

**ANGUS COUNCIL
EDUCATION COMMITTEE**

24 April 2001

EDUCATION AT HOME: AMENDMENTS TO DECISION MAKING PROCESS

JOINT REPORT BY THE DIRECTOR OF EDUCATION AND THE DIRECTOR OF LAW & ADMINISTRATION

ABSTRACT

This report seeks Committee approval of an amendment to the Scheme of Delegation to Officers and to the Order of Reference to Committees on the subject of Education at Home.

1 RECOMMENDATIONS

It is recommended that the Education Committee:

- a) delegates to the Director of Education the power (in accordance with current legislative provisions) to agree to all reasonable proposals from parents to educate their children at home, and to refuse agreement to any such proposals he believes to be unreasonable;
- b) removes from the School Attendance Sub-Committee its remit to consider and determine requests from parents to educate their children at home;
- c) extends the remit of the Special Cases Sub-Committee to include
“the consideration and determination of appeals against decisions
of the Director of Education in respect of Education at Home”

2 BACKGROUND

- 2.1 Reference is made to the meeting of the Education Committee on 8 June 1999 when the remit of each of its Sub-Committees was approved (Article 1(b) of the note of the meeting refers). Under the terms of the Committee's decision one of the duties delegated to the School Attendance Sub-Committee is the consideration and determination of requests for exemption from school attendance – which in virtually every case now refers to requests to educate children at home.
- 2.2 Reference is also made to the meeting of the Education Committee of 23 January 2001 when the Human Rights Act 1998 was considered (Article 5 of the note of meeting refers). At that meeting the Committee considered the register of procedures applicable to the Education Service in Angus which are likely to be affected by Human Rights legislation, one of which was Education at Home.

3 CURRENT POSITION

- 3.1 At present children and young people from 6 families in Angus have sought and been granted the education authority's approval to be educated at home.
- 3.2 In July 2000, the Scottish Consumer Council published “Home Works: Local Authorities' Approaches to Working with Home Educating Parents in Scotland.” That report makes a number of recommendations; Section 14 of the Standards in Schools, etc. Act 2000 gives powers to Scottish Ministers to issue guidance as to the circumstances in which parents may choose to educate their children at home. Work has begun on following up the Scottish Consumer Council's recommendations and it is anticipated that work will be finalised on receipt of any guidance issued by Ministers in accordance with their new powers.

- 3.3 One obvious difficulty with current arrangements in Angus is that parents seeking to educate their children at home only have one opportunity to have their proposal considered – at a meeting of the School Attendance Sub-Committee. Although the overwhelming majority of proposals tend to be agreed, there is obviously a possibility that at some point the Sub-Committee may believe a proposal is unreasonable and may refuse to agree to it; if these circumstances do arise, parents have no formal right of appeal under the Council's current arrangements and this may pose some difficulty with respect to the Human Rights of these parents and their children.

4 PROPOSALS

- 4.1 In accordance with a number of other similar areas (eg School Transport, Parental Placing Requests, Under Age Enrolment Requests), it is proposed to delegate to the Director of Education the power to consider and determine any proposals to educate children at home – on the understanding that the Director of Education will take all relevant factors into account and will accede to any such proposal if it is in the best interests of the child, is in accordance with current legislative requirements and is in all other respects reasonable. In accordance with established practice the Director of Education will normally expect parents to co-operate to enable periodic monitoring of the child's progress by officers of the Council.
- 4.2 In the event that the Director of Education believes a parental proposal is unreasonable and/or is not in the best interests of the child then he will refuse to agree to the proposal but in so doing will explain to parents their right of appeal.
- 4.3 In the event of parents choosing to exercise their right of appeal against a refusal to agree to a proposal, that appeal will be heard by the Special Cases Sub-Committee of the Education Committee.

5 HUMAN RIGHTS

- 5.1 By approving the recommendations contained within this report the Education Committee will be ensuring full compliance with Human Rights legislation, particularly Articles 6, 8, 9 and 10 of the European Convention of Human Rights.

6 CONSULTATION

- 6.1 In accordance with the Standing Orders of the Council this report has been the subject of consultation with the Chief Executive and the Director of Finance.

JIM ANDERSON
DIRECTOR OF EDUCATION

CATHERINE COULL
DIRECTOR OF LAW & ADMINISTRATION

BACKGROUND PAPERS

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.

JAA/RB