral, intellectual and social.” The meaning of this term is discussed in chapter 3 of these guidelines and section 3.7 outlines the broad characteristics of a certain minimum education. In the light of this information, you may find it useful to note here

- the aspects of the provision that are successful/likely to be successful
- the extent to which the provision is meeting/is likely to meet the needs of the child
- whether the extent of the provision is/is likely to be adequate
- the aspects of the provision that are/may be less successful or not successful
- your reasons for considering that certain aspects of the provision are/are likely to be unsatisfactory.

You may wish to record your assessment of the following:

- the extent to which the provision fulfils/is likely to fulfil the requirements of a “certain minimum education”
- whether it is/is not possible to determine whether the education being provided/proposed may be deemed a “certain minimum education”
- the reasons for your assessment in this regard
- your suggestions for ways in which the educational provision could be improved.

Signed

Date

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The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Preliminary Assessment Reporting Template

This template is designed to assist an Authorised Person in preparing a Preliminary Assessment Report on the educational provision for a child (either existing or proposed). The report should be based mainly on the evidence collected using the Preliminary Assessment/Interview Schedule. The detailed suggestions on that schedule will be useful in guiding the Authorised Person in reporting under the headings below. As with the schedule, the headings may need to be adapted to suit the circumstances of the individual case.

Contents of report

The Preliminary Assessment Report may contain the following:

1. Details of the child for whom education is provided/proposed to be provided and the background to the assessment, including
 - name, date of birth, home address
 - name of parent(s)
 - details of the non-recognised school (if relevant)
 - details of the request for an assessment received from the National Educational Welfare Board, including reference number (if any), date, etc.
 - the sources of evidence on which the report is based, including the dates and times of interview(s) held and any other evidence used
2. The learning needs and educational background of the child
3. Details of the parent or other person or teacher(s) providing/proposed as provider(s) of the education
4. The time devoted/proposed to be devoted to the education of the child, and how this is/will be employed
5. The learning environment, including details of
 - the premises used/proposed to be used for the provision of education and the learning environment provided/proposed to be provided
 - the equipment and materials used/proposed to be used
6. Details of the education provided/proposed to be provided, including:
 - the thought given to the learning needs of the child and how these are to be met, any planning undertaken, and any available records of this planning
 - the approaches/methods used and any particular principles or philosophy underlying them
 - the provision made for the development of oral language and literacy skills, numeracy, Irish, any other areas of learning, and the child's physical, social, emotional, and moral development
7. How the child's progress is/will be monitored, details of any assessment that is in use or proposed, and the parent's/tutor's assessment of the progress made so far by the child
8. Any other relevant information

9. An evaluation of the education provision being made or proposed
10. A short note stating that the findings of the assessment and/or the draft assessment report were discussed with the parent
11. Conclusion regarding a certain minimum education

This section will, on the basis of the evidence outlined in the previous sections of the report,

- provide a judgement whether the education being provided/proposed may or may not be deemed a certain minimum education

or

- state that on the basis of the evidence available it is not possible to determine whether the education being provided/proposed may be deemed a certain minimum education.

The report will state clearly the reasons for that conclusion and will be signed by the Authorised Person.

Education (Welfare) Act 2000

Assessment of Education in Places Other Than Recognised Schools Under Section 14 of the Act

Comprehensive Assessment Schedule

General Instructions

This schedule is designed to assist an Authorised Person in gathering information when conducting a Comprehensive Assessment of the education being provided for a child. It should be used only when the Preliminary Assessment/Interview Schedule has been completed. The Comprehensive Assessment should be conducted in the presence of the parent (and/or if appropriate, any other person responsible for the education of the child). In the case of children in non-recognised schools, the assessment will be conducted in the presence of the teacher(s) of the children.

The aspects listed in the schedule are not intended to be prescriptive and should be adapted to the needs and circumstances of each individual case. The user should be thoroughly familiar with the content of *Guidelines on the Assessment of Education in Places Other Than Recognised Schools* before conducting a Comprehensive Assessment. In particular, Authorised Persons should bear in mind the broad characteristics of a certain minimum education as outlined in chapter 3 of the *Guidelines* and the specific advice on the nature of home-education and its assessment contained in chapter 4. Advice on the assessment process may be found in chapter 5.

