

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

Issued under Section 14 of the Standards in Scotland's Schools etc. Act 2000

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SECTION 1 - INTRODUCTION

1.1 This guidance is issued under Section 14 of the Standards in Scotland's Schools etc. Act 2000 and must be read in conjunction with that Act and the Education (Scotland) Act 1980.

1.2 The purpose of this guidance is to encourage education authorities and home educating parents to work together to develop trust, mutual respect and a positive relationship that functions in the best educational interests of the child.

1.3 This document recognises that home education is a key aspect of parental choice. It aims to encourage good practice in relationships between education authorities and home educators by clearly setting out the legislative position, and by providing advice on the roles and responsibilities of education authorities and parents in relation to children who are educated at home. This guidance has been drawn up in consultation with interested parties.

1.4 This guidance will be reviewed in 2 years time.

SECTION 2 – LEGISLATIVE POSITION

2.1 The following section sets out a brief summary of the legal rights and obligations that relate to home education. Further details on some of the points raised in this section are covered later in the guidance.

CHILDREN

UN Convention on the Rights of the Child – Article 12

Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

UN Convention on the Rights of the Child – Article 28

Parties recognize the right of the child to education.

Standards in Scotland's Schools Etc Act 2000 – Sections 1 and 2

1. It shall be the right of every child of school age to be provided with school education by, or by virtue of arrangements made, or entered into, by, an education authority.

2. (1) Where school education is provided to a child or young person by, or by virtue of arrangements made, or entered into, by, an education authority it shall be the duty of the authority to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.

(2) In carrying out their duty under this section, an education authority shall have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions that significantly affect that child or young person, taking account of the child or young person's age and maturity.

2.2 International law gives children a right to education. This right is enshrined in Scottish law in Sections 1 and 2 of the Standards in Scotland's Schools etc Act 2000 and qualified by Section 30 (2) of the Education Scotland Act 1980 (see below).

PARENTS

European Convention on Human Rights - Article 2 of Protocol 1

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.

Education (Scotland) Act 1980 - Section 30

(1) It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means.

(2) Section 1 of the Standards in Scotland's Schools etc. Act 2000) (right of child to be provided with school education by, or by virtue of arrangements made by, an education authority) is without prejudice to the choice afforded a parent by subsection (1) above.

Education (Scotland) Act 1980 - Section 135 (1)

The definition of a 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.'

2.3 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 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. Some guidance on what should be considered efficient education is set out in Section 5 below.

EDUCATION AUTHORITIES

Education (Scotland) Act 1980 - Section 28(1)

In the exercise and performance of their powers and duties under this Act, the Secretary of State and education authorities shall have regard to the general principle that, so far as is 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.

2.4 In all their educational responsibilities, education authorities should have regard to the views of parents and the decisions that they make in relation to their child's education. Authorities should seek to build relationships with parents and children that support them in the choices that they make by offering advice, information and resources where feasible.

2.5 Section 35 and Section 37 of the Education (Scotland) Act 1980 are relevant in relation to home education. Section 35 stipulates that the consent of the education authority is required for a child to be withdrawn from school. Section 37 requires an education authority to take action where they are not satisfied that an efficient education is being provided. These provisions are explained in detail in Section 3 and Section 5 of this guidance, but are set out below for reference:

Education (Scotland) Act 1980 - Section 35

(1) 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), his parent shall be guilty of an offence against this section.

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 therefrom 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.

SECTION 3 – WITHDRAWING A CHILD FROM SCHOOL

3.1 The first point of contact between education authorities and home educators often occurs when parents decide to home educate and approach the authority to request consent to withdraw their child from school. It is important that this initial contact is constructive and positive.

WHO NEEDS CONSENT?

3.2 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. Section 35 also provides that the education authority must not unreasonably withhold consent.

Education (Scotland) Act 1980 - Section 35

(1) 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), his parent shall be guilty of an offence against this section.

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 the child has been attending has closed.

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

3.4 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.

WHY PARENTS WITHDRAW THEIR CHILD FROM SCHOOL

3.5 Parents choose to educate their children at home for many different reasons. The 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 not their reason for doing so. The following examples are common, but not exhaustive:

- 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.

