

Home Based Education – Policy and Procedures

Amended August 2008

1 Purpose of report

- 1.1 The purpose of this report is to update the City of Edinburgh Council's policy and procedures on home-based education.

2 Background

- 2.1 In March 2004, the Scottish Government published "*Guidance on the circumstances in which parents may choose to educate their children at home.*" This document recognises that home-based education is a key aspect of parental choice. It aims to encourage good practice in relationships between local authorities and home educators by clearly setting out the legislative position, and by providing advice on the roles and responsibilities of local authorities and parents in relation to children who are educated at home.
- 2.2 The City of Edinburgh policy and procedures on home-based education have been reviewed by a small working group in the light of this document and the move to neighbourhood working in the city. The updated policy and procedures have been drawn up in consultation with interested parties.

3 Main report

- 3.1 This City of Edinburgh Council guidance is issued in response to Scottish Government guidance on the circumstances in which parents may choose to educate their children at home (2004). A full copy of the Scottish Government guidance can be found at:

<http://www.scotland.gov.uk/Publications/2004/03/19061/34285>

- 3.2 The City of Edinburgh Council guidance and the Scottish Government guidance should be read in conjunction with Section 14 of the Standards in Scotland's schools, etc, Act 2000 and the Education (Scotland) Act 1980.
- 3.3 Throughout this document the use of the word parent includes guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1 (3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person and the term education authority refers to the Children and Families Department within the City of Edinburgh Council.

Legislative Position

- 3.4 The responsibility for a child's education rests with their parents. While most parents fulfil this responsibility by sending their children to school, others may choose to provide home-based education. Home-based education is a right, conditional upon the parents providing an efficient education suitable to the age, ability and aptitude of the child and may offer distinctive benefits for children and young people.
- 3.5 In all their educational responsibilities, the education authority should have regard to the views of parents and the decisions they make in relation to their children's education. The authority should seek to build relationships with parents and children that support them in the choices they make by offering advice, information and resources where feasible.
- 3.6 The consent of the education authority is required for a child to be withdrawn from school. The education authority is required to take action where they are not satisfied that an efficient education is being provided.
- 3.7 The legislative position is detailed clearly in pages 2-4 of the Scottish Government guidance and takes account of the following:
- UN Convention on the Rights of the Child – Articles 12 & 28
 - Standards in Scotland's schools etc. Act 2000 – Sections 1 & 2, European Convention on Human Rights – Article 2 of Protocol 1
 - Education (Scotland) Act 1980 – Sections 28,30,35,37,135

Withdrawing a Child from School

- 3.8 Section 35 of the Education (Scotland) Act 1980 provides that parents of children who have attended a public school must seek the education authority's consent before withdrawing their child.

Where a child of school age who has attended a public school on one or more occasions fails without reasonable excuse to attend regularly at the said school, then, unless the Education Authority have consented to the withdrawal of the child from the school (which consent shall not be unreasonably withheld), their parent shall be guilty of an offence against this section.

- 3.9 The Scottish Government guidance states in paragraph 3.3, 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 has never attended a public school in that authority's area
 - Their child is being withdrawn from an independent school
 - Their child has finished primary education in one school but has not started secondary education in another
 - The school their child has been attending has closed
- 3.10 In the last 2 cases detailed in 3.9, parents are required merely to inform the education authority that they intend to home educate. This is not necessary in the first three cases.

- 3.11 If a parent alerts the school to the fact that they are considering withdrawing their child from school in order to home educate, the headteacher of the school should arrange a meeting to have an initial discussion and provide parents with all relevant information, including a copy of the parent information leaflet (See Appendix 2) and application form (See Appendix 3).
- 3.12 Headteachers should make parents aware that it is the responsibility of the parent to inform the education authority that they intend to withdraw their child in order to educate them at home.
- 3.13 If the parent still wishes to withdraw their child from school and the circumstances do not fit any of the exempt categories (see 3.9 above), then the procedures outlined in Section 3.16 - 3.33 should be followed.
- 3.14 The education authority's interest should lie in how the parents intend to educate their child, not their reason for doing so. Parents choose to educate their children at home for many different reasons, which should have no bearing on whether or not consent is granted.
- 3.15 Where parents apply to withdraw their child from school in order to make alternative educational provision such as educating him or her at home, the education authority should consider any views expressed by the child.