The schedule may be adapted as necessary in the case of children in a non-recognised school. Specific advice on the adaptation of the assessment process for use in non-recognised schools is contained in chapter 6 of the *Guidelines*. In particular, the assessment may have regard to the fact that children receive their education in the company of other children in group(s) or class(es). Consequently, the information to be gathered at this stage will usually relate to the education being provided for the group(s) or class(es) in which the children normally receive their education, and the general educational provision in the school. Where the word “child” occurs in the schedule, it may be understood to refer to the children within the class(es)/group(s) as necessary.

Authorised Persons should note that any concerns regarding the safety and well-being of a child should be reported to the appropriate authorities in accordance with *Child Protection: Guidelines and Procedures* (Department of Education and Science, 2001) and *Children First: National Guidelines for the Protection and Welfare of Children* (Department of Health and Children, 1999). The fact that such a report has been made (but not the details of the report) should be supplied to the National Educational Welfare Board.

Comprehensive Assessment Schedule

THE CHILD (IN THE CASE OF HOME-BASED EDUCATION)

<i>Name</i>		<i>PPS Number</i>
<i>Date of birth</i>	<i>Age at assessment</i> Years Months	<i>Nationality</i>
<i>Address at which assessment/interview was conducted</i>		
<i>Date of assessment</i>	<i>Time</i> From to	<i>Date of previous assessment (if any)</i>

THE PARENT AND OTHER INTERVIEWEE(S) (IN THE CASE OF HOME-BASED EDUCATION)

<i>Name of parent(s) interviewed</i>
<i>Name of other adult(s) present (if any) and their relationship to the child</i>

IF ASSESSMENT IS CONDUCTED AT NON-RECOGNISED SCHOOL

An assessment schedule may be used during the observation of each group or class if appropriate

<i>Name of school</i>		<i>Date of assessment</i>	
<i>Address</i>		<i>Time</i> From to	
<i>Group or class observed</i>	<i>Name of teacher</i>	<i>Number of children on roll</i>	<i>Number of children present</i>
<i>Learning activities underway during the period of observation</i>			

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

THE LEARNING ENVIRONMENT

Describe the learning environment provided. Consider such aspects as

- *the setting and physical surroundings*
- *the availability and use of table(s), chair(s) and other furniture*
- *the materials and other equipment e.g. improvised equipment, visual aids, access to computer, video recorder, ICT, etc.*
- *the availability and use of suitable books, textbooks, dictionaries, reference materials, and other printed/graphical materials*
- *the general suitability of the milieu/environment for learning for the child.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

THE LEARNING ENCOUNTER

Describe the interaction between the educator and the child, taking into account the age, ability, aptitude, personality and individual needs of the child. Consider such aspects as

- *the manner in which the parent/tutor seeks to develop the child's knowledge, skills and attitudes*
- *the approaches/methods that are used to facilitate learning (e.g. autonomous learning, semi-structured approaches, structured learning, a mixture of these approaches)*
- *the ways in which equipment and materials are used to assist the child in learning*
- *the development of the learning experience, e.g. how the child's learning is developed, extended and reinforced*
- *the quality of the interaction between the parent/tutor and the child.*

Describe the effectiveness of the child's learning, taking into account his/her age, ability, aptitude, personality and individual needs. Consider such aspects as:

- *application to work*
- *motivation and level of engagement*
- *concentration, interest and reaction*
- *behaviour and social skills*
- *confidence levels.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

THE EDUCATIONAL EXPERIENCE

Intellectual development

LANGUAGE SKILLS-ORAL LANGUAGE

Taking into account the age, ability, aptitude, personality and individual needs of the child, outline the educational provision and learning experiences in relation to oral language skills. Consider

- *the manner in which oral language skills (including verbal/non-verbal behaviour) are developed, including opportunities arising in informal learning*
- *the child's ability to communicate orally (understanding requests, responding to questions in a meaningful manner, ability to discuss)*
- *the willingness and ability of the child to listen*
- *whether activities are sufficiently interesting and challenging.*

Give an overall assessment of the child's progress in oral language.

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Intellectual development (continued)

LITERACY-READING

Taking into account the age, ability, aptitude, personality and individual needs of the child, outline the educational provision and learning experiences in relation to reading skills. Consider

- *the approaches/methodologies used in the provision for reading including opportunities arising in informal learning*
- *the reading opportunities provided, including books, textbooks and other printed materials, and their suitability*
- *whether activities are sufficiently interesting and challenging.*

Consider

- *the child's familiarity with a range of reading material*
- *the child's ability to read with confidence and with meaning*
- *the ability of the child to discuss and comprehend the content of the written material*
- *the range of vocabulary development arising from the reading activities.*

Consider

- *the ways in which the child's progress in reading is monitored/assessed*
- *the ways in which this is recorded, if any.*

Give an overall assessment of the child's progress in the development of reading skills.