3.6 When a parent offers an account of their dissatisfaction with the public system of education provision, the education authority may wish to use this information to improve their service.

WITHDRAWING THE CHILD

3.7 Procedures for considering parents' requests to withdraw their children from school should be fair, clear, consistent and without delay in order to provide a good foundation for the development of trusting relationships. The following sequence is suggested as good practice:

- Parents have a responsibility to inform the education authority that they wish to withdraw their child in order to educate them at home and to request the authority's consent. In order to avoid unsettling the child unnecessarily, parents should write to the education authority as early as possible and, where reasonably practical, in advance of the date that they wish to withdraw their child from school. They should also include initial proposals as to how they intend to provide an efficient education for their child. However, authorities should bear in mind that, in these early stages, parents' proposals may not be detailed and they may not yet be in a position to demonstrate some of the characteristics suggested in Section 5 of this guidance. The parents are not required to indicate the reasons for their decision, but may choose to do so.
- The authority should acknowledge the receipt of this notification and consider quickly whether there is any existing evidence, either in an authority's own records or from other services or agencies, indicating that there may be good reason to refuse consent. Previous irregular attendance is not of itself a sufficient reason for refusing consent. Specific instances where consent may not be able to be granted immediately include:
 - 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;
 - where the child is the subject of a supervision requirement.
- If no such evidence exists, and parents have provided some indication of their educational objectives and proposed resources, consent can be granted immediately. If further enquiries need to be made, authorities should give an indication of the timescale in which they are likely to reach a decision
- If information exists **casting doubt on whether an efficient education can be provided**, the authority should seek to gather any relevant information that will assist them in reaching a decision. This should include seeking from the parents any further information that they wish to provide explaining how they intend to provide an efficient education. The parents should be given the opportunity to address any specific concerns that the authority has. The child should also be given the opportunity to attend a meeting or express his or her views in some other way.

- The application for consent should be processed as quickly as possible.
- In reaching a decision the authority may wish to have regard to the suggested characteristics of an efficient and suitable education set out in Section 5 of this document.
- The education authority may not unreasonably withhold consent. The authority should notify the parents in writing of their decision, setting out reasons and the grounds for refusal if consent is withheld.
- If consent is withheld, the parents should be given the opportunity, within a reasonably practicable period, to address the grounds for refusal and resubmit their request for reconsideration.

APPEALS BY PARENTS AGAINST AN EDUCATION AUTHORITY'S DECISION

See Section 4.17 for further information on the routes of appeal available to parents.

SECTION 4 – DEVELOPING RELATIONSHIPS

4.1 The central aim of this document is to assist education authorities and home educators to build effective relationships that function to safeguard the educational interests of children and young people; relationships that are grounded in mutual understanding, trust and respect. This guidance outlines a number of recommendations that are geared towards the promotion of such relationships. There is no legal obligation on education authorities or home educators to develop such relationships but doing so will provide parents with access to any support that is available and allow authorities to understand the parents' educational provision. A positive relationship will also provide a sound basis if the authority is required to investigate assertions from any source that an efficient education is not being provided. This is true whether or not parents are required to seek consent to home educate.

ACKNOWLEDGING DIVERSITY

4.2 Parents' educational provision will reflect a diversity of approaches and interests. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to make more informal provisions that are responsive to the developing interests of their child. One approach is not necessarily any more efficient than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, education authorities should not specify a curriculum which parents must follow.

4.3 Children learn in different ways and at different times and speeds. It should be appreciated that parents and their children might require a period of adjustment before finding their preferred mode of learning. Parents are not required to have any qualifications or training to provide their children with an appropriate education. Their commitment to providing an efficient education that is suitable for their child may be demonstrated by them providing some indication of their objectives and resources.

CLEAR INFORMATION

4.4 The provision of clear information has an important role to play in the promotion of positive relationships. Education authorities should provide written information and website information for parents on home education that is clear and accurate and which sets out the legal position. Contact details for home education support organisations should also be provided. These details are included in Appendix 2. All written information should be made available to parents in community languages and alternative formats on request.

