

ANGUS COUNCIL

CHILDREN AND LEARNING COMMITTEE – 12 AUGUST 2014

CHILDREN EDUCATED AT HOME

REPORT BY MARGO WILLIAMSON, STRATEGIC DIRECTOR - PEOPLE

ABSTRACT

This report advises members of an update to the current arrangements for dealing with requests from parents who wish to educate their children at home to take account of the revised management arrangements within the Council. Approval is sought for the updated policy.

1. RECOMMENDATIONS

It is recommended that the Children and Learning Committee:

- (i) notes the content of this report; and
- (ii) approves the revised policy in respect of children educated at home.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

- 2.1 This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:
- Our children and young people are confident individuals, effective contributors, successful learners and responsible citizens
 - Individuals and families are involved in decisions which affect them
 - Individuals are involved in their communities

3. BACKGROUND

- 3.1 In May 2005, Angus Council Education Committee approved the Council's Policy for managing requests by parents who wished to educate their children at home.
- 3.2 In January 2007 the Scottish Government published new Education at Home Guidance (often referred to as Home Education). This was prepared following extensive consultation with authorities, education at home organisations and other interested parties. This guidance applies to home education provided by parents, not to education provided outwith school by local authorities. This guidance can be found by following the link: [Home Education Guidance](#).

4. CURRENT POSITION

- 4.1 Currently within Angus there are a total of 33 children home educated, of whom 9 have been approved in the past 3 years.
- 4.2 Parents are legally responsible for providing education for their children. Most parents send their child to school but it is permissible to educate a child at home. Parents of a child attending a public school must seek the local authority's consent before withdrawing their child from school. . Consent is not required if:
- The school the child attends closes;
 - The child has been withdrawn from an independent school;
 - The child has never attended a public school in that authority area;

- The child has finished primary education in one school but not yet started secondary education.
- 4.3 Parents may choose to educate their child at home for a several different reasons. The reasons themselves should have no bearing on whether or not consent is given, as the authority's interest lies in how the parents intend to educate their children, not the reason for doing so. The following reasons are typical but not exhaustive:
- Religious or cultural beliefs;
 - A short term intervention;
 - Dissatisfaction with the education system;
 - A child's reluctance to go to school;
 - Philosophical or ideological views;
- 4.4 Any decision on whether to approve or reject a request to home educate by a parent or guardian must be made within 6 weeks of receipt of the original application.
- 4.5 Scottish Government guidance suggests that education authorities request an update from home educating families on an annual basis. The education authority must be satisfied that the education being provided at home is both efficient and suitable to the child's age, aptitude and ability. Scottish Government guidance also notes that efficient and suitable education should include:
- Consistent parental involvement
 - Recognition of the child's needs, attitudes and aspirations
 - Involvement in a broad spectrum of activities; and
 - Access to appropriate resources and material

In Angus the monitoring the education of children educated at home is undertaken by the Extended Support for Pupils service.

- 4.6 Where an education authority is not satisfied that children are receiving suitable and efficient education, it will ask their parent(s) to appear before a committee to assess whether or not the education provided at home meets these required standards. Parents can request that this is done in writing. To date there have been no requirements to carry out this process within Angus.
- 4.7 Parents of children or young people who are home educated have a right to ask their local authority to find out whether or not their child has an additional support need, and to assess what level of support they may need. Where a child or young person who is home educated has additional support needs an educational psychologist might be involved in assessing the proposed provision with the agreement of the parents.
- 4.8 Local authorities may occasionally receive requests for a child or young person to be withdrawn part-time from school. This is known as Flexi-schooling. Each request is considered on its own merit while considering Section 28 of the Education (Scotland) Act 1980 '*so far as compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents*'. It is then the decision of the local authority and the school as to whether they can support such an arrangement.

5. PROPOSALS

- 5.1 Given the recent changes in the structure of the education services and the establishment of the People Directorate it has been necessary to review and update the previous policy on the education of children at home. A copy of the revised policy is appended to this report. Committee is asked to approve the revised policy.

6. FINANCIAL IMPLICATIONS

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

7. OTHER IMPLICATIONS

7.1 Human Rights

There are no Human Rights implications arising directly from this report.

7.2 Equalities

The issues dealt with in this report have been the subject of consideration from an equalities perspective.

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

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List of Appendices:

Appendix One: Children Educated at Home – Policy Statement

CHILDREN EDUCATED AT HOME: POLICY STATEMENT**1 PURPOSE**

The purpose of this policy statement is to guide and support members of staff when considering requests from parents to educate their children at home. It has also been designed to assist parents/carers who may be considering the option of educating their children at home.

