

EAST AYRSHIRE COUNCIL

EDUCATION COMMITTEE : 30 JANUARY 2007

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

Report by Executive Director (Educational and Social Services)

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to invite Elected Members to approve the response to the Consultation on Guidance on the Circumstances in which Parents may choose to Educate their Children at Home.

2. BACKGROUND

- 2.1 The Scottish Executive's Guidance on the Circumstances in which Parents may Choose to Educate their Children at Home was published in 2004. In it the Executive stated that it would be reviewed in 2 years time.
- 2.2 The purpose of this consultation is to seek opinions from users of the guidance on how it is working so far and suggestions for improving it. The Executive recognise home education as a key aspect of parental choice; this consultation is not proposing changes to policy on home education.
- 2.3 The purpose of the guidance is to encourage education authorities and home educators to work together to develop trust, mutual respect and a positive relationship that functions in the best interests of the child. It aims to do this through promoting a consistency of approach across the country by clearly setting out the legislative position, and by providing advice on the roles and responsibilities of education authorities and parents.

3. PROVISION IN EAST AYRSHIRE

- 3.1 During the lifetime of the Council there has been a small but steady number of requests by parents to educate their children at home. At present there are 24 children from 18 families educating at home.

The provision is monitored by the Quality Improvement Team and there is an annual statistical return to the Scottish Executive on home education provision.

4. THE CONSULTATION

- 4.1 Responses to the consultation require to be submitted to the Executive by 14 February 2007.

- 4.2 East Ayrshire's response appears in Appendix 1.
- 4.3 In general the original guidance published in 2004 has stood the test of time. The key areas in which the new guidance needs to be brought up to date relate to:
- i) more rigorous approaches to child protection
 - ii) compliance with the recent additional support for learning legislation
 - iii) developments in the provision of educational maintenance allowances
 - iv) requirements of Disclosure Scotland for screening of tutors employed by home educators.

5. COMMUNITY PLAN IMPLICATIONS

- 5.1 The Guidance on Home Education impacts on the themes Improving Community Learning and Improving Opportunities.

6. FINANCIAL, LEGAL AND POLICY IMPLICATIONS

- 6.1 None

7. RECOMMENDATIONS

- 7.1 It is recommended that Members
- i) approve the submission of Appendix 1 as East Ayrshire's response to the consultation
 - ii) otherwise note the contents of the report

Graham Short
Executive Director (Educational and Social Services)

KMcK/MR
15.01.07

LIST OF BACKGROUND PAPERS

Nil

Members wishing further information should contact Kenneth McKinlay, Principal Quality Improvement, Tel: (01563) 555650

IMPLEMENTATION OFFICER : KENNETH MCKINLAY

**Response to consultation paper on
A review of the Scottish Executive document
Guidance on the circumstances in which parents may choose to educate their
children at home**

Question 1: *Is there anything else you would wish to see in the introduction to the guidance?*

The rights of the child should be paramount and it is worth stating in the introduction that the child has a right to an education and to protection.

The dual roll of the education authority in terms of supporting families through partnership, which is not resourced by the Executive, and ensuring the provision of an efficient and suitable education can not be undertaken without the accompanying right of access to the child and meaningful information.

Parents too have responsibilities as well as rights, a point which should be stressed in the introduction. Home education is less public than schools. It is the responsibility of parents. Schools are inspected and parents of children educated outwith school should also expect to benefit from inspection.

Question 2: *Do you consider that the legal position is presented clearly enough in the guidance?*

While the legal position is clearly stated the interpretation of the guidance can be problematic. The rights of the child should be paramount. The authority should have the right of access to a child, age 12 or over, to ensure that the young person can present their own views on home education.

The selection of legislation to insert in this section is not equitable. The duties of the education authority are outlined, this is not the case for duties of parents.

Child protection should be higher up the agenda.

There is no clear indication of the many and varied forms which an efficient and suitable education might take or a standard against which an education authority can compare the parental provision. Education authorities would also benefit from advice on how to engage those parents who do not demonstrate a willingness to work in partnership and how the authority might carry out its responsibilities in this scenario.