Examples:

One education authority entered into general dialogue with one of the home education organisations with the purpose of improving relationships and increasing understanding of both parties' views. What followed was an exchange of correspondence about the pro forma letters used by the authority. The result was that after feedback from the home educators, the local authority redrafted their letter, making for a better start to relationships with home educators.

Another education authority consulted with home education organisations before revising procedures for dealing with home educators and consulted further on the draft.

PRACTICAL SUPPORT AND RESOURCES

4.5 Although authorities are not usually legally obliged to provide any resources for home educated children, they may choose to do so and authorities should adopt a reasonable and flexible approach in this respect, particularly where there are minimal resource implications.

[Please note:-Once Education Maintenance Allowances (EMAs) are introduced home educated children may be eligible. They will be available to all students who meet the criteria for EMAs, and are undertaking learning with a learning centre recognised and approved by the local authority (which may include home education). Guidance on EMAs is due to be issued by the Scottish Executive in Spring 2004 and will be available at www.emascotland.com. EMAs will be rolled out across Scotland from August 2004.]

4.6 Some of the ways in which authorities might support home educating families include:

- providing general advice;
- allowing access to learning centre resources;
- allowing access to school resources where feasible;
- facilitating access to any discounted rates for educational materials;
- providing access to local authority owned community and sports facilities on the same basis as for school children.

4.7 Authorities should also inform home educating families of any projects or programmes, such as Out of School Hours Learning (OSHL) or Study Support, whether provided by schools or other organisations, as they may be able to provide support and a range of activities for children being educated outwith school.

Example:

Some education authorities give home educating families access to their teachers' resource centres. Families report that they find this useful and that it makes the relationship with the authority feel more supportive.

RECOGNISED QUALIFICATIONS

4.8 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. This is usually because written performance alone is insufficient to assess students' attainments. These are not, however, the only qualifications which external candidates can take, and authorities should offer parents and their children information about alternative qualifications and the arrangements that they would need to make for the children to take them. Some of the options available are set out in Appendix 1.

4.9 Authorities are not required to meet any costs associated with external candidates taking examinations or other qualifications. Authorities are, however, expected to take a reasonable approach and make available any resources or support that they can offer.

NAMED CONTACT

4.10 Education authorities should provide parents who are, or who are considering, home educating with a named contact within the authority who is familiar with home education policy and practice and has an understanding of a range of educational philosophies. The authority may invite the parents to meet with a named education authority officer to discuss their proposals or provision. Any such meeting should take place at a mutually acceptable location. The child should be given the opportunity to attend that meeting, or otherwise to express his or her views. Either during such a meeting, or otherwise, the parents and the authority should consider and agree what future contact there will be between them.

Example:

A number of education officers have attended talks or conferences on home education or spoken to one of the home education organisations. This has increased the officers' understanding of home education.

WRITTEN COMMUNICATION

4.11 Following any meeting with parents, a report should be prepared by the authority, setting out any recommendations that have been discussed and made, with the reasons for them. The report should be copied to the parents, and where appropriate, the child. In exceptional cases, where there is a reasonable concern that a passage in the report might cause serious harm to the physical or mental health or condition of the applicants or a named third party, consideration should be given to withholding that part of it. The authority will be aware of the need to comply with the data protection principles.

FREQUENCY

4.12 The frequency with which an authority will contact parents to discuss their ongoing home education provision will vary depending on the individual circumstances of each family.

4.13 It is recommended that the authority should ordinarily make contact on an annual basis. Contact could be made by telephone or by writing to the family to seek a meeting or requesting an updated report. A report should be made after such contact and copied to the family stating whether the education authority has any concerns about the education provision. Where there are concerns about the efficiency or suitability of the education being provided for the child, more frequent contact may be required. Where concerns merit frequent contact the authority should discuss these concerns with the child's parents, with a view to helping them improve their provision in the best interests of the child.

Example:

Parents say that they prefer any contact from the education authority to be in writing in the first instance. Phone calls without warning are experienced as intrusive.