2 PRINCIPLES

The following principles underpin the policy:

- 'Angus is a place where a first class quality of life can be enjoyed by all'

Behind this vision is a set of core values that underpin the work of the People Directorate and this policy:

We aim to:

- Do what we say and do it well
 - Be consistently responsive and reliable
 - Promote equality and tackle discrimination and disadvantage
 - Proactively work in partnership
 - Prioritise prevention and early intervention
 - Promote personalisation and independent living
- The Local authority acknowledges that it is the duty of the parent of every child or young person of school age to provide efficient education suitable to age, ability and aptitude either by causing them to attend a public school regularly or by other means.
 - The local authority is committed to working in close collaboration with parents and to developing aspects of parental choice.
 - The local authority recognises that home education is a key aspect of parental choice.

3 POLICY STATEMENT

- The local authority acknowledges and recognises that the responsibility for a child or young person's education rests with the child or young person's parents. While most parents fulfil this responsibility by sending their children to school, others may choose to provide home-based education.
- Where parents request the authority's consent to withdraw their child or young person from school to educate them at home, staff will offer advice and support in the best interests of the child or young person and will ensure that any views expressed by the child or young person will be given due consideration.
- Parents are not required to seek the consent of the education authority in order to home educate their child or young person if:
 - their child or young person has never attended a public school

- their child or young person has never attended a public school in that authority's area
- their child or young person is being withdrawn from an independent school
- their child or young person has finished primary education in one school but has not started secondary education in another
- the school the child or young person has been attending has closed

In the last two cases parents may simply notify the authority that they intend to home educate.

- The local authority will assume that efficient educational provision is taking place, which is suitable for the child or young person, unless there is evidence to the contrary and will only refuse consent to withdraw the child or young person from school where there is clear evidence that the child or young person would not receive an efficient education at home.
- If there is reason to believe that an efficient education is not being provided, the local authority has a duty to intervene under Section 37(2) of the Education (Scotland) Act 1980 "If a parent on whom a notice has been served in pursuance of subsection (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 a 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".
- Where parents opt to educate their children at home the local authority will not provide any form of resources or materials although advice may be offered to parents on request.
- Approval for a parental request to home educate a child or young person will be granted by the Head of Schools and Learning following receipt of a satisfactory report from the Principal Officer Extended Support for Pupils (3-18).
- Children educated at home will be visited regularly (usually once per year) by Extended Support for Pupils to ensure that appropriate educational arrangements are in place.

4 WHO SHOULD IMPLEMENT THE POLICY

- The Head of Schools and Learning
- The Head of Children and Young People Services
- Heads Teachers, Extended Support for pupils and other relevant professionals

5 GENESIS OF POLICY

- This policy has been adapted from the policy agreed by the Education committee on 26th May 2005
- Scottish Government [Home Education Guidance](#)

6 REFERENCES TO OTHER LOCAL AUTHORITY OR NATIONAL POLICIES

- the policy takes due account of the provisions of the Education (Scotland) Act 1980 and the Standards in Scotland's Schools etc. Act 2000.

- the policy also draws upon the Scottish Executive publication "GUIDANCE ON THE CIRCUMSTANCES IN WHICH PARENTS MAY CHOOSE TO EDUCATE THEIR CHILDREN AT HOME" which was issued under Section 14 of the Standards in Scotland's Schools etc. Act 2000.
- reference is also made to "Home Works": Local Authorities' Approaches To Working With Home Educating Parents in Scotland, published by the Scottish Consumer Council in 2000.

7 OPERATIONAL/PROCEDURAL ADVICE

- Parents have a legal right to educate their children at home and they can choose to exercise this right for a variety of different reasons. The actual reasons should have no bearing on whether or not consent is given as the Authority's interest lies in how the parents intend to educate their children and not their reason for so doing. The most common reasons for parents electing to home educate are:
 - Religious or cultural beliefs;
 - Philosophical or ideological views;
 - As a short term intervention for a particular reason;
 - Dissatisfaction with the system;
 - A child's reluctance to go to school.
- If the reason for parents choosing home education is because of dissatisfaction with an aspect of local provision it will be important to note and address that fact as there may be wider implications for the Authority.
- An information leaflet has been prepared for parents who may be considering educating their children at home. Head Teachers should supply parents with a copy of this leaflet on request. This document provides parents with a range of contact points for services and organisations which provide support for families who educate their children at home. If parents wish further information or advice they should be referred to the Principal Offer Extended Support for Pupils (3-18). If the parents indicate that they wish to home educate their child they should be advised to write to the Head of Schools and Learning seeking approval to withdraw their child/ren from school.
- Parents are not required to have any qualifications or training to provide their children with an appropriate education and there is no legal requirement for children to take a particular set of qualifications or to follow a particular course of study.
- The Authority, where possible will support home educating families by:
 - Providing general advice
 - Allowing access to schools resources where feasible
 - Allow access to examination centres where feasible
 - Facilitating access to any discounted rates for educational materials
 - Informing home educating families of any projects or programmes which might reasonably be accesses by home educated children