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Intellectual development (continued)

LITERACY-WRITING

Taking into account the age, ability, aptitude, personality and individual needs of the child, outline the educational provision and educational experiences in relation to writing skills. Consider

- *the approaches/methodologies used in the provision for writing, including opportunities arising in informal learning*
- *the writing opportunities provided and their suitability*
- *whether activities are sufficiently interesting and challenging.*

Consider

- *the ability to write with confidence and meaning*
- *the use of appropriate grammar, spelling and punctuation.*

Consider

- *the ways in which progress in writing is monitored/assessed*
- *the ways in which this is recorded, if any.*

Give an overall assessment of the child's progress in the development of writing skills.

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Intellectual development (continued)

NUMERACY

Taking into account the age, ability, aptitude, personality and individual needs of the child, outline the educational provision and educational experiences in relation to numeracy. Consider

- the approaches/methodologies used in the provision for numeracy (number, number operations, measures, including money, time, length, area, weight and capacity)
- the learning opportunities provided and their suitability, including opportunities arising in informal learning
- whether activities are sufficiently interesting and challenging.

Consider

- the child's understanding of number work (e.g. early mathematical activities or place value or decimal system)
- the child's understanding of and ability to use number operations (addition, subtraction, multiplication, division)
- the child's understanding and ability to work with measures (money, time, length, area, weight and capacity).

Consider

- the ways in which progress in numeracy is monitored/assessed
- the ways in which this is recorded, if any.

Give an overall assessment of the child's progress in the development of numeracy skills.

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Intellectual development (continued)

OTHER AREAS OF LEARNING

Taking into account the age, ability, aptitude, personality and individual needs of the child, outline the educational provision in relation to other areas of learning for which provision is made.

In the case of each area of learning, consider

- *the approaches/methodologies used in the provision for this area, including opportunities arising in informal learning*
- *the learning opportunities provided and their suitability*
- *whether activities are sufficiently interesting and challenging*
- *the progress demonstrated by the child*
- *the ways in which progress is monitored/assessed*
- *the ways in which this is recorded, if any*
- *your overall assessment of the child's progress in this area of learning.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Intellectual development (continued)

OTHER AREAS OF LEARNING (continued)

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Intellectual development (continued)

IRISH

Taking into account the age, ability, aptitude, personality and individual needs of the child, outline the educational provision in relation to Irish. Consider

- *the approaches/methodologies used in the provision for Irish or in the development of cultural awareness of Irish including opportunities arising in informal learning*
- *the learning opportunities provided and their suitability*
- *whether activities are sufficiently interesting and challenging.*

Consider

- *the progress demonstrated by the child.*

Consider

- *the ways in which progress is monitored/assessed*
- *the ways in which this is recorded, if any.*

Give your overall assessment of the child's progress in this area of learning.

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Physical development

Taking into account the age, ability, aptitude, personality and individual needs of the child, outline the educational provision in relation to the child's physical development. Consider

- *opportunities provided for physical activities, play, games, etc.*
- *the opportunities for the child to develop fine and gross motor skills*
- *the internal and/or external play spaces/facilities used.*

Give an overall assessment of the provision made for the child's physical development.

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Social, emotional and moral development

Taking into account the age, ability, aptitude, personality and individual needs of the child, outline the educational provision in relation to the child's social, emotional and moral development. Consider the opportunities provided for him/her

- *to interact with others, to develop co-operative skills (e.g. interpersonal skills, such as the ability to greet visitor(s), expressing appreciation, etc.)*
- *to express appropriately his/her feelings and reactions to everyday experiences*
- *to develop the knowledge and attitudes that help promote a healthy life style*
- *to acquire over time an ethical sense that will enable him/her to acquire values on which he/she can base choices, make decisions and form attitudes*
- *to reflect on his/her experiences and the reasons for taking different courses of action*
- *to recognise that decisions have consequences for oneself and others.*
- *any other evidence concerning the child's social, emotional and moral development.*

Some research suggests that home-educated children use more self direction in how and when they engage in social interaction which may suggest a detachment which is not normally expected of children in relation to adults who may choose to initiate an exchange. It is important to allow for this without judgement about the child's behaviour in his/her daily life. The Authorised Person may arrive at the information required, by conversation about various relationships the child has with a diverse group of people.