ACCESS TO THE CHILD AND HOME

4.14 Authorities should acknowledge that learning takes place in a wide variety of environments and not simply in the home. Where the education is taking place in the home, it may be thought desirable for an education authority to have the opportunity to see the child in that learning environment, to enable them to see the provision at first hand. Seeing the child responding to the educational provision of the parents may provide a strong indication that efficient education is being provided. The authority does not have any right to do so however. Some parents may not feel comfortable in allowing an education officer access to their child or family home. Trusting relationships may need time to develop before a parent is happy to invite an authority officer to visit. It is only the context of a supportive and trusting partnership that will provide the opportunity to meet the child and visit the home. However, where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision.

4.15 Although it is recognised that the learning environment can have a bearing on the effectiveness of learning, education authorities should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. Parents might prefer, for example, to write a report, provide samples of work, have their educational provision endorsed by a third party or provide evidence in some other appropriate form.

Example:

Authorities have accepted written information about educational provision in cases where the parent did not wish to meet with the authority. The information supplied differed in different cases, but was sufficient to assure the authority that an efficient education was being provided. Another example of evidence by alternative means is submission of a video made by and of the children.

REVIEW

4.16 Authorities should review all of their procedures and practices in relation to home education on a regular basis to see if improvements can be made to further develop relationships and meet the needs of children and parents. Home education organisations and home educating parents should be involved in this process of review. Effective reviews, together with the sensitive handling of any complaints, will help to secure effective partnership.

APPEALS

4.17 Although there is no statutory right to appeal against an authority's decision to withhold consent to withdraw a child from school, all decisions should be reviewed internally on request. Education authorities should provide parents with details about their complaints procedure and how to apply for a review of a decision about their proposed or ongoing home education provision. Decisions made by authorities are also subject to external review by the Courts through the judicial review process. Some local authorities have mediation services and the existence of these should be made known to home educating families.

Example:

A breakdown of communication between a family and an education officer led to a difficult situation. The situation was resolved by a senior education officer who was impartial in the case and experienced in home education, reviewing the case, visiting the family and looking at the educational provision. The officer was perceived by the family as an independent reviewer.

CHILD PROTECTION

4.18 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. Basic checks reveal any unspent criminal convictions. Further information about Disclosure checks is available from Disclosure Scotland.

Contact: Disclosure Scotland, PO Box 250, Glasgow, G51 1YU.
Tel: 0870 609 6006 Fax: 0870 609 6996
Website: <http://www.disclosurescotland.co.uk>
Email on info@disclosurescotland.co.uk

4.19 The welfare and protection of all children, both those who attend school and those who are educated by other means, is a paramount concern and is the responsibility of the whole community. As with school educated children, child protection issues may arise in relation to home educated children. If any child protection concerns come to light in the course of engagement with children and families, these concerns should immediately be referred to the appropriate authorities using established protocols.

SECTION 5 – ‘EFFICIENT’ AND ‘SUITABLE’ EDUCATION

5.1 The approach home educating parents take to assessing their child’s progress is likely to be dictated by their own philosophy or views, and in many cases, the absence of formal assessment may be a feature of the education provision. Progress, over the long-term, may take a variety of forms.

5.2 The education authority should assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary. If there is reason to believe that an efficient education is not being provided, the authority has a duty to intervene. **This duty applies equally in relation to all children, regardless of whether or not they have previously attended a local authority school in the area.**

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 therefrom 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.

5.3 There is no express requirement in the 1980 Act for education authorities to investigate actively whether or not parents are complying with their Section 30 duty (stated on page 3 of this guidance).

5.4 If, from whatever sources, the authority becomes aware of concerns about the home education of any child, they will need to gather the necessary information in order to form a view on whether those concerns are justified or whether the parents are providing an efficient education suitable to the age, ability and aptitude of the child. The guidance below applies to these situations.

SUGGESTED CHARACTERISTICS OF ‘EFFICIENT’ AND ‘SUITABLE’ EDUCATION

5.5 In their consideration of parents’ provision of education at home, education authorities may reasonably expect the provision to include the following characteristics:

- Consistent involvement of parents or other significant carers – it is expected that parents or significant carers would play a significant role, although not necessarily constantly or actively involved in providing education.
- Presence of a philosophy or ethos (not necessarily a recognised philosophy) – it is expected that the parents have thought through their reasons for home educating, showing signs of commitment and enthusiasm, and recognition of the child’s needs, attitudes and aspirations.
- Opportunities for the child to be stimulated by their learning experiences.
- Involvement in activities – a broad spectrum of activities to cater for wide varieties of interests appropriate to the child’s stage of development.
- Access to resources / materials required to meet the objectives of the parents – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity to interact with other children and other adults.