Procedures (See Appendix 1)

- 3.16 The parent should contact the Grants, Awards and Placement Section Telephone No. 0131-469-3038) indicating their wish to withdraw their child from school and educate them at home. An information leaflet and application form will be sent to the parent at this stage if they do not already have copies.
- 3.17 The completed application form and outline of the proposed educational provision from parents will be acknowledged by the Grants, Awards and Placement Section, who will date the application and pass it to the to the appropriate School Services Manager in Neighbourhood Services for action. (See Appendix 7a - sample letter) Parents should normally receive a response to their request within 28 working days.
- 3.18 The School Services Manager will arrange for checks to be made to ensure that there is no existing evidence regarding child protection concerns etc. (as detailed in section 3.7 of the Scottish Government guidance) which would indicate that consent should be withheld. The School Services Manager will also check whether there is any other existing evidence, either in the authority's own records or from other services or agencies, indicating that there may be good reason to refuse consent.
- 3.19 A pupil's previous irregular attendance or their requirement for additional support for learning are not of themselves sufficient reasons for refusing consent.

- 3.20 If no such evidence exists, and parents have provided some indication of their educational objectives and proposed resources, the School Services Manager should grant consent to withdraw the child from school immediately (See Appendix 7b - sample letter). The young person's name will be removed from the school roll from the date of consent being granted.
- 3.21 If information exists casting doubt on whether an efficient education can be provided the School Services Manager should work with the Neighbourhood Senior Quality Improvement Officer to gather any relevant information that will assist them in reaching a decision. This should include arranging a joint meeting with the family, where agreeable and other colleagues may be involved in this as appropriate.
- 3.22 The purpose of this meeting would be to:
- revisit the obligations of the education authority and parents with regards to home-based education.
 - find out in more detail how parents propose to provide an efficient education.
 - take note of the child's views where appropriate.
 - give parents the opportunity to address any specific concerns that the authority has.
 - answer any questions the parents may have.
- 3.23 Following this meeting a report recording discussion during the meeting and any concerns expressed should be prepared by the School Services Manager, in consultation with the Senior Quality Improvement Officer, and a decision made by the School Services Manager. The Neighbourhood Manager should be informed where consent is withheld. (See Appendix 4a – sample report format)
- 3.24 The School Services Manager should inform the parents in writing of their decision, setting out the reasons and the grounds for refusal if consent is withheld. (See Appendix 7c – sample refusal letter)
- 3.25 Where parents decline to meet with education authority staff, a written proposal by the parents should be submitted to the School Services Manager who will make a decision about whether or not to grant consent for home-based education.
- 3.26 Where consent is granted, the family will implement their proposed educational provision and the Senior Quality Improvement Officer will make contact on an annual basis.[See Appendix 7d – sample annual meeting letter] At this stage parents will be requested to provide an update on their educational provision and indicate the progress being made by their child. This could be done through a meeting or by the parents submitting a written update. When a meeting is arranged the Senior Quality Improvement Officer could, with the parents' agreement, involve a colleague where appropriate. When a meeting takes place a standard form (See Appendix 4b) should be completed as a record and this should be passed to the School Services Manager for information or action if required. The Senior Quality Improvement Officer will also send a copy to the parents as a record of the meeting.

- 3.27 The Senior Quality Improvement Officer will make contact on an annual basis until the child reaches age 16.
- 3.28 If consent is not granted, or if on any of the annual visits there is reason to believe that an efficient and suitable education is not provided, this will be detailed in the report / record form. It is the responsibility of the Senior Quality Improvement Officer to inform the School Services Manager who will request a proposal for improvement and go through the procedures from 3.17 onwards.
- 3.29 The Senior Quality Improvement Officer will arrange a follow-up visit within 6 months to review the implementation of the new arrangements. If the new arrangements are satisfactory then annual review visits will resume.
- 3.30 Every effort will be made to resolve issues about provision in partnership with parents and the young person if appropriate.
- 3.31 Should the new arrangements fail to result in an efficient and suitable education for the child, the Senior Quality Improvement Officer will provide details to the School Services Manager who will inform the Neighbourhood Manager. The Neighbourhood Manager then will arrange to have notice served on the parent under section 37 of the 1980 Education (Scotland) Act.
- 3.32 The parents are allowed between 7 to 14 days to satisfy the authority about the suitability of arrangements they have made for the education of their child. The parents may choose to do this by meeting with the Neighbourhood Manager or supplying the information in writing.
- 3.33 If the parent still fails to satisfy the education authority that an efficient and suitable education is being provided, the Neighbourhood Manager will make an attendance order in respect of the child under section 38 of the Education (Scotland) Act 1980.

Recognised Qualifications and Exam Arrangements

- 3.34 There is no legal requirement for children to take a particular set of qualifications. The internal assessment component of many qualifications such as Standard Grades, National Qualifications, and GCSEs can restrict the certification of external candidates.
- 3.35 It is recommended that parents approach their local college if they wish their child to sit exams or to be presented for other similar assessments/ qualifications.
- 3.36 Some of the options available to home educating families who wish to provide opportunities for their children to study for recognised qualifications are set out in Appendix 5 (Study Options).
- 3.37 The education authority is not required to meet any costs associated with candidates taking examinations or other qualifications.

