

ECONOMY AND SKILLS: EDUCATION SERVICES

HOME EDUCATION – GUIDANCE FOR PARENTS / CARERS

1. INTRODUCTION

- 1.1 This guidance complies with the requirements of Education (Scotland) Act 1980 and also has regard to Scottish Government Home Education Guidance 2007 available online at <https://www.gov.scot/2008/01/home-education-guidance.pdf>.
- 1.2 This guidance covers the statutory responsibilities: a child's right to an education and the parent/carer's responsibility for providing their child with an education; the need to request consent to withdraw a child from the school roll unless exempt; and the Council's responsibility to satisfy itself that suitable and efficient education is being provided.

2. PURPOSE

- 2.1 The purpose of this document to outline the Education Service's procedures in relation to requests from parents / carers who may be considering the possibility of withdrawing a child from the school roll for the purpose of home education. These procedures apply to home education provided by parents / carers, not to education being provided outwith school by local authorities.
- 2.2 The procedures are set out to encourage home educating parents / carers to work together with the Education Service, and to develop trust, mutual respect and a positive relationship that functions in the best educational interests of the child.
- 2.3 The Education Service will have regard to the views of parents / carers and the decisions they make in relation to their child's education and will seek to support them in their choices by offering advice, clear and accurate information and resources where feasible.

3. WHY PARENTS / CARERS CHOOSE TO HOME EDUCATE?

- 3.1 Parents / carers choose to home educate their children for many different reasons, and they do not require to give a reason when requesting to withdraw their child from school. However, it may be helpful for the Education Service to know if the reason is dissatisfaction with the school, or problems being faced by the child at school.
- 3.2 The following reasons are common, but not exhaustive:
 - The wish to follow a particular educational or ideological philosophy.

- Religious or cultural beliefs.
- Dissatisfaction with the system.
- A child's reluctance to go to school.
- A child's problems when at school e.g. bullying.
- Geographical – due to remoteness or mobility for work or cultural reasons.
- The wish to deal with a child's additional support needs in a particular way.
- As a short term intervention for a particular reason.

4. WHO NEEDS CONSENT?

4.1 Under Section 35 of the Education (Scotland) Act 1980, parents / carers of a child who has been attending a public school¹ must seek the consent of the local authority (in East Ayrshire the request is considered by the Head of Education) before withdrawing their child from the school. It should be noted that while consent is needed for withdrawal from school, consent is not needed to home educate in itself.

4.2 Consent is not needed if:

- The child has never attended a public school¹.
- The child has never attended a public school in the authority's area.
- The child is being withdrawn from an independent school.
- The child has finished primary education in one school but has not started secondary education in another.
- The school the child has been attending has closed.

In the last two cases parents may choose to notify us that they intent to home educate.

¹ *Public school means any school under the management of the local authority*

4.3 Although there is no statutory duty upon parents / carers to inform the local authority that they are home educating if they do not require consent, the Council believes that it would be mutually beneficial for home educators in the area, or moving into the area, to contact the Education Service at Education-Admin@east-ayrshire.gov.uk.

5. PROCEDURES

5.1 Procedures for considering a parent / carer's request to withdraw a child from school should be fair, clear, consistent and without delay. However, sufficient time must be allowed for the Education Service to take an informed decision. Consent to withdraw a child from the school roll will not be unreasonably withheld.

5.2 Process

Parents / Carers:

Firstly, parents / carers should establish whether consent is needed. If consent is required, requests to remove a child or children from the school roll can be made by sending a letter requesting consent to withdraw to the address below:

Linda McAulay-Griffiths, Head of Education
Education Services
East Ayrshire Council
Civic Centre (South)
16 John Dickie Street
Kilmarnock, KA1 1HW
Email: Education-Admin@east-ayrshire.gov.uk

NOTES:

- The request should be sent as early as possible and, where reasonably practical, well in advance of the date the parent wishes to withdraw the child from school.
- The request should include brief initial proposals as to how the parent intends to provide an efficient and suitable education for the child. Reasons for the decision do not have to be included, but parents / carers may choose to include this information.

The Education Service:

- i. On receipt of this request, an acknowledgement will be sent to parents / carers.
- ii. The child's Head Teacher will be advised of the request for consent to withdraw the child from the school roll. The Head Teacher will, if necessary, make contact with parent / carer to gather any further information required. While the Education Service is not legally obliged to provide any resources for home educated children we will always be prepared to offer advice or consider access to resources.

Is there anything in the child's record to cause concern?

- iii. The Head Teacher, has local knowledge of the child and will therefore be able to identify quickly whether there is any existing evidence, either from school records or from other agencies/services, that indicates there may be good reason to refuse consent. For example, consent may not be able to be granted immediately where the child:
 - Has been referred to social work or the police for child protection reasons, and the matter is being investigated.
 - Is on the Child Protection Register.
 - Has been referred to the reporter on care and protection grounds, and the referral is being considered.
 - Is the subject of a Compulsory Supervision Order.
- iv. Home education is a key aspect of parental choice, and consent to withdraw a child from school will not be unreasonably withheld. Should further information be required, parents / carers will be given the opportunity to address any specific concerns that the authority has. The child's views will also be considered.
- v. Information gathered by the Head Teacher will be sent to the Head of Education for consideration and a decision.

- vi. The Head of Education will notify parents / carers of this decision in writing, along with a copy of the report. Where consent is withheld, the Head of Education will notify parents / carers of the reasons and grounds for refusal. The parents / carers will be given the opportunity, within a reasonably practicable period, to address the grounds for refusal and resubmit their request for reconsideration.

Timescales

The aim should be to issue a decision within 6 weeks of the receipt of the original request. The majority of applications can and will be dealt with well within this timescale. Where information has to be sought from various sources, it may not be possible for a decision to be issued within 6 weeks. In these circumstances the Education Service will keep parents/ carers informed of the progress, the reason for any delay, and the likely timescale to reach a decision. A decision will always be issued as soon as possible.

Appeals

There is no statutory right to appeal against an authority's decision to withhold consent to withdraw a child from school. However, all decisions will be reviewed by the Head of Education on request. Decisions made under statutory powers are also subject to external review by the Court of Session through the judicial review process.

Where parents / carers remain dissatisfied, they may also choose to pursue matters with the Scottish Public Services Ombudsman, which can be done online by accessing

www.spsso.org.uk or contact 0800 377 7330.

6. EFFICIENT AND SUITABLE EDUCATION

6.1 The authority may reasonably expect the provision of a suitable and efficient education to include the following characteristics:

- Consistent involvement of parents or other significant carers.
- The presence of a philosophy or ethos (not necessarily a recognised philosophy), with parents / carers showing commitment, enthusiasm and recognition of the child's needs, attitudes and aspirations.
- Opportunities for the child to be stimulated by their learning experiences.
- Involvement in a broad spectrum of activities appropriate to the child's age of development.
- Access to appropriate resources and materials.
- The opportunity to interact with other children and adults.

6.2 There is no statutory duty for the Education Service to monitor ongoing home education provision. However, under Section 37 of the Education (Scotland) Act 1980, the Council have a statutory duty to serve notice on any parent / carer who they are not satisfied is providing efficient education suitable to their child's age, aptitude and ability. If the Education Service has reason to believe that an efficient education is not being provided for a home educated child then it has a duty to intervene.

- 6.3 The Education Service will make arrangements to contact those home educating on an annual basis with a view to arranging a meeting, to undertake regular and proportionate review of the suitability and efficiency of the home education being provided and to offer continued support and advice. If a meeting is arranged then this can take place within the home or in a mutually agreed location or venue. It should be noted that the authority has no right of access to the child's home in order to assess the educational provision. Alternatively, provision of efficient education may be reviewed by other means, for example, the parent/carer may prefer to submit a written report on learner progress. Following the meeting or other contact, the Education Service will write to the parent/ carer letting them know the outcome and whether or not the educational provision was seen to be suitable and efficient. If there was no problem with the educational provision there will be no need for further contact until the following year. Where there are concerns about the efficiency or suitability of the home education being provided by the parent /carer, steps will be taken to make the exact nature of those concerns clear to the parent/carer.
- 6.4 In exceptional circumstances where the Education Service has concerns about the education provision which are not allayed by the presentation of written or alternative forms of evidence, and ongoing dialogue, and the only way the Education Service can clarify whether suitable and efficient education is being provided is to seek access to the home environment then they may request to do so if there are clear and demonstrable grounds for concern which have been outlined to the parent. If under these circumstance the parent fails to allow the Education Service access, the Education Service may activate formal attendance procedures.
- 6.5 The designated Senior Manager from the Education Service will ask to see evidence to show an efficient education is being provided. Evidence could, for example, include: written work completed by the child; photographic/video evidence; models; pictures and a discussion with the child.
- 6.6 If, on considering the educational provision, the Education Service has questions about whether a suitable and efficient education is being provided, it may choose to further investigate and seek further information.
- 6.7 If the education being provided is clearly not suitable and efficient education and it is assessed that ongoing dialogue is unlikely to resolve matters; or where the Education Service has made every effort to secure the information required to enable it to satisfy itself that the education provided is suitable and efficient and that information has not been provided; a notice will be served on the parent/carer under Section 37 of the Education (Scotland) Act 1980. The parent / carers will have between seven and fourteen days to provide information requested by the Education Service. Parent / carers can choose to provide this by meeting with the authority in person, or by supplying the information in writing.
- 6.8 Where the parent / carer on whom a notice has been served above fails to satisfy the Education Service that they are providing efficient education for the child suitable to their age, ability and aptitude or that there is reasonable excuse for their failure to do so, the Council shall make an attendance order in respect of the child under Section 38 of the Education (Scotland) Act 1980. Once this is served a parent /carer has two weeks to appeal to the sheriff who may confirm, change or annul the order.

Only in extreme cases, where the education is clearly not efficient and suited to the age, ability and aptitude of the child, will notice be served.

7. CHILDREN WITH ADDITIONAL SUPPORT NEEDS

- 7.1 Parents' rights to home educate their child apply equally where that child has additional support needs. However, in these circumstances, a meeting involving the child's Head Teacher or designated officer, and perhaps an Educational Psychologist would allow a beneficial opportunity to discuss and consider the proposed education provision. This is because the law relating to this area of provision is complex and each situation requires separate consideration.
- 7.2 In summary, the main features of provision for children with additional support needs are given below in relation to home education provision:
- The parent / carer, or the child if more than 16 years old, have the right to request the Education Service to establish whether the child, or young person, has additional support needs or would require a Co-ordinated Support Plan if the Education Service were responsible for the school education of the child. This request must be in writing or "recordable" form.
 - The Education Service may comply with the request, but is not obliged to do so in law.
 - Any plan drawn-up as a result of the request might include arrangements for home education.
 - The parent /carer, or young person, will be provided with advice or information in relation to the additional support required by the young person or child. The Education Service does not have to make provision for the additional support however, and such a decision is at the discretion of the Head of Education.
 - If the Education Service refuses the request it will explain the reasons for reaching the decision.
- 7.3 If the Education Service become aware that a child who is home educated may have additional support needs it may establish whether this is the case even when there has been no request for an assessment. In such circumstances, the Education Service would normally require the agreement of the parent / carer, or young person as appropriate.
- 7.4 Parents / carers would also wish to be aware that in relation to additional support needs and in the event of a dispute, the authority offers access to an independent mediation service or independent adjudication. Further details on these services are available on request.

8. STUDY OPTIONS FOR EDUCATIONAL QUALIFICATIONS

Enrolment at a Further Education College

- 8.1 Some colleges may, at the discretion of the Principal, be willing to accept children of school age for full and part-time courses. This option will require some attendance at classes but

all work and entry for qualifications is organised by the college. Parent / carers are normally liable for course fees although colleges have the discretion to waive fees for low income families.

Self Study

8.2 Many home educating families choose to work independently towards qualifications. Many subjects and qualifications are not available to external candidates unless an appropriate arrangement can be made with an approved centre which meets the examining board's requirements because of compulsory internal assessment components. Home educating families who study for qualifications will need to:

- Contact the relevant examination board to find out about their requirements.
- Register with an approved centre for their child to be presented for the qualification.
- Pay a registration fee for each subject undertaken.

Correspondence Course

8.3 Correspondence courses offer a wide range of qualifications at different levels. This option is suitable for students who prefer to work independently though they will be required in most cases to follow structured curriculum and programme of work. The cost of this option varies depending on the organisation and qualification chosen, but can prove expensive.

8.4 Education authorities are not required to meet any costs associated with external candidates taking examinations or other qualifications.

9. CHILD PROTECTION ASSURANCES FOR PARENTS / CARERS

9.1 Parents / carers may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those they engage are suitable persons to have access to children. They will therefore wish to satisfy themselves, for example, by taking out appropriate references, or requesting that a Disclosure check is carried out. Further information about Disclosure checks is available from Disclosure Scotland (contact details at end of guidance notes)

10. FURTHER INFORMATION

10.1 If after reading these notes you require further information or advice, please contact Linda McAulay-Griffiths, Head of Education at Education-Admin@east-ayrshire.gov.uk

This guidance can be made available in community languages and alternative formats on request.

CONTACTS

HOME EDUCATION ORGANISATIONS - SCOTLAND

Home Education Organisations – Scotland

Schoolhouse SCIO Home Education Association

Contact: 1 Victoria Road, Dundee DD1 1EL
Email: contact@schoolhouse.org.uk
Website: www.schoolhouse.org.uk

North of Scotland Home Educators

Can be found on Facebook – North of Scotland Home Educators (NOSHED)

Home Education Scotland - <http://www.homeeducationscotland.org.uk>

Scottish Home Education Forum – independent information, peer support, advocacy and training - <http://www.scothomeed.co.uk>

HOME EDUCATION ORGANISATIONS – UK WIDE

(Please note that the legislation relating to education elsewhere in the UK is different to that in Scotland)

Education Otherwise

Contact: Education Otherwise Association
61 Bridge Street, Kington, HR5 3DJ
Tel: 0300 1245690
Email: enquiries@educationotherwise.org
Website: educationotherwise.org

Home Education Advisory Service

Contact: PO Box 98, Welwyn Garden City, Herts, AL8 6AN

Email: enquiries@heas.org.uk
Website: www.heas.org.uk

Home Education organisations also have local branches affiliated to them. Further information is available from the individual organisations.

OTHER USEFUL CONTACTS

Disclosure Scotland

Contact: Disclosure Scotland, PO Box 250, Glasgow G51 1YU
Tel: 0141 282 5000, Fax: 0141 282 5050
E-mail: info@disclosurescotland.co.uk
Website: www.disclosurescotland.co.uk

Education Scotland

Education Scotland is the national body in Scotland providing advice and support for all matters on the curriculum, and providing a wide range of online services and resources.

Contact: The Optima, 58 Robertson Street, Glasgow, G2 8DU
Tel: 0141 282 5000
E-mail: enquiries@educationscotland.gov.uk
Website: www.educationscotland.gov.uk

Scottish Government Education Headquarters (directorate)

Contact: Educational Scotland, Denholm House, Almondvale Business Park, Almondvale Way, Livingstone, EH54 6GA
Tel: 0131 244 4330
E-mail: enquiries@educationscotland.gov.scot

The Scottish Qualifications Authority (SQA)

The SQA is the national body in Scotland responsible for the development, accreditation, assessment and certification of qualifications other than degrees.

Contact: The Optima, 58 Robertson Street, Glasgow, G2 8DQ
Telephone Helpdesk: 0345 279 1000
E-mail: customer@sqa.org.uk
Website: www.sqa.org.uk