5.6 If, on considering the educational provision, one or more of the characteristics listed above appear to be lacking, the authority may choose to further investigate whether or not an efficient education is being provided. A full written report on their findings should be made and copied to the parents promptly, specifying the grounds for concern and any reasons for concluding that provision is unsuitable. If the authority is not satisfied that efficient education is being provided, and the parents, having been given a reasonable opportunity to improve their provision and report back to the education authority, have not done so, the authority should activate the formal attendance procedure in accordance with the provisions in Section 37 of the 1980 Act.

EXCEPTIONAL CIRCUMSTANCES

5.7 Where there is conflicting evidence as to the characteristics under Section 5.5 and the only way the authority can clarify these contradictions is to seek access to the home environment, then they may do so. However, the authority must have demonstrable grounds for concern and must outline those grounds to the parents when requesting access to their home. If the parents refuse to allow access to their home, the authority might reasonably conclude in these circumstances that they have insufficient information to satisfy themselves as to the efficiency of the parents' education provision, and consequently serve a notice on the parent under Section 37 of the 1980 Act.

MAKING AN ATTENDANCE ORDER

5.8 Parents' wishes to educate their children at home should be respected and, where possible, effort should be made to resolve issues about provision by a process of ongoing

dialogue before Section 37 is invoked. Only in extreme cases, where the education is clearly not efficient and suited to the age, ability and aptitude of the child, should notice be served.

5.9 Under Section 37, notice will allow between seven and fourteen days for the parent to provide the education authority with whatever information they require to satisfy themselves about the suitability of the education. The parent may choose to do this by meeting with the authority in person, or by supplying the information in writing. Where the parent, on whom notice has been served, fails to satisfy the authority that efficient education is being provided, suitable to the age, ability and aptitude of the child, or that there is reasonable excuse for his or her failure to do so, the authority shall make an attendance order.

5.10 Once an attendance order has been served, the parent has two weeks to appeal to the sheriff, who may confirm, change, or annul it.

SECTION 6 – CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Please be aware that under proposals for new legislation this section of the guidance is likely to alter. The Education (Additional Support for Learning) (Scotland) Bill, which replaces the system for the assessment and recording of special educational needs is currently being considered by the Scottish Parliament. However, until the Bill is commenced after enactment, the current system, as described above, remains in place.

6.1 Parents' right to educate their child at home applies equally where that child has special educational needs. Some children with special educational needs have a Record of Needs, but others do not. The fact that a child has special educational needs should not, in itself, be a reason to refuse an application to educate at home. Additional considerations do, however, apply. It is reasonable for an education authority to ask parents to indicate how they propose to cater for their child's special educational needs at home.

6.2 When considering an application for consent, or considering whether the education is suitable for the child, taking account of his or her age, ability and aptitude, the authority may need to consider the environment in which the child is to be educated in relation to the individual child. With the agreement of the parents, an educational psychologist might be involved in assessing the proposed provision for a child with special educational needs.

6.3 Under Section 60(2) of the Education (Scotland) Act 1980 (as amended), a child who has pronounced, specific or complex special educational needs which require continuing review requires a Record of Needs to be opened and kept. A Record of Needs will usually nominate the school that the child concerned should attend – the basis of the nomination being that the education authority believes that school has the expertise and resources to meet the child's needs. However, home education is not precluded where there is a Record of Needs, and there should be discussion between the authority and the parents, with a view to drafting the Record appropriately.

6.4 Education authorities have no statutory obligation to provide financial or other support for children with special educational needs who are educated at home. However if the authority specifies measures in a Record of Needs with the stipulation that they must be effected in the home then the authority would be expected to take a reasonable approach to ensure an efficient education.