- A parent requires approval for permission to educate their child/ren at home only if the child has actually been enrolled as a pupil in one of the local authority schools. If the child has never been registered as a pupil then there is no requirement to seek consent from the Authority as no withdrawal from a school has taken place. However, it is the duty of the parent of every child of school age to provide efficient education suitable to the child's age, ability and aptitude either by causing the child to attend a public school regularly or by other means.
- Following receipt of a written request from the parents, the Head of Schools and Learning will arrange for Extended Support for Pupils to meet with the parent(s) and child. Wherever possible, the meeting should take place in the home but, if the family is unhappy with this arrangement, the meeting can take place in one of the Local authority's offices. Good practice suggests it is important that a member of staff meets the child to establish the child's views of the proposed arrangements. It should be noted that that the authority does not have right of access to the home or the child.
- The decision to approve the request for home education should be made within 6 weeks of the original application.
- At this first meeting with the family it is desirable that two members of staff should be present. Thereafter, depending on the developing relationship with the family, it may be more appropriate if only one member of staff carries out routine monitoring visits.
- Having met with the parents to discuss their plans for the child's education, a report will be prepared – using the pro forma produced for this purpose - for consideration by the Head of Schools and Learning (a copy of the report will also be supplied to the parents). The authority will not unreasonably withhold consent and may offer advice to the parents in order to ensure that the child's best interests are addressed. There are some specific instances where consent may not be able to be granted immediately including:
 - where a child has been referred to social work or the police for child protection reasons, and the matter is being investigated;
 - where a child is on the child protection register;
 - where a child has been referred to the reporter on care and protection grounds, and the referral is being considered; and
 - where the child is the subject of a supervision requirement.
- Staff will not attempt to dissuade parents from their decision to educate their child at home but, where there is a specific problem at school which might have prompted the parents' decision and which might be addressed and resolved, extended support for Pupils will be pleased to offer assistance to the family.
- Once the Head of Schools and Learning has considered the report they will write to the parents to indicate either:
 - a) approval of their request (confirming the monitoring arrangements proposed by the local authority);
 - b) the need for further clarification of the parents' plans prior to making a decision; or
 - c) to refuse their request (detailing the parents' rights of appeal against his decision to refuse permission). The parent would have the right to appeal; against the Head of Schools and Learning decision to the Special Cases Sub-Committee of the Education Committee.

- Where approval has been granted for parents to educate their child at home the Authority will normally arrange to monitor progress by means of an annual visit or contact with the family. No formal assessment will be carried out and will use their professional judgement in assessing the child's progress through discussion with the parent and the child.
- Where there are concerns that the parent is not providing efficient education for the child which is suitable to the child's age, ability and aptitude this matter will be drawn to the attention of the Head of Schools and Learning for consideration and action in terms of sections 37 (1 & 2) of the Education (Scotland) Act 1980.

Education (Scotland) Act 1980 - Section 37(1)

(1) Where a child of school age has not attended a public school in the area in which his parent is residing, or has attended such a school and has been withdrawn there from 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 in the notice (not being less than seven or more than fourteen 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.

Education (Scotland) Act 1980 - Section 37(2)

If a parent on whom a notice has been served in pursuance of subsection (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 a 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.

- The authority will keep a written record setting out any discussions, recommendation made
- Where a request for a child or young person to be withdrawn part-time from school: **Flexi-schooling.** Each request should be considered on its own merit while considering Section 28 of the Education (Scotland) Act 1980 '*so far as compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents*' It is then decision of the local authority and the school as to whether they can support such an arrangement.
- Parents of children or young people who are home educated have a right to ask their local authority to find out whether or not their child has an additional support need, and to assess what level of support they may need.
- Where a child or young person who is home educated has additional support needs an educational psychologist might be involved in assessing the proposed provision with the agreement of the parents

8 TRAINING/AWARENESS RAISING

- the revised policy will be issued to schools and also be placed on the Intranet;
- briefing sessions will be arranged for Head Teachers and other relevant staff; and
- CPD activities relating to specific aspects of the guidelines will be organised in response to needs identified through professional review processes and at request of training from schools.

9 MONITORING AND EVALUATION ARRANGEMENTS

- implementation of this policy will be monitored through annual meetings convened by the Head of Schools and Learning and Principal Officer Extended Support for Pupils.
- specific aspects of the policy will be monitored through discussions with key staff and formal reports will be submitted to the Education Committee for consideration.

10 REVIEW

- this policy will be reviewed following the commencement of the Statutory duties associated with the Children's and Young People(Scotland)Act 2014 and thereafter every three years.
- all further reviews will include home educating organisations and home educating parents.