

EAST AYRSHIRE COUNCIL

EDUCATION COMMITTEE : 11 FEBRUARY 2002

DRAFT GUIDANCE ON HOME EDUCATION

Report by Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To advise Elected members of draft guidelines for local authorities on the circumstances in which parents may choose to educate their children at home and to provide details of the provision within East Ayrshire.

2. BACKGROUND

- 2.1 In terms of Section 14 of the Standards in Scotland's Schools etc. (Scotland) Act 2000, the Scottish Executive sought views from education authorities and home education organisations on issues regarding the circumstances in which parents may choose to educate their children at home and the role of education authorities in granting consent and of monitoring such education provision.
- 2.2 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.
- 2.3 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that parents are not providing a suitable education for their child; this applies equally to children who have been withdrawn from local authority schools and to children who have never attended school.

3. PARENTS' RIGHT TO EDUCATE AT HOME

- 3.1 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.
- 3.2 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.

3.3 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.

4. MONITORING EDUCATION PROVISION

4.1 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.

4.2 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.

4.3 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.

5. INFORMATION FOR PARENTS

5.1 The Department provides written information for parents on home education and sets out the legal position with an explanation of the authority's procedures for considering applications to withdraw children from school and the subsequent monitoring arrangements that will be made.

5.2 The Quality Development Team liaise closely with parents considering home education. Officers are familiar with home education policy and practice, and can provide contact details for home education support organisations.

6. APPLICATION FOR CONSENT

6.1 The Draft Guidelines set out in some detail the procedures to be followed in granting consent to withdraw children from school. These include:

- Parents should provide the authority with a summary of the approach they are planning to take in providing education for their child at home.
- 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.
- 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.

- If consent to withdraw is given, the authority should establish a commencement date and inform the child's school.
- If consent to withdraw is withheld, the reasons for the authority's decision should be discussed with the family.
- There is no statutory right to appeal against an authority's decision to withhold consent. All decisions made by authorities are of course subject to external review by the Courts through the judicial review process.
- Applications to withdraw a child from school to be considered and finalised within 8 weeks of receipt of the family's proposals.

7. CONSIDERING PROPOSALS FOR HOME EDUCATION

7.1 The guidelines set out a number of issues to be considered in home education as follows:

- 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.
- 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.
- Parents do not need to have any special qualifications or training to provide their children with an effective education.
- In general, parents' proposals should cater for their child's intellectual, social, emotional, spiritual, imaginative and physical development.
- It is reasonable to ask parents to show that they have an understanding of the importance of drug and health education.
- 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.
- That a child has special educational needs should not in itself be a reason to refuse an application to educate at home.
- 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.
- 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.

8. MONITORING HOME EDUCATION PROVISION

8.1 Education authorities have a statutory duty to satisfy themselves that all children in their area are receiving a suitable education. 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.

8.2 The guidelines suggest 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. 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. Authorities should respect these views and arrange a meeting in a mutually acceptable location such as a library or community centre.

9. EDUCATION PROVISION IN EAST AYRSHIRE

9.1 At present 13 children from 10 families receive home education within the Authority. Of these 7 have been withdrawn at various stages throughout their school career and 6 have never been enrolled. The reasons for home education tend to be religious beliefs, philosophical or ideological views and medical issues.

9.2 Authority procedures for processing requests for home education and of monitoring provision are consistent with the draft guidelines.

9.3 The Department should review these procedures when a formal set of guidelines are published by the Scottish Executive.

10. LEGAL/POLICY/FINANCIAL IMPLICATION

10.1 Nil

11. RECOMMENDATIONS

It is recommended that Elected Members:

- i) invite the Director to review home education procedures in due course,
- ii) agree this report as the basis for a formal response to the Scottish Executive; and
- iii) otherwise note the contents of this report

John Mulgrew
Director of Educational and Social Services

KMcK/MR
16 January 2002

LIST OF BACKGROUND PAPERS

- Draft Guidance on Home Education SEED December 2001

Members wishing further information should contact Graham Short, Head of Schools, Tel: (01563) 576192 or Kenneth McKinlay, Principal, Quality Development Tel: (01563) 555650

IMPLEMENTATION OFFICER : GRAHAM SHORT

AGENDA