6.5 In the case of Recorded children, education authorities must keep under consideration the child's Record of Needs. The child's parents can specifically request the authority to carry out a review of their child's Record, so long as this is not within a year of a previous review. Under section 65A of the Education (Scotland) Act 1980 (as amended), 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. Once home-based education has begun, the child's parents and the authority may agree that it is no longer necessary for a Record to be maintained or that the information in the Record should be changed. Where the Record remains open, the child's parents continue to have responsibility for the education provided. In addition, the authority continues to have a legal duty to satisfy themselves that the education the child is receiving is suitable, taking account of those needs.

6.6 For each child with a Record of Needs, the education authority must consider and make a report on what provision would benefit that child after he or she ceases to be of school age. However, before they may do that, they must comply with the requirements for assessment of the child, and request an opinion from Social Work Services as to whether that child may have a disability. This Future Needs Assessment should take place at some point between the age of 14 and 15 years 3 months.

6.7 Information for parents on the proposals within the Education (Additional Support for Learning) (Scotland) Bill is available at <http://www.scotland.gov.uk/library5/education/agfp-00.asp>. Advice and information about what the Bill proposes is also available from Enquire on 0845 123 2303. The Enquire service is funded by the Scottish Executive to provide independent advice on additional support for learning and special educational needs.

A report of the consultation on the draft Bill is available at <http://www.scotland.gov.uk/library5/education/rcasl-00.asp> and information for practitioners is available from <http://www.scotland.gov.uk/library5/education/aslbsh-00.asp>. For hard copies of all of these documents, and copies of the parents leaflet in alternative formats please contact Elaine Lane on 0131 244 1589.

APPENDIX 1

The following information sets out some of the options available to home educating families who wish to provide opportunities for their children to study for recognised qualifications outwith school. This is not an exhaustive list, but sets out the main options available and provides contact details for relevant organisations. The information contained here is also liable to change from time to time.

STUDY OPTIONS FOR EDUCATIONAL QUALIFICATIONS

Enrolment at a Further Education College

Some colleges may, at the discretion of the Principal, be willing to accept children of school age for full and part-time courses. This approach has the advantage that all the work and entry for qualifications is organised by the college, but it does require at least some attendance at classes which will not appeal to all home educating families. If a student enrolls at a FE college, their parents will be liable to pay all of the course fees themselves unless the education authority is willing to provide funding. Colleges also have the discretion to waive fees, which they tend to do for low income families in accordance with Scottish Further Education Funding Council's fee waiver policy.

Self-Study

Many home educating families prefer not to enrol for attendance at a further education college, and choose instead to work independently towards qualifications. Because of compulsory internal assessment components, there are many subjects and qualifications which are not available to external candidates unless an appropriate arrangement can be made with an approved centre which meets with the examining board's requirements. Some centres and examining boards may be willing to accept coursework which has been marked and authenticated by a private tutor.

Families who study for qualifications from home will need to:

- contact the relevant examination board to find out about their requirements;
- register with an approved centre for their child to be presented for the qualification; and
- pay a registration fee for each subject their child will take.

It may also be possible for a group of home educators to consider seeking approved status in their own right. Further information on this can be obtained from the SQA (contact details below).

Correspondence Courses

Correspondence courses can be an option for students who prefer to work independently, though they will be required in most cases to follow a structured curriculum and programme of work. Correspondence courses offer a wide range of qualifications at different levels and the organisations offering these courses will advise about arrangements which need to be made for registering with an examination centre and for marking and authenticating

coursework. The cost of this option varies depending on the organisation and the qualification chosen, but can prove expensive.

There are an increasing number of organisations offering open and distance learning courses. The following contacts provide a useful start in finding a suitable course and organisation:

- The *Open and Distance Learning Quality Council* (ODLQC) is an independent body which accredits open and distance learning courses. The ODLQC produces a free information leaflet which lists all approved organisations and their courses.

Contact: 16 Park Crescent, London, W1B 1AH
Tel: 020 7612 7090 Fax: 020 7612 7092.
Website: www.odlqc.org.uk
E-mail: info@odlqc.org.uk

- The *Association of British Correspondence Colleges* (ABCC) is a voluntary association of colleges which comply with a code of ethics.