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Any additional information regarding educational provision

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

MONITORING AND ASSESSMENT OF THE CHILD'S PROGRESS

Outline any ways in which the child's progress is monitored and/or assessed. Comment on

- *the ways in which feedback and encouragement are provided for the child*
- *any methods used to monitor or record progress (e.g. informal/incidental observation, monitoring of child's work, portfolios of child's work, diary of learning experiences, tests, formal assessment instruments, etc.)*
- *any records maintained of monitoring and/or assessment*
- *the ways in which monitoring and/or assessment contributes to the planning of future learning experiences.*

Comment on

- *ways in which learning needs are identified and addressed*
- *liaison that occurs between parent/tutor and others in order to further support the child's learning needs.*

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

OTHER RELEVANT INFORMATION

Is there any other relevant information that the adult providing the education would like to have considered/recorded?

NOTES

The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

EVALUATION OF PROVISION

You are asked to provide an evaluation whether the education provided/to be provided is ‘a certain minimum education, moral, intellectual and social.’ The meaning of this term is discussed in chapter 3 of these guidelines and section 3.7 outlines the broad characteristics of a certain minimum education. In the light of this information, you may find it useful to note here

- the aspects of the provision that are successful
- the extent to which the provision is meeting the needs of the child
- whether the extent of the provision is adequate
- the aspects of the provision that are less successful/not successful
- your reasons for considering that certain aspects of the provision are unsatisfactory.

You may wish to record your assessment of the following:

- the extent to which the provision fulfils the requirements of a certain minimum education
- the reasons for your assessment in this regard
- your suggestions for ways in which the educational provision could be improved.

Signed

Date

_____	_____
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The inclusion of any particular element in this assessment schedule does not imply that that element is an essential requirement in the provision of a certain minimum education.

Comprehensive Assessment Reporting Template

This template is designed to assist an Authorised Person in preparing a Comprehensive Assessment Report on the educational provision being made for a child. The report should be based mainly on the evidence collected using the Comprehensive Assessment Schedule and on that collected earlier using the Preliminary Assessment/Interview Schedule. The detailed suggestions on these schedules will be useful in guiding the Authorised Person in reporting under the headings below. As with the schedules, the headings may need to be adapted to suit the circumstances of the individual case.

Contents of report

The Comprehensive Assessment Report may contain the following:

1. Details of the child for whom education is provided and the background to the assessment, including
 - name, date of birth, home address
 - name of parent(s)
 - details of non-recognised school
 - details of the request for an assessment received from the National Educational Welfare Board, including reference number (if any), date, etc.
 - the evidence on which the report is based, including the dates and times of interview(s) held, the observation(s) made and any other evidence used
2. The learning needs and educational background of the child
3. Details of the parent or other person providing the education
4. The time devoted to the education of the child and how this is employed
5. The learning environment, including:
 - the premises used for the provision of education and the learning environment provided
 - the equipment and materials used
6. The learning encounter, including
 - the thought given to the learning needs of the child and how these are to be met, any planning undertaken and any available records of this planning
 - the approaches/methods used and the general quality of the interaction between the child and parent
 - the general effectiveness of the child's learning
7. The educational experience, including details of
 - the provision made for the development of oral language and literacy skills, numeracy, Irish, any other areas of learning, and the child's physical, social, emotional, and moral development
 - the progress demonstrated by the child
 - the effectiveness of each aspect of the provision, taking into account the age, ability, aptitude and individual needs of the child

8. How the child's progress is monitored or assessed, including details of
 - ways in which feedback and encouragement are provided for the child
 - how progress is monitored and ways in which this is recorded, if any
 - the parent's/tutor's assessment of the progress made so far by the child
 - ways in which learning difficulties are identified and addressed
9. Any other relevant information
10. An evaluation of the provision being made, including details of
 - the aspects of the provision that are successful
 - the extent to which the provision is meeting the needs of the child
 - whether the extent of the provision is adequate
 - the aspects of the provision that are less successful/not successful, if any
 - reasons for considering that certain aspects of the provision are unsatisfactory, if relevant
 - suggestions on how the provision might be improved
11. A short note stating that the findings of the Authorised Person and/or the draft assessment report was discussed with the parent and/or the teacher(s) of the child
12. Conclusion regarding a certain minimum education

This section will, on the basis of the evidence outlined in the previous sections of the report, provide a judgement as to whether the education being provided may be deemed a certain minimum education. Where the conclusion is that a certain minimum education is not being received by the child, the report will state clearly the reasons for that conclusion. The report will be signed by the Authorised Person.

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