It is disappointing that the legislation is not to be reviewed as it seems that in order to give the education authority the rights to undertake its responsibilities this would be necessary.

Question 3: *Would the section on the legislative position benefit from:*

- *additional descriptive text, or*
- *no descriptive text at all, to let the legislation 'speak for itself'?*

Additional descriptive text would be beneficial. Section 2.3, the responsibility for a child's education rests with the parents, could be expanded. Clearer guidance could be given on an efficient and suitable education since home education is a right conditional upon its provision. Guidance on priority if the child's view varies from the view of the parent would be helpful. In section 2.2 on the legislative position of children the guidance is not clear, matters are left to the local authority.

Question 4: *Is the section on who needs consent set out clearly enough, and if not do you have any suggestions for improvement of this section?*

The section is set out clearly enough, however it does seem to be incompatible with guidance on children missing from education. An improvement would be to ensure that families have to inform education authorities that they do educate at home even if they do not require to ask for consent to withdraw from register. The education authority has a responsibility to ensure an efficient and suitable education if they know about the family. It would be helpful if families had to let the education authority know that they were educating from home. In section 3.3 authorities should be informed in all, not simply the last, two cases. A change of wording in this section to encourage a positive relationship would be helpful.

Question 5: *Is it necessary to state possible reasons for choosing to home educate, given that this has no bearing on whether consent is given?*

The list is unnecessary from an authority perspective. Information is provided by parents, where they choose to disclose it, when seeking consent to withdraw or at the first meeting.

Question 6: *If you feel it is helpful to state possible reasons, do you believe that the list at section 3.5 should be updated, or does it adequately cover the main reasons for wishing to home educate?*

Not applicable.

Question 7: *Would you find it helpful if the guidance specifically referred to the particular issues surrounding Gypsy/Traveller families and home education?*

Yes, especially in authorities where there is no authorised site for travellers. Families are often within the authority for a very short time as the owners of land they occupy generally move them on within two or three weeks. Are gypsy travellers

to be considered to be educating outwith school under this guidance or under minority ethnic status? The two sets of guidance are contradictory.

Question 8: *How is the process of requesting to withdraw a child from school currently working without a specified suggested timescale within which the authority should respond?*

East Ayrshire makes every effort to respond as quickly as possible and to keep parents informed where an immediate decision is not possible. We do not favour a set timescale as individual circumstances vary. Meeting a standard timescale would be difficult due to the time taken to investigate with the different agencies who are often involved with families who are seeking consent to withdraw from register. The important point is that parents should be kept informed with regular contact from the authority during the investigation process.

Question 9: *Do you have any suggestions for improvement of the section on withdrawing the child?*

The section is too wordy and would be assisted by the inclusion of a flow chart.

At least one face-to-face meeting should be included in the process of withdrawing. This is consistent with the children missing from education guidelines. It would enable the education authority to come to a better informed decision as well as providing an early start to partnership working. At present parents can follow templates for requesting withdrawal of children from register which are available via home education websites. These templates may give a false impression of the family situation.

Question 10: *Do you find the section on developing relationships useful?*

The section may be useful to parents, however, the tone is unwelcome to authorities. It must be clear that the responsibility for any relationship or partnership is two way. Parents should be encouraged to meet with education authorities and the role of the child, dependent on age, as a partner should be acknowledged.

The diversity of philosophies and processes of education at home is recognised. This however makes it difficult to identify a standard by which the education authority can judge efficiency and suitability of education. Is progression from visit-to-visit all that can be expected? Education authorities may find it difficult to decide on the parent's commitment to education at home where standard letters are available to parents from various home educating organisations and on websites and only 'some indication' of the objective and resources is required.

In relation to alternative qualifications, this is not information which the education authorities will necessarily have. It is useful to have a list of providers and qualifications at the end of the guidance, but it is the parents' responsibility to seek out this information.

Section 4.5 on education maintenance allowances (EMAs) is out of date. Payment of EMAs is dependent on attendance, a learning contract and registration with a

learning centre. If EMAs are to be available to home educating families guidance is required on how monitoring is to be done.

Question 11: *How is the current guidance regarding frequency and type of contact between home educators and education authorities working, and would you like to see it changed in any way?*

There is a varied response to contact from the small number of families known to East Ayrshire as educating at home. Some families choose to have no contact. If an annual approach is not successful, the recourse we have is to try to engage parents by inviting them to a meeting which, since they have not responded to the initial contact, is seldom an invitation which is accepted. Following this the guidance suggests attendance orders if there are concerns. Further guidance on how to engage unwilling parents would be helpful, as would guidance on how an authority is to identify concerns in a situation of no contact.

Question 12: *Do sections 4.18 and 4.19 provide adequate coverage, for the purpose of this guidance, on child protection issues, and if not, what further guidance would you like to see?*

Section 4.18 is acceptable as stands, however it could be strengthened by directing parents to take up references for those they choose to educate their children and to have them checked by Disclosure Scotland.

Section 4.19 requires some revision. How can concerns come to light if an education authority has no engagement with the family? Refusal of access is not a ground for concern according to section 4.14. The section presupposes at least an annual engagement and good interagency communication free from data protection constraints.

Question 13: *Do you have any suggestions, not already mentioned in the guidance, of how better relationships can be developed?*

A good basis for promoting a two way partnership, supporting parents and education authorities by giving some sense of what is required and underpinning information sharing with other services such as health and social work would be a self assessment tool along the lines of the HMle self evaluation series, How good is our home education?. This would provide a structure to facilitate real discussion from the point of view of identifying opportunities for example sharing of resources. It would be a starting point for a partnership and would alleviate the difficulties around the definition of efficient and suitable education. Guidance which also covered flexible arrangements such as part school attendance and part home education would also be welcomed.

Question 14: *Does section 5 set out clearly enough the roles and responsibilities for providing efficient and suitable education, and the monitoring of that education for:*

- *parents?*

- ***education authorities?***
If not, how would you improve it?

The self evaluation tool for use by parents and authorities suggested in section 13 is appropriate here. Section 5 currently lacks clarity and needs a complete revision. Section 5.3 states there is no express requirement for the education authority to actively investigate if parents are complying with their section 30 duty. However if we happen to know that they are not then we have to act. How are authorities to come by this knowledge?

Question 15: Do you consider the list of suggested characteristics of efficient and suitable education at section 5.5 helpful and relevant , and if not, would you wish to:

- ***amend it?***
- ***omit it altogether?***

Section 5.5 is not helpful. Descriptive text is not what is required. We need a better framework which lends itself to the diverse approaches which parents may take but does not leave individual education authority staff to make unsupported judgements. This framework would lead to consistency across the country with councils and parents clear about what to expect.

Standards of literacy and numeracy appropriate to age and stage and access to services such as health for immunisation etc should be included in any framework.

Question 16: *Is the section on attendance orders helpful, and if not, how would you amend it ?*

East Ayrshire Council has not had occasion to use an attendance order at least since the current guidance was published.

Question 17: *Do you have any comments regarding the home education of children with additional support needs, which you feel should be reflected in any revised guidance?*

There is concern that a child not in school will not have access to the whole range of professional services especially health. The allocation of lead roll on a co-ordinated support plan to education authorities is contradictory when families have chosen to educate out with the school system. Parents have the responsibility for instigating a plan and finding a service provider to take the lead if they are not willing or able to do so themselves.

Question 18: *Do you find it useful to have a section on qualification options in the guidance, and would you like to see any changes or additions to this section?*

Yes, it is useful for home educators and for education authority support packages.

Updates to the information on a regular basis would be welcome.

Question 19: *Are there any organisations, or types of organisation, not currently represented that you would like to see included in the contacts section?*

The parent zone website could be added as home education is an alternative to school education, but still to be supported by education authorities and therefore presumably by national organisations such as Learning and Teaching Scotland.

Question 20: *Are there any other issues not addressed elsewhere which you feel should be taken into account during the review of the guidance?*

Issues to be addressed include changing legislation, the rights of the child, responsibilities of parents and of the education authority, and interagency working with training provided at a national level.