Contact: PO Box 17926, London SW19 3WB
Tel: 020 8544 9559 Fax: 020 8540 7657.
Website: www.nationline.co.uk/abcc
Email: abcc@msn.com

- The *British Association for Open Learning* (BAOL) promotes quality and best practice in open, flexible and distance forms of learning. BAOL members work to a code of practice for open learning and are listed on the BAOL website.

Contact: Suite 12, Pixmore House, Pixmore Avenue, Letchworth, Hertfordshire, SG6 1JG
Tel: 01462 485 588 Fax: 01462 485 633
Website: www.british-learning.com
Email: info@british-learning.com

ALTERNATIVE QUALIFICATIONS

The internal assessment component of many UK qualification courses such as Standard Grades, National Qualifications and GCSEs can restrict the choice available to home educated students. The following qualifications have, however, been identified as particularly suited to home study students as they are not dependent on internal assessment and moderation.

National Christian Schools Certificate (NCSC)

The National Christian Schools' Certificate (NCSC) provides a graduated series of certificates, ranging from Level 1, which is equivalent to 5 GCSEs (grades A*-C), through Level 2, which equivalent to 2 AS/A2 passes, and culminating with Level 3, which is equivalent to 3 AS/A2 passes (grades A-C). There is also an Honours Certificate, which

awarded to pupils who show exceptional performance. Examinations are conducted at home under the supervision of parents, but the NCSC Board has strict moderation procedures to ensure the validity of results. The course is highly structured and requires a minimum pass mark of 80 per cent for each module test. During the course of 2004, the NCSC is to be superseded by the International Certificate of Christian Education, which will have very similar content and standards to the NCSC Certificate programme.

Contact: The European Academy for Christian Homeschooling (TEACH)
Marantha House, Unit 5, Northford Close, Shrivenham, Swindon,
Wiltshire, SN6 8HL
Tel: 01793 783783 Fax: 01793 783775
Website: www.christian-education.org
Email: admin@ncscboard.org.uk
cee@christian-education.org

EXAMINING BOARDS

The Scottish Qualifications Authority (SQA)

The SQA is the national body in Scotland responsible for the development, accreditation, assessment, and certification of qualifications other than degrees.

Contact: Hanover House, 24 Douglas Street, Glasgow, G2 7NQ
Telephone Helpdesk: 0141-242 2214
Fax: 0141-242 2244
Website: www.sqa.org.uk
Email: Customer@sqa.org.uk

The Assessment and Qualifications Alliance (AQA)

The AQA is one of three unitary examining bodies in England incorporating the now merged Associated Examining Board and the Northern Examinations and Assessment Board. The AQA also has responsibility for the City and Guilds' GNVQ qualification.

Contact: Devas Street, Manchester, M15 6EX
Tel: 0161 953 1180 Fax: 0161 273 7572
Website: <http://www.aqa.org.uk>
Email: mailbox@aqa.org.uk

Oxford Cambridge & RSA (OCR)

OCR is one of three unitary examining bodies in England incorporating the RSA (Royal Society of Arts), UCLES (University of Cambridge Local Examinations Syndicate), and MEG (Midland Examining Group).

Contact: OCR Information Bureau, General Qualifications:

1 Hills Road, Cambridge, CB1 2EU
Website: <http://www.ocr.org.uk>
Tel: 01223 553998 Fax: 01223 552627
Email: helpdesk@ocr.org.uk

OCR Information Bureau, Vocational Qualifications:
Progress House, Westwood Way, Coventry, CV4 8JQ
Tel: 024 7647 0033
Fax: 024 7646 8080
Email: cib@ocr.org.uk

Edexcel

Edexcel was formed in 1996 by the merger of BTEC and the University of London Examinations and Assessment Council (ULEAC). Edexcel is one of the main examination boards for England and Wales.

Contact: Edexcel, Stewart House, 32 Russell Square, London, WC1B 5DN
Tel: 0870 240 9800 Fax: 020 7758 6920
Website: <http://www.edexcel.org.uk>
Email: enquiries@edexcel.org.uk

APPENDIX 2

CONTACTS

HOME EDUCATION ORGANISATIONS

Education Otherwise

A charity and self-help network offering support and information to home educating families and those considering home education, in Scotland and throughout the UK.

Contact: PO Box 7420, London, N9 9SG
Tel: 0870 730 0074
Email: enquiries@education-otherwise.org
Website: www.education-otherwise.org

Home Education Advisory Service

A UK-wide organisation for home educators and those thinking about home educating.

Contact: 10 Chalton Road, Bridge of Allan, Stirling, FK9 4DX
Tel: 01786 831 066
Email: enquiries@heas.org.uk
Website: www.heas.org.uk

Schoolhouse Home Education Association

A Scottish organisation which offers information and support to families who have chosen or are contemplating home education.

Contact: Address: PO Box 28496, Edinburgh, EH4 4YU
Tel: 0870 745 0968
Email: info@schoolhouse.org.uk
Website: www.schoolhouse.org.uk

Home education organisations also have local branches affiliated to them. Further information available from the individual organisations.

Highland Home Educators

Contact: 23 Neil Gunn Crescent, Inverness, IV2 3EL
Tel: 01463 232 571
Email: alison@sauer.demon.co.uk

OTHER USEFUL CONTACTS

Contact a Family Scotland

Extensive information service including details on local and Scottish wide parent support groups.

Contact: Norton Park, 57 Albion Road, Edinburgh, EH7 5QY.
Tel 0131 475 2608
Fax 0131 475 2609
Helpline 0808 808 3555
Email scotland@cafamily.org.uk
Web www.cafamily.org.uk

Disability Rights Commission

DRC provides advice, conciliation and legal enforcement services.

Contact: 1st Floor, Riverside House, 502 Gorgie Road, Edinburgh, EH11 3AF
Tel 0131 444 4300
Fax 0131 444 4301
Text 0131 444 4302
Email enquiry@drc-gb.org
Web www.drc-gb.org

Enquire

National special educational needs information and advice service. Scottish Executive funded information service for parents.

Contact: Princes House, 5 Shandwick Place, Edinburgh, EH2 4RG
Helpline 0845 1232303
Typetalk 0800 959598
Email enquire.SENinfo@childreninscotland.org.uk
Web www.childreninscotland.org.uk/enquire

ISEA

Independent Special Education Advice

Contact 164 High Street, Dalkeith, EH22 1AY
Helpline 0131 454 0082
Tel 0131 454 0096
Fax 0131 454 0096
Email isea@whsmithnet.co.uk

Scottish Child Law Centre

Independent legal advice.

Contact: 54 East Crosscauseway, Edinburgh, EH8 9HD
Tel 0131 667 6333
Helpline 0800 328 8970
Fax 0131 662 1713
Email enquiries @sclc.org.uk
Web www.sclc.org.uk

SHS

Training for disabled people and their families, with focus on empowerment.

Contact: 1A Washington Court, Washington Lane. Edinburgh, EH11 2HA
Tel 0131 538 7717
Fax 0131 538 7719
Email general@shstrust.org.uk
Web www.shstrust.org.uk

SKILL Scotland

Services for young people and adults with disabilities in further and higher education and employment.

Contact: Norton Park, 57 Albion Road, Edinburgh, EH7 5QY
Tel 0131 475 2348
Email admin@skillscotland.org.uk
Web www.skill.org.uk

Learning & Teaching Scotland

Learning and Teaching Scotland is a national public body sponsored by the Scottish Executive Education Department. LT Scotland's remit is to provide advice, support and resources to enhance the quality of educational experiences in Scotland.

Contact: 74 Victoria Crescent Road, Glasgow, G12 9JN
Tel: 0141 337 5000
Fax 0141 337 5050

OR

Gardyne Road, Dundee, DD5 1NY
Tel: 01382 443 600
Fax: 01382 443 645
Email: enquiries@ltscotland.org.uk
Website: www.ltscotland.org.uk

Scottish Executive Education Department

Contact: Schools Division, Victoria Quay, Edinburgh, EH6 6QQ
Tel: 0131 556 8400
Email: ceu@scotland.gov.uk
Website: www.scotland.gov.uk