



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

Education Service

## **Home Education Guidance**

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## **1 Overview**

1.1 This Guidance is based on the Scottish Government's Home Education Guidance (2007), which arises from Section 14 of the Standards in Scotland's Schools etc. Act 2000 and associated legislation.

1.2 It outlines how Clackmannanshire Council's Education Service aims to ensure that those educated at home receive an "efficient and suitable education" and are Safe, Healthy, Active, Nurtured, Achieving, Respected, Responsible and Included, as part of Getting It Right For Every Child (GIRFEC).

1.3 Clackmannanshire Council's Education Service recognises the fundamental principle and right of parental/carer choice and respects the fact that some parents/carers choose to educate their child/children at home.

1.4 Home education is a right of parents/carers contingent on the provision by parents/carers of an education at home that is suitable to the age, ability and aptitude of the child or young person as described in Scottish Government Legislation and Guidance.

1.5 Home education is as valid in law as sending a child to school.

1.6 It is recognised by Clackmannanshire Council's Education Service that home education is chosen for a variety of reasons by parents/carers and may offer benefits for some children and young people.

1.7 Key to the effectiveness and success of home education is parent/carer understanding of the legal right of the child or young person to a broad general education.

1.8 Alongside a child/young person's right to a broad general education, is their right to express their views on all matters pertaining to decisions that affect their life, well being and their broad general education, and for those views to be taken into account by parents/carers, subject to their age and capacity.

1.9 Clackmannanshire Council's Education Service seeks to develop trust, mutual respect and a positive relationship with parents/carers who choose to home educate; and also with children and young people who are home educated, that functions in the best educational interests of the child or young person and promotes their wellbeing.

## **2 Legislative Background**

2.1 The legal responsibility for ensuring that a child receives his/her legal entitlement to a broad general education up to the age of 16 years rests with his/her parent/carer. Therefore the decision on how and where a child is educated also rests with the parent/carer.

2.2 In order to fulfil their legal responsibility, most parents/carers send their child/children to school, others choose to provide home-based education.

2.3 The definition of a parent includes a guardian and any person who is liable to maintain or has parental responsibilities in relation to, or has care of, a child or young person as defined in Section 135(1) of the Education (Scotland) Act 1980.

2.4 Section 35 and 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 a school roll in order to home educate them, in certain circumstances.

2.5 Section 37 of the Act requires an education authority to take action where they are not satisfied that an "efficient and suitable" education appropriate to the age, stage and aptitude of the child or young person is being provided.

2.6 Section 14 of the Standard's in Scotland's Schools Act etc. 2000, is also relevant. It notes that the Scottish Government may issue guidance on the circumstances in which parents can choose to educate their children at home. It is a requirement of the 2000 Act that education authorities must have regard to any guidance published.

2.7 The current guidance issued under Section 14 of the 2000 Act was published in 2007, it is entitled: 'Scottish Government Home Education Guidance 2007'.

2.8 In relation to the child/young person themselves, there is a legal duty to consult with them in accordance with Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) and the Children's Scotland Act 1995.

2.9 The age of 12 is taken as the age of sufficient maturity to have the ability to form an opinion on decisions that affect them. However, some children who are younger than 12 years are capable of forming an opinion about decisions that affect them. This needs to be taken into account.

2.10 Young people aged 16 years and over have all the rights of an adult in terms of consultation, information sharing and being involved in decisions that affect them. Their views must be taken into account.

2.11 The Children and Young People's (Scotland) Act 2014 is also pertinent in relation to children and young people who are educated at home. It provides for the implementation of the Named Person Service by all Local Authorities and places mandatory actions on them in relation to the implementation of Getting It Right for Every Child (GIRFEC), as well as duties in relation to the promotion of children's rights under the UNCRC.

### **3 Withdrawing a child from school - the process**

3.1 Prior to making any formal request for the withdrawal of a child or young person from the roll of any school under the management of Clackmannanshire Council, parents/carers should

check whether consent is required as per section 35 of the Education (Scotland ) Act 1980. There are circumstances in which consent is not required.

3.2 The following are the circumstances in which consent is not needed: • the child/young person has never attended a public school,

- the child/young person has never attended any school in the Local Authority area,
- the child/young person has finished primary education in one school, but has not started secondary education in another,
- the school the child/young person has been attending is closed, • the child/young person is being withdrawn from an independent school.

3.3 Consent is for removal of the child/children from the roll of a school under Local Authority management, it is not to home educate. No consent is needed to home educate.

3.4 Applications to request the formal withdrawal of a child/young person from the roll of any school under the management of Clackmannanshire Council should be made in writing to the Chief Education Officer at: Kilncraigs, Greenside Street, Alloa FK10 1EB.

3.5 Included with the letter of request for a formal withdrawal of a child/children from the roll of any school under Clackmannanshire Council management, should be an outline plan of how an efficient and suitable education is going to be provided at home. This plan should include proposals to meet any additional support needs that the child/children may have and also what provision will be made for peer contact and social education.

3.6 There is no obligation on parents/carers to give a reason for choosing home education. The Local Authority cannot ask for the reason, if it is not volunteered.

3.7 If the request is approved, a letter will be sent to the parents/carers from the Chief Education Officer, advising them of this and noting the date of the removal of the child/children from the relevant school roll.

3.8 A copy of the letter will also be sent to the head teacher of the relevant school. The relevant Improving Outcomes Manager for the school will also receive a copy of the letter.

3.9 If the request is refused, a letter from the Chief Education Officer will set out clearly the reasons for the refusal and note any recourse for parents/carers.

3.10 The following are the circumstances in which a request for the removal of a child/children from a school roll in order to home educate them, cannot be granted immediately:

- If the child/children are on the Child Protection Register.
- If the child/children are the subject of a supervision requirement.
- If the child/children are referred to the Children's Reporter on care and protection grounds and the referral is being considered.

- If the child/children have been referred to Social Work or the Police for child protection reasons and the matter is being investigated.

3.11 Until parents/carers receive a formal letter from the Chief Education Officer advising them that their request for the removal of their child/children from the roll of their school in order to home educate them, has been approved, their child/children should continue to attend school. If they do not attend before they receive the letter approving the request, their child/children's absences will be marked as an unauthorised absence.

#### **4 Contact with home educating families**

4.1 Contact with those families who are home educating will generally be on an annual basis and can be in the form of a meeting, at a mutually agreed location, by telephone, letter or email. The preferred method of obtaining a report on the progress of those children who are being home educated will be agreed with families.

##### **4.1 Record Keeping**

4.1.2 When a child/children are withdrawn from a school roll in order to be home educated, the Pupil Progress Record (PPR) will remain in the school for a period of one year. Thereafter, it will be archived in accordance with current Retention and Destruction policy.

4.1.3 The PPR will be available, on request, to view by the child/young person and/or the parent/carer whose PPR it is; also by appropriate Clackmannanshire Council personnel and any relevant external agencies, subject to Data Protection and other legislation and with the knowledge and consent of the child/young person and/or parent/carer.

##### **4.2 Practical Support and Resources**