Support Services

3.38 The education authority will aim to adopt a reasonable and flexible approach to the provision of resources where possible. However it should be noted that the authority is not legally obliged to provide any resources for home educated children.

3.39 Some of the ways in which the education authority might support home educating families include:

- providing general advice
- accessing learning centre resources
- providing information on educational materials
- accessing local authority owned community and sports facilities on the same basis as for school children
- guidance for families who apply for an Education Maintenance Allowance (EMAs) See section 3.43–3.48.

3.40 Support for home educating families is also available from a number of home education organisations and a wide range of other bodies. (See Appendix 6 for a list of useful contacts)

Children Who Have Additional Support Needs

3.41 The education authority is not required to provide advice to parents whose children have additional support needs and who are being educated at home. However it does have discretionary powers to do so in exceptional cases. In general the authority would consider exceptional cases to be instances where:

- a child's parents are normally resident in the authority, and
- a School Services Manager, a Quality Improvement Officer, a Headteacher, a Community Paediatrician, a Social Worker or a Reporter bring to the authority's attention a concern regarding the likelihood that a child being educated at home may have additional support needs, and
- there is reason to believe that the child's parents may not be fully aware or have taken full account of the child's needs in the home education provision being made, and
- the parents agree to the child's needs being assessed.

3.42 A child who is being home educated is not eligible for a Co-ordinated Support Plan.

Requests for Education Maintenance Allowance

3.43 At age 16, young people who are continuing to be home educated are eligible to apply for an education maintenance allowance or EMA. A learning agreement will be set up between the Senior Quality Improvement Officer (on behalf of the Authority), parent and young person and passed to the Grants, Awards and Placement Section. (See Appendix 8a – Part 1 & 2)

- 3.44 The Grants, Awards and Placement Section would be responsible for sending the confirmation of an award of an EMA to the parent/young person. (See Appendix 8b – sample letter)
- 3.45 The young people eligible for EMA's need to be known to the authority as home educated prior to age 16, otherwise they should apply through local colleges.
- 3.46 The parent should return the appropriate paperwork for payments to be made on a fortnightly basis.
- 3.47 Following a satisfactory monitoring visit by the Senior Quality Improvement Officer, bonus payments will be made on a 6 monthly basis. A report will be passed to the Grants, Awards and Placement Section for the bonus payment to be made.
- 3.48 Payments will cease at the end of the summer term (June) after the young person's 18th birthday.

Difficult to Contact Families

- 3.49 Where difficulty is encountered in contacting a family for their annual visit the Senior Quality Improvement Officer will take the following steps:
1. Try to make contact by letter
 2. Send a recorded delivery letter (Appendix 7e – sample letter)
 3. Check with Grants, Awards and Placement Section that the child has not been registered in another Edinburgh school.
 4. Inform the School Services Manager of the situation and agree a course of action which may involve a child missing from education investigation.

Child Protection

- 3.50 The welfare and protection of all children is of paramount importance. As with school educated children, if any child protection concerns come to light in the course of engagement with children and their families, these concerns will be immediately referred to the appropriate authorities as outlined in the Child Protection Procedures.
- 3.51 Parents 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 by taking up appropriate references. Relevant information may also be found by requesting the potential tutor to provide a basic disclosure check.

Review

3.52 The education authority will review procedures and practices in relation to home-based education when new guidance becomes available from the Scottish Government within the next year.

4 Financial Implications

4.1 There are no financial implications arising directly from the report.

5 Recommendations

5.1 It is recommended that the Senior Management Team accept the contents of the report.

Mike Rosendale
Head of Neighbourhood Services

Appendices	Appendix 1 - Procedures for Home Based Education Appendix 2 - Information Leaflet for Parents Appendix 3 - Application Form Appendix 4a - Meeting Proforma Appendix 4b - Annual Update Form Appendix 5 - Study Options Appendix 6 - Contacts Appendix 7a - Application Acknowledgement Appendix 7b - Consent letter Appendix 7c - Refusal letter Appendix 7d - Annual Meeting Letter Appendix 7e - Annual Meeting Letter - Difficult to Contact Appendix 8a - Learning Agreement (Part 1 & 2) Appendix 8b - Confirmation of Education Maintenance Allowance Award
Contact/tel	Stuart Haddon, North Neighbourhood Manager, 0131 561 4267
Wards affected	All
Background Papers	None