

ANGUS COUNCIL

EDUCATION COMMITTEE

5 MARCH 2002

GUIDANCE ON THE CIRCUMSTANCES IN WHICH PARENTS MAY CHOOSE TO EDUCATE THEIR CHILDREN AT HOME

REPORT BY THE DIRECTOR OF EDUCATION

**ABSTRACT**

This report draws the attention of the Committee to draft guidance which has been issued to education authorities by the Scottish Executive Education Department in respect of the circumstances in which parents may choose to educate their children at home.

**1 RECOMMENDATIONS**

It is recommended that the Education Committee notes and endorses the proposed response to the draft guidance referred to in the body of this report (the draft guidance is attached as an Appendix).

**2 BACKGROUND**

2.1 The draft guidance which has been issued by the Scottish Executive Education Department has been issued consequent to Section 14 of the Standards in Scotland's Schools etc Act 2000 which states that "Scottish Ministers may issue guidance as to the circumstances in which parents may choose to educate their children at home and education authorities shall have regard to any such guidance." The draft guidance highlights the continuing tensions which were evident in the previous legislative provision in this area (eg The Education (Scotland) Act 1980, Section 30, states that "It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means.")

2.2 Section 37(1) of the 1980 Act provides an education authority with certain powers if it is not satisfied that a parent is providing efficient education for his child:

*"Where a child of school age has not attended a public school in the area in which his parent is residing, or has attended at such a school and has been withdrawn therefrom with the consent of, or excluded by the education authority, then, if the authority are not satisfied that the parent is providing efficient education for him suitable to his age, ability and aptitude, it shall be the duty of the authority to serve a notice on the parent requiring him within such time as may be specified within the notice (not being less than 7 or more than 14 days from the service thereof) either –*

a) *to appear (with or without the child) before the authority and give such information as the authority may require regarding the means, if any, he has adopted for providing education, or*

b) *in the option of the parent, to give such information to the authority in writing."*

Section 37(2) states:

*"If a parent on whom a notice has been served in pursuance of Sub-Section (1) above fails to satisfy the authority that he is providing efficient education for the child suitable to his age, ability and aptitude or that there is reasonable excuse for his failure to do so, the authority shall make an attendance order in respect of the child in accordance with the provisions of Section 38 of this Act."*

- 2.3 The operation of these sections of the 1980 Act could, in certain circumstances, lead to tension between parents and the education authority without providing a straightforward, non-adversarial means of resolving any disagreement.
- 2.4 To date, requests made by parents to educate their children at home in Angus have been addressed timeously and effectively through the efforts of staff working in partnership with parents to support them in their requests.
- 2.5 At present there are in Angus four primary-aged children and one secondary-aged pupil whose parents' requests to educate them at home have been granted. Two further primary requests currently await a decision by the Special Cases Sub-Committee but in both of these cases it is likely that the officer recommendation will be to grant the parents' requests.
- 2.6 Attempts within the draft Circular to offer clarification to parents and education authorities is well intentioned, but unfortunately the tone of the document needs to be improved in order to promote more productive partnerships between potential Home Educators and education authorities. More importantly, the Circular serves simply to highlight glaring inconsistencies in current legislation without offering any meaningful proposals to reconcile these inconsistencies.

### 3 PROPOSED RESPONSE

Angus Council wishes to work in partnership with parents who are, or who may be considering becoming, Home Educators. We would wish any guidance from the Scottish Executive to highlight the desirability of such partnerships and to avoid, as far as possible, creating a model of joint working based on an assumption of conflict between Home Educators and education authorities. The Council sees little point in issuing guidance however if that guidance fails to offer any clarity in what has become an area of potential confusion for all parties.

Detailed comments on individual paragraphs contained within the draft guidance are noted below.

Para 1.3 – The legislation requires parents to seek the consent of the authority before withdrawing their children from school to educate them at home. However, there is no such requirement to seek consent for children who have attended an independent school or who have never attended school at all. This situation is anomalous and could, in certain circumstances, mean that children who have never attended school, or have attended an independent school, would remain unknown to their local education authority. The draft guidance returns to this point in paras 2.3, 5.2 and 5.3.

Para 1.4 – In the circumstances outlined in Para 1.3 there is a clear area of difficulty. Where authorities have no knowledge of a child's existence (and this would be quite possible if a child had never enrolled in a school or had moved into the area) then it remains unclear as to how it would be possible to determine whether or not a suitable education was being provided.

Para 2.3 – It is noted that parents of children who have never attended a public school are not required to seek the consent of their education authority in order to educate their children at home. Once again, this raises the issue for local authorities as to how they might otherwise be made aware of the existence of such children (although the draft guidance offers some advice in paras 5.2 and 5.3). More importantly, unless parents are required to notify authorities of the existence of their children it is not at all clear how authorities will be in a position to monitor the efficiency of educational provision being made for such children being educated at home.

Para 2.4 – Although current legislation makes provision for education authorities to intervene if they have reason to believe that parents are not providing an efficient education for their children, this area will be fraught with difficulty unless some mutual trust has been established between Home Educators and education authorities.

Para 2.6 – No further comments, other than those made about para 2.4.

Para 4.4 – The second sentence could be softened to acknowledge the low probability of such an approach in most cases.

Paras 4.6 to 4.13 are acceptable but may appear intimidating to some parents, particularly if they are presented in the format set out in the draft guidance. Final guidance should stress the need to elicit information and opinions from parents sensitively – usually by way of what should be a non-threatening discussion with parents.

Para 4.19 – It is possible to envisage a situation in which a child might feel constrained in expressing views which are contrary to those of his/her parents. Also, given the age of some of the children involved, the question of the role of an independent person such as a safeguarder in the Children’s Hearing system might merit some attention.

Section 5 - This section of the draft guidance is unsatisfactory. 5.1 and 5.2 represent an accurate summary of the law as it currently stands. This summary sits uncomfortably with the “big brother” approach set out in 5.3 which talks about ways in which EAs should “identify” home educated children without offering any advice whatsoever about what EAs are then expected to do about the information so collated. There is clearly a conflict between different pieces of primary legislation: on the one hand (para 5.1) parents do not need to seek the EA’s consent to home educate under certain circumstances, while on the other hand (para 5.2) the EA now has a statutory responsibility to satisfy itself that all children living within its area are receiving a suitable education.

It is quite unacceptable for the Executive to abdicate responsibility for its own legislative inconsistencies and to simply state these inconsistencies in a circular hoping that somehow EAs and parents will find a pragmatic way forward. Nor is there any logic in expecting EAs to devote significant time and effort to identifying Home Educators who may wish to remain anonymous if all this results in is an unhelpful stand-off with parents feeling threatened and EAs anxious that they may not be fulfilling their statutory obligations.

The obvious resolution would be for the Executive to take steps to amend and further clarify the current legislation – preferably in ways which will help to ensure that all children are treated fairly without Home Educators feeling that their ideological position is in any way threatened.

Para 6.3 – The suggestion that some home educating parents may request a more flexible use of schools requires further clarification. It seems naïve to suggest that the facilities of a school are made open to pupils who parents have removed them from this environment in the first place.

Para 7.4 – In the overwhelming majority of cases, it will be highly desirable for education authorities to be given access to a child’s home in order to adequately assess the child’s progress and to be satisfied that the child is receiving a suitable education. Any other approach could potentially leave individual children at risk.

Para 7.5 – If children are being educated at home it would seem not unreasonable that the home environment is taken into account when making an overall assessment as to the appropriateness of the educational provision being made for the child. In these circumstances, any assessment of the child’s progress will be decontextualised and perhaps be of reduced value.

Para 7.6 – This paragraph and the previous paragraph should be rewritten to emphasise the importance of partnership and the aim of working to serve the best interests of the child, thereby avoiding potential conflict.

Para 7.9 – “at least once a year” should be amended to read “approximately once a year in most cases” An alternative approach would be to place a statutory duty on EAs to monitor at fixed intervals, but this would require an additional allocation of funds to EAs from the Executive, as at present no specific provision is made in the grant settlement for this particular duty.

Para 7.15 – There is an assumption made that parents will be aware of the national priorities which have been established for school education but it is possible to imagine a situation in which parents are totally unaware of, or unconcerned by, these priorities.

Para 7.20 – Again, an accurate description, but it should be re-drafted to stress the importance of a partnership approach; otherwise its impact is unhelpful and likely to provoke mistrust and conflict.

## **Summary**

The intention to produce guidance in this potentially contentious area was warmly welcomed. Unfortunately the draft document is, ultimately, disappointing. It accurately describes the current unsatisfactory legislative position without offering any meaningful suggestions for improvement. Although well intentioned, its contents have alienated some Home Educators and this in itself points strongly to the need for either a major re-draft or – more radically, but more helpfully in the long term – a consultation exercise leading to amendments to primary legislation. To issue the current draft with minor textual amendments would be likely to generate more conflict in an area which is crying out for greater consensus.

**4 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications arising directly from this report and any future planned developments will be the subject of separate reports to the Committee.

**5 CONSULTATION**

- 5.1 In accordance with the Standing Orders of the Council this report has been the subject of consultation with the Chief Executive, the Director of Law & Administration and the Director of Finance.

**6 HUMAN RIGHTS**

- 6.1 There are no human rights implications arising directly from this report.

JIM ANDERSON  
DIRECTOR OF EDUCATION

**BACKGROUND PAPERS**

**Note:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

APPENDIX

JAA/JN/RB

**DRAFT**

CIRCULAR NO 10

**GUIDANCE ON THE CIRCUMSTANCES IN WHICH PARENTS MAY CHOOSE TO EDUCATE THEIR CHILDREN AT HOME**

7 Issued under Section 14 of the Standards in Scotland's Schools etc. Act 2000

**Section 1 Introduction****Section 2 Legislative position on home education**

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**Section 3 Information for parents****Section 4 Applications for consent to withdraw children from school**

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8 **Section 5 Home educated children who move into the area or who have never attended a public school**

- Children who have never attended school
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**Section 6 Practical support for home educators****Section 7 Monitoring home education provision**

- Monitoring agreements
- Access to the child and home
- Frequency of monitoring
- Procedures for monitoring
- Criteria for assessment of provision
- Dissatisfaction with provision
- Review of authorities' monitoring procedures



**Appendix 1 Qualifications options**

**Appendix 2 Contacts**

## Section 1 Introduction

1.1 Parents have a legal responsibility to ensure that their children receive an education which is suited to their age, ability and aptitude. Most choose to do this by sending their children to school. Where parents exercise their right to educate their children at home, authorities have duties to ensure that the arrangements are suitable

1.2 Parents may decide to home educate for a number of reasons. They may, for example, wish to educate their children in accordance with their own wishes, including any religious and philosophical convictions. In some cases, a decision to home educate is made when difficulties have been experienced at school.

1.3 Parents of children who have attended an education authority school are required to seek the consent of the authority before withdrawing them to educate at home. There is no such consent seeking requirement for children who have attended an independent school or who have never attended school.

1.4 Education authorities have a duty to ensure that there is an adequate and efficient provision of school education in their areas. They also have a duty to enforce school attendance if they have reason to believe that parents are not providing a suitable education for their child ; this applies equally to children who have been withdrawn from local authority schools and to children who have never attended school.

1.5 Decisions on home education should be made in light of the circumstances of the individual child. It is essential that such decisions meet the legislative requirements and that the policy and procedures adopted by authorities are based on best practice and advice.

1.6 This guidance is intended to promote a consistency of approach across the country by setting out the legislative position and by providing advice on the roles and responsibilities of education authorities and parents in relation to children who are educated at home. It has been drawn up in consultation with interested parties to promote an effective partnership based on a shared understanding of what is expected from each of the parties involved.

1.7 It is important that education authorities and home educating parents work together to develop mutual respect and a positive relationship which functions in the best interests of the child.

## Section 2 Legislative Position

### Parents' right to educate their children at home

2.1 Section 30 of the Education (Scotland) Act 1980 sets out that parents have a duty to provide efficient education for their school age children which is suited to their age, ability and aptitude. They may do this by ensuring that their child attends a public school regularly, or by other means. "Other means" would include the provision of education at home.

### Consent to withdraw children from school

2.2 Section 35 of the Education (Scotland) Act 1980 makes provision for the withdrawal of children from school. It provides that parents of children who have started to attend a public school must seek the education authority's consent before withdrawing their child from school. The Section sets out that the education authority must not unreasonably withhold consent.

2.3 Section 35 also provides that parents of children who have never attended a public school are not required to seek the consent of their education authority in order to educate their children at home.

### Monitoring education provision

2.4 Section 37 of the Education (Scotland) Act 1980 makes provision for education authorities to intervene if they have reason to believe that parents are not providing an efficient education for their children. This responsibility applies both to children who have previously been withdrawn from a public school and to children who have never attended a public school.

2.5 In either case, if the authority is not satisfied that the parent is providing efficient education for their child, they have a duty to serve a notice on the parent requiring him or her to appear before the authority and provide information on the education that is being provided. If the parent fails to satisfy the authority that an efficient education is being provided, the authority has a duty to make an attendance order requiring the parent to cause their child to attend school.

2.6 Although Section 37 does not explicitly place a legal duty on education authorities to monitor home education provision, education authorities must nonetheless satisfy themselves that suitable education is being provided.

## **Section 3 Information for parents**

3.1 Education authorities should provide written information for parents on home education. This information should accurately set out the legal position and explain the authority's procedures for considering applications to withdraw children from school and the subsequent monitoring arrangements that will be made. It should also be consistent with the guidance given in this circular.

3.2 It is helpful to provide parents considering home education with a named contact within the authority who is familiar with home education policy and practice, together with contact details for home education support organisations.

3.3 Authorities should review the information they provide for parents on a regular basis to ensure that it meets parents' needs. Home education organisations might usefully be involved in this process.

**DRAFT****Section 4 Applications for consent to withdraw children from school**Procedures for considering applications

4.1 Procedures for considering applications to withdraw children from school will vary between authorities and will depend to some extent on local circumstances. The following sequence is provided as a guide:

- Parents should provide the authority with a summary of the approach they are planning to take in providing education for their child at home. Parents may use a pro forma supplied by the authority for this purpose, or they may choose to provide the required information in a different format such as a statement setting out the general aims and objectives of their proposed approach.
- Arrangements should be made for an education authority officer with a knowledge of home education policy and practice to meet with the family to discuss their proposals. With the agreement of the parents, an educational psychologist might be involved in assessing the proposed provision for a child with special educational needs. This meeting should take place at a mutually acceptable location and should involve the child.
- A report should then be prepared by the education authority officer, and should be copied to the applicant family in accordance with best practice and in fairness to the family. Withholding a report, or more usually a part of it, should only be considered in exceptional cases where the subject matter of the report or passage would be likely to cause serious harm to the physical or mental health or condition of the applicants or a named third party. This is the approach taken in data protection legislation.
- If consent to withdraw is given, the authority should establish a commencement date and inform the child's school. An education authority officer should also arrange to meet with the family to discuss and agree an ongoing programme for assessing their education provision.
- If consent to withdraw is withheld, the reasons for the authority's decision should be discussed with the family. The family may be given time to amend and resubmit their proposals for reconsideration.
- There is no statutory right to appeal against an authority's decision to withhold consent. We would, however, expect all decisions on home education to be reviewed internally on request. All decisions made by authorities are of course subject to external review by the Courts through the judicial review process.

4.2 It is important that the education authority works closely with the family to ensure that the outcome of their decision is in the best interests of the child.

Timescale within which applications should be considered

4.3 The time taken to consider applications will vary depending on the individual circumstances of each case, but in normal circumstances, we would expect applications to withdraw a child from school to be considered and finalised within 8 weeks of receipt of the

*HE Guidance Draft for Consultation*

01 November 2001

family's proposals. Families have a right to a response as soon as is reasonably practical, and any unnecessary delay in delivering a decision could be deemed maladministration should the aggrieved family raise the matter with the Commissioner for Local Administration in Scotland.

4.4 In general, children should continue to attend school pending a decision on their application, but we would expect authorities to be sensitive to individual cases and consider whether interim school attendance is in the best interests of the child. If a child fails to attend school without the consent of the authority, the normal procedures for dealing with unauthorised absence will apply, including the making of an attendance order if necessary.

#### Parents' reasons for applying

4.5 The reasons why parents may choose to educate their children at home are many and varied. They might include:

- distance or access to a local school;
- religious beliefs;
- philosophical or ideological views;
- dissatisfaction with the system; or
- a child's unwillingness or inability to go to school.

#### Considering parents' proposals for home education

4.6 Home educating families are not required to follow a school-based curriculum and home education proposals will reflect the diversity of approaches and interests of home educators. Some parents may wish to provide education in a formal manner, using a fixed timetable that keeps to school hours and terms, and is based on traditional school subjects. This may be the preferred approach when a child is first withdrawn from school or if it is likely that the child will return to school at some point in the future. Others parents may wish to adopt an alternative curriculum or opt to make more informal provision which is more responsive to the developing interests of their children.

4.7 There is no single form of appropriate education; children learn in different ways, and at different times and speeds, and some methods of teaching will be more appropriate for some children than for others. Teaching on a subject by subject basis may, for example, be most appropriate where qualification courses are followed, whereas a topic approach, integrating the knowledge and skills of a number of subjects may be more appropriate for younger children.

4.8 Parents do not need to have any special qualifications or training to provide their children with an effective education, but they should be expected to demonstrate their commitment to providing an education which is suited to their child, and provide some indication of their objectives.

4.9 In general, parents' proposals should cater for their child's intellectual, social, emotional, spiritual, imaginative and physical development, and should provide:

- a **broad** education which introduces the child to the skills and knowledge of a range of subjects;
- a **balanced** education, ensuring that no one subject area is covered to the exclusion of all others;
- a learning programme that is **suited to the individual needs of the child**, taking account of their age, aptitude, ability and any special needs that they may have; and
- teaching that is **relevant** and relates the meaning of subjects to the child's own experience.

4.10 In considering an application to withdraw a child from school in order to home educate, an authority might reasonably ask the child's parents about:

- the child's education to date;
- their reasons for wishing to home educate;
- their short and long term objectives;
- their plans to offer a broad and balanced curriculum; and
- how the child's progress/difficulties will be recorded.

4.11 Although the approach that parents take will vary, it is reasonable to expect them to say how the curricular activities that they propose to provide for their child will expand the following core areas:

- Personal and interpersonal skills, including working with others
- Literacy, language and communication skills
- Numeracy skills
- Problem-solving skills
- Learning and thinking skills

4.12 Within this framework, it is reasonable to ask parents to show that they have an understanding of the importance of drug and health education. An authority might also reasonably ask parents to indicate how they propose to develop their child's information and communications technology skills, for example through the use of home or community facilities such as libraries. In discussing these areas, we would, however, expect authorities to be sensitive to any religious or philosophical convictions or beliefs that parents may have.

4.13 Parents should also be expected to show that they have an understanding of their child's prior learning experiences, and, in the case of older children, their future career aspirations.

4.14 Although the authority should not specify a curriculum which parents must follow, many parents do request and welcome general advice and suggestions about resources, methods and materials.

4.15 If parents are considering home education as a temporary measure, and want their child to return to school at some point in the future, it is important that the education provided is broadly based on a school curriculum. In these circumstances, the child's school might be involved in planning temporary home education provision to ensure optimum coherence and continuity in education, and a smooth transition when the child returns to school.

4.16 The definition of a parent includes a guardian and any person who is liable to maintain or has parental responsibilities (see Section 135(1) of the Education (Scotland) Act 1980) in relation to, or has care of, a child or young person. Wherever possible, authorities should ensure that all of those with parental rights and responsibilities for the child have given their written agreement to the proposed provision.

4.17 Parents may choose to engage 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. Whilst parents are not able to carry out Criminal Record Checks on those they engage, authorities should offer advice on the checks they are able to carry out to assess the suitability of the individual in this respect. Parents may, for example,

- interview the individual; a
- ask if he or she has any criminal convictions;
- take up references, preferably from an independent source (that is from someone who is not a friend of the individual); and
- query with the individual any gaps in his or her employment history.

4.18 When Part V of the Police Act 1997 comes fully into force, parents will also be able to ask those they intend to engage to educate their children, to apply for a Criminal Conviction Certificate.

#### Children's views

4.19 The UK Government supports the principle in the UN Convention on the Rights of the Child that children and young people have the right to freely express an opinion in all matters affecting them, and to have that opinion taken into consideration. This principle has been incorporated into the Standards in Scotland's Schools etc. Act 2000 in respect of school education. We would also expect authorities to take account of this principle in making decisions regarding the education of children at home.

4.20 Where parents apply to withdraw their child from school in order to educate them at home, they and the education authority must ensure that they listen to the views of the child and take their opinions into account.

#### Recognised qualifications

4.21 Although there is no requirement for children who are educated at home to take a particular set of qualifications, the education that is provided should aim to ensure that they gain a level of accreditation which is appropriate for their age and ability.

4.22 Internal assessment is a feature of many recognised qualification courses, and in some, the nature and/or extent of that assessment means that certification for external candidates is restricted. This is usually because written performance alone is insufficient to assess students' attainments.

4.23 Such restrictions currently preclude external candidates from some Standard Grade and National Qualification subjects, and allow only partial certification in others. These are not, however, the only qualifications which external candidates can take, and we would

expect authorities to offer families information about alternative qualifications and the arrangements that they would need to make to take them. Some of the options available are set out in Annex 1.

4.24 Authorities are not required to meet any costs associated with external candidates taking examinations or other qualifications. They may, however, choose to do so.

#### Children with Special Educational Needs

4.25 That a child has special educational needs should not in itself be a reason to refuse an application to educate at home. Additional considerations do, however, apply.

4.26 By definition, under Section 60(2) of the Education (Scotland) Act 1980, a child with a Record of Needs has pronounced, specific or complex special educational needs which require continuing review. A Record of Needs will usually nominate the school which the child concerned should attend – the basis of the nomination being the school has the expertise and resources to meet the child's needs. In these circumstances, it may be that the child's needs cannot be catered for appropriately unless the child attends the nominated school; the child's parents may not be able to provide an appropriate education themselves or afford to provide a private education.

4.27 It is therefore reasonable to ask parents to indicate how they propose to cater for their child's special educational needs at home.

4.28 Education authorities have no statutory obligation to provide financial or other support for children with special needs who are educated at home, except where measures are specified in a Record of Needs with the stipulation that they must be effected in the home. Authorities are, however, expected to take a reasonable approach, and may choose to provide any level of support they deem appropriate.

4.29 Under Section 65A of the Education (Scotland) Act 1980, authorities have a duty to review a child's Record to determine whether it continues to be appropriate. This duty also applies in the case of children who are being educated at home. Where the Record remains in force, the child's parents continue to have responsibility for the education provided, and the authority continues to have a legal duty to ensure that the child's needs are met.

#### Reasonable reasons for refusing an application for withdrawal

4.30 Under Section 37 of the Education (Scotland) Act 1980, an authority must not unreasonably withhold consent to withdraw a child from school. Reasons for withholding consent are not defined in legislation, but might reasonably include circumstances where:

- there is no evidence of planned education provision;
- the child is on the at risk register; or where
- the child is the subject of a supervision order.

#### Review of authorities' procedures for considering applications

4.31 Authorities' procedures for considering applications should be reviewed on a regular basis to assess whether they are working effectively. This review should be carried out in

consultation with parents as procedures based on parents' views and concerns will help promote effective partnership.

## **Section 5 Home educated children who move into the area or who have never attended a public school**

5.1 Parents are not required to seek the consent of the education authority in order to home educate their child, if:

- their child has never attended a public school;
  - their child is being withdrawn from an independent school; or
  - the family has moved into the authority's area and consent has already been given by the transferring authority.

5.2 Authorities have a duty to satisfy themselves that all children within their area are receiving a suitable education. Authorities may experience difficulties in fulfilling this duty if children are not known to them because they have never attended a public school or have moved into the area from another authority area.

5.3 The mechanisms used by authorities to track children who have never attended school will vary, but we would expect authorities to take reasonable steps to identify children using sources such as:

- birth registers;
- health visitor records;
- nursery enrolments; and
- household surveys and census information.

5.4 Under Regulation 5 of the Education (Record of Needs)(Scotland) Act 1982, where a child with a Record of Needs moves from one authority to another, the transferring authority have a duty to notify the incoming authority. This applies both to children who are receiving education at school or at home. As a matter of good practice, we would expect authorities to share information in this way in the case of all home educated children who are known to be moving between areas.

5.5 Where a child attending an independent school is withdrawn by their parents to be educated at home, it is helpful if the school notifies the education authority to allow the authority to establish contact with the family.

## **Section 6 Practical support for home educators**

6.1 Although authorities are not legally obliged to provide any resources for home educated children, they may choose to do so. We would expect authorities to adopt a reasonable and flexible approach in this respect where there are minimal resource implications.

6.2 Some of the ways in which authorities might support home educating families without incurring unreasonable expense include:

- providing general advice;
- allowing access to learning centre resources; and
- allowing flexible access to school resources.

6.3 Some home educating parents may request a more flexible use of schools, and some schools may be happy to accommodate them.

## **Section 7 Monitoring home education provision**

### Monitoring agreements

7.1 Education authorities have a statutory duty to satisfy themselves that all children in their area are receiving a suitable education. The law does not, however, define how authorities can satisfy themselves that a suitable education is being provided. Although there is no explicit statutory duty on education authorities to monitor home education provision, authorities must nonetheless take reasonable steps to satisfy themselves that suitable education is being provided.

7.2 It is considered to be consistent with the European Convention of Human Rights for home educating parents to co-operate in the assessment of their children's educational provision. The European Commission of Human Rights adopted this view in the case of *Family H v The UK* (1984) where they concluded that:

*“ to require the applicant parents to co-operate in the assessment of their children's educational standards by an education authority in order to ensure a certain level of literacy and numeracy, whilst, nevertheless, allowing them to educate their children at home, cannot be said to constitute a lack of respect for the applicant's rights under Article 2 of Protocol No. 1.”*

7.3 At the time of granting consent for the child to be withdrawn from school, the authority should explain their normal monitoring arrangements and discuss and agree the arrangements that will be put in place to monitor the education provision with the child's parents. The UN Convention on the Rights of the Child provides that children and young people have the right to freely express an opinion in all matters affecting them, and to have that opinion taken into consideration (see paragraph 4.18). We would expect authorities to take account of this principle in making decisions regarding the arrangements that are put in place to monitor home education.

### Access to the child and home

7.4 Our view is that it is reasonable for authorities to be given access to a home educated child in order to adequately assess the child's progress and to satisfy themselves that the child is receiving a suitable education.

7.5 It is our view that authorities do not, however, have an automatic right of access to the family's home. Some parents may not feel comfortable in allowing an education officer to meet their child in the family home. We would expect authorities to respect these views and arrange a meeting in a mutually acceptable location such as a library or community centre.

7.6 Although it is recognised that the learning environment has a key bearing on the effectiveness of learning, authorities should, in the majority of cases, be able to assess the suitability of the education being provided without gaining access to the child's home. In exceptional circumstances, where an authority has serious concerns about the child's progress, they may ask the home educating family for access to the child's learning environment to assess its suitability. If, in those circumstances, the family refuses access, the authority might reasonably conclude that they have insufficient information to satisfy themselves under Section 37 of the Education (Scotland) Act 1980 as to the suitability of the family's education provision, and consequently make an attendance order.

#### Frequency of monitoring

7.7 The frequency with which authorities will monitor home education provision will vary and will depend to some extent on the individual circumstances of home educating families. It is recommended that the authority discusses the frequency of monitoring with the family in reaching an agreement on monitoring arrangements.

7.8 In the case of Recorded children or young persons, authorities should review progress annually. The authority may opt to carry out more frequent reviews if they consider that it would be in the best interests of the child or young person concerned.

7.9 An initial meeting with the family is recommended within six months of the start of home education provision to discuss progress and offer support and advice. Follow up meetings to monitor provision and ensure that it develops to meet the changing needs of the child should be arranged with the family's agreement at least once a year. The authority may consider that more frequent monitoring is required in cases where it has concerns about the suitability of the education being provided.

7.10 Where a pupil is in their final year of statutory education, it may be helpful to arrange a meeting prior to the official finishing date to discuss the young person's future plans and offer appropriate support and guidance. For young people with a Record of Needs, the authority must consider and make a report on what provision would benefit that young person after they cease to be of school age. This Future Needs Assessment should take place after the age of 14 and at least 9 months before the child reaches the school leaving age of 16.

#### Procedures for monitoring

7.11 Wherever possible, arrangements for monitoring home education provision should be agreed in advance with the home educating family. In particular, visits to the family's home should only be made with prior agreement.

7.12 If, during the course of monitoring, it is considered that a child may have special educational needs which require to be assessed, this should be discussed with the child's parents and then with an educational psychologist and other professionals as appropriate.

7.13 Following any meeting with a family, a report should be prepared by the authority setting out its assessment of the education being provided and any specific recommendations that have been made. It would be consistent with Data Protection legislation for parents to be given a copy of this report, or to be given feedback on it.

### Criteria for assessment of provision

7.14 Education authorities must satisfy themselves that parents are providing an efficient education which is suited to the age, ability and aptitude of their child. The purpose of monitoring is to ensure that the home educating family's proposals are being put into action, that the child is making reasonable progress, and that the family's arrangements continue to meet the educational and developmental needs of their child. The educational progress of the child should be considered against the family's agreed home education proposals.

7.15 The effectiveness of home education provision should be considered in accordance with current prevailing standards and in the context of, but not dictated by, the philosophy behind the National Priorities which have been established for school education.

7.16 In general, effective home education provision should:

- be observable and systematic;
- ensure progression in learning;
- ensure the development of core skills;
- be attentive to the child's personal and social development;
- ensure a broad and balanced range of learning experiences;
- provide opportunities for co-operative and independent learning;
- be responsive to the interests of the child;
- make connections with the child's own experiences;
  - include opportunities for active learning;
  - provide the child with regular feedback about their progress and opportunities for self-assessment; and
  - include opportunities to establish peer group friendships.

7.17 When assessing home education provision, authorities might reasonably look for evidence which shows that:

- the child understands what they are learning;
- the learning process provides the child with sufficient opportunities to learn independently and develop core skills;
- there are identifiable programmes of work which provide the child with a progressive learning experience;
- there is evidence of planning which makes clear the purposes of activities undertaken; and
- the learning process would not leave the child significantly disadvantaged should they transfer back into the state education system or into further or higher education.

7.18 In considering this evidence, authorities might take account of:

- the match between what is being taught and the proposals previously agreed;
- the particular needs of the child and the coherence of the overall learning experience;
- whether the child is making reasonable progress in acquiring core skills; and
- the continuing suitability of the curriculum in the light of the child's development.

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7.19 The approach home educating families take to assessing their child's progress may be strongly dictated by their philosophy, and in some cases, the absence of testing structures may be a feature of their education provision. It is, however, important that there is some form of systematic assessment of the child's learning in order to monitor their progress and relate this to the continuing educational programme.

#### Dissatisfaction with provision

7.20 Where the authority is not satisfied that efficient education is being provided for a child, they should discuss their concerns with the child's parents. Wherever possible, the authority should give the family a period of time to address the areas of concern. If after this time, provision is still considered to be unsatisfactory, the authority has a duty to make an attendance order requiring the parent to cause their child to attend school.

#### Review of authorities' monitoring procedures

7.21 Authorities' procedures for monitoring home education provision should be reviewed on a regular basis to assess whether they are working effectively. This review should be carried out in consultation with parents as procedures based on parents' views and concerns will help promote partnership.



## **APPENDIX 1**

The following information sets out some of the options available to home educating families who wish to provide opportunities for their children to study for recognised qualifications outwith school. This is not an exhaustive list, but sets out the main options available and provides contact details for relevant organisations.

### **STUDY OPTIONS FOR STANDARD QUALIFICATIONS**

#### **Enrolment at a Further Education College**

Some colleges may, at the discretion of the Principal, be willing to accept students aged between 13 and 16 years for full and part-time courses. This approach has the advantage that all the work and entry for qualifications is organised by the college, but it does require at least some attendance at classes which will not appeal to all home educating families. If a student who is under 16 years of age enrolls at a FE college, their parents will be liable to pay all of the course fees themselves unless the education authority is willing to provide funding.

#### **Self-Study**

Many home educating families prefer not to enrol for attendance at a further education college, and choose instead to work independently towards qualifications. Because of compulsory internal assessment components, there are many subjects and qualifications which are not available to external candidates unless an appropriate arrangement can be made with an approved centre which meet with the examining board's requirements. Some centres and examining boards may be willing to accept coursework which has been marked and authenticated by a private tutor.

Families who study for qualifications from home will need to:

- contact the relevant examination board to find out about their requirements;
- register with an approved centre for their child to sit the examinations; and
- pay a registration fee for each subject their child will take.

#### **Correspondence Courses**

Correspondence courses can be an option for students who prefer to work independently, though they will be required in most cases to follow a structured curriculum and programme of work. Correspondence courses offer a wide range of qualifications at different levels and the organisations offering these courses will advise about arrangements which need to be made for registering with an examination centre and for marking and authenticating coursework. The cost of this option varies depending on the organisation and the qualification chosen, but can prove expensive.

There are an increasing number of organisations offering open and distance learning courses. The following contacts provide a useful start in finding a suitable course and organisation:

- The *Open and Distance Learning Quality Council* (ODLQC) is an independent body which accredits open and distance learning courses. The ODLQC produces a free information leaflet which lists all approved organisations and their courses.

Contact: Westminster Central Hall, Storey's Gate, London SW1 9NH  
 Tel: 020 7233 3466 Fax: 020 7233 3469.  
 Website: [www.odlqc.org.uk/odlqc](http://www.odlqc.org.uk/odlqc)  
 E-mail: [odlqc@dial.pipex.com](mailto:odlqc@dial.pipex.com)

- The *Association of British Correspondence Colleges* (ABCC) is a voluntary association of colleges which comply with a code of ethics.

Contact: PO Box 17926, London SW19 3WB  
 Tel: 020 8544 9559 Fax: 020 8540 7657.  
 Website: [www.nationline.co.uk/abcc](http://www.nationline.co.uk/abcc)  
 Email: [abcc@msn.com](mailto:abcc@msn.com)

- The *British Association for Open Learning* (BAOL) promotes quality and best practice in open, flexible and distance forms of learning. BAOL members work to a code of practice for open learning and are listed on the BAOL website.

Contact: Suite 6, Pixmore House, Pixmore Avenue, Letchworth, Hertfordshire,  
 SG6 1JG  
 Tel: 01462 485 588 Fax: 01462 485 633  
 Website: [www.baol.co.uk](http://www.baol.co.uk)  
 Email: [baol@midnet.com](mailto:baol@midnet.com)

## **ALTERNATIVE QUALIFICATIONS**

The internal assessment component of many standard qualification courses such as Standard Grades, National Qualifications and GCSEs can restrict the choice available to home educated students. The following qualifications have, however, been identified as particularly suited to home study students as they are not dependent on internal assessment and moderation.

### **International General Certificate of Secondary Education (IGCSE)**

The IGCSE is a 2 year curriculum programme leading to a certificate which is internationally recognised as equivalent in standard to the British GCSE and the International GCE O Level examinations. Coursework assessment is not available to external candidates, but is only compulsory in Agriculture, Child Development, Computer Studies, Design and Technology, Food Science and Music. All other syllabuses offer an alternative to coursework in the form of a further written examination paper.

The IGCSE is administered by Cambridge International Examinations which is part of the University of Cambridge Local Examinations Syndicate.



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Contact: Customer Services, Cambridge International Examinations, 1 Hills Road,  
Cambridge, CB1 2EU  
Tel: 01223 553 554 Fax: 01223 553 558  
Website: *www.ice.org.uk*  
Email: [international@ucles.org.uk](mailto:international@ucles.org.uk)

**Advanced International Certificate of Education (AICE)**

Like GCE A-Levels, the AICE has been designed as a pre-university course of study, progressing from IGCSE. AICE and IGCSE together constitute a fully integrated curriculum for students in their last three or four years of secondary education.

Contact: Customer Services, Cambridge International Examinations, 1 Hills Road,  
Cambridge, CB1 2EU  
Tel: 01223 553 554 Fax: 01223 553 558  
Website: *www.ice.org.uk*  
Email: [international@ucles.org.uk](mailto:international@ucles.org.uk)

**National Christian Schools Certificate (NCSC)**

The NCSC gives students a diploma equivalent to 5 GCSEs after sufficient study at the correct level, and offers the opportunity to progress to a diploma equivalent to 3 A-Levels in addition to 8 GCSEs. There are tests at home rather than formal examinations, but the course is highly structured which may not appeal to everyone.

Contact: The European Academy for Christian Homeschooling  
Marantha House, Unit 1, Northford Close, Shrivenham, Swindon,  
Wiltshire, SN6 8HL  
Tel/Fax: 01793 783783  
Website: *www.christian-education.org*  
Email: [CEEurope@cs.com](mailto:CEEurope@cs.com)

**REGIONAL EXAMINING BOARDS****The Scottish Qualifications Authority (SQA)**

Contact: 24 Douglas Street, Glasgow, G2 7NQ  
Telephone Helpdesk: 0141-242 2214  
Website: *http://www.sqa.org.uk/*  
Email: [helpdesk@sqa.org.uk](mailto:helpdesk@sqa.org.uk)

**The Assessment and Qualifications Alliance (AQA)**

The AQA is one of three unitary examining bodies in England incorporating the now merged Associated Examining Board and the Northern Examinations and Assessment Board. The AQA also has responsibility for the City and Guilds' GNVQ qualification.

Contact: Devas Street, Manchester, M15 6EX  
Tel: 0161 953 1180 Fax: 0161 273 7572  
Website: *http://www.aqa.org.uk*  
Email: [Postmaster@aqa.org.uk](mailto:Postmaster@aqa.org.uk)

**DRAFT****Oxford Cambridge & RSA (OCR)**

OCR is one of three unitary examining bodies in England incorporating the RSA (Royal Society of Arts), UCLES (University of Cambridge Local Examinations Syndicate), and MEG (Midland Examining Group).

Contact: 1 Regent Street, Cambridge, CB2 1GG  
Website: <http://www.meg.org.uk>

OCR Information Bureau, General Qualifications:

Tel: 01223 553998

Fax: 01223 552627

Email: [helpdesk@ocr.org.uk](mailto:helpdesk@ocr.org.uk)

OCR Information Bureau, Vocational Qualifications:

Tel: 024 7647 0033

Fax: 024 7642 1944

Email: [cib@ocr.org.uk](mailto:cib@ocr.org.uk)

**Edexcel**

Edexcel was formed in 1996 by the merger of BTEC and The University of London Examinations and Assessment Council (ULEAC). Edexcel is one of the main examination boards for England and Wales.

Contact: Tel: 0870 240 9800 Fax: 020 7758 6960  
Website: <http://www.edexcel.org.uk/>  
Email: [enquiries@edexcel.org.uk](mailto:enquiries@edexcel.org.uk)



**APPENDIX 2****CONTACTS****Schoolhouse Home Education Association**

A Scottish organisation which offers information and support to families who have chosen or are contemplating home education.

Contact: 311 Perth Road, Dundee DD4 8EE  
 Tel: 01382 646 964  
 Website: [www.schoolhouse.org.uk/](http://www.schoolhouse.org.uk/)  
 Email: [info@schoolhouse.org.uk](mailto:info@schoolhouse.org.uk)

**9 Education Otherwise**

Contact: PO Box 7420, London N9 9SG  
 Tel: 01283 532 547  
 Website: [www.education-otherwise.org/](http://www.education-otherwise.org/)  
 Email: [enquiries@education-otherwise.org](mailto:enquiries@education-otherwise.org)

**Home Education Advisory Service**

A UK-based organisation for home educators and those thinking about home educating.

Contact: PO Box 98, Welwyn Garden City, Hertfordshire AL8 6AN  
 Tel: 01707 371854  
 Website: [www.heas.org.uk/](http://www.heas.org.uk/)  
 Email: [admin@heas.org.uk](mailto:admin@heas.org.uk)

**Learning & Teaching Scotland**

Contact: Gardyne Road, Dundee, DD5 1NY  
 Tel: 01382 443 600 Fax: 01382 443 645  
 Website: [www.ltscotland.com](http://www.ltscotland.com)  
 Email: [enquiries@ltscotland.com](mailto:enquiries@ltscotland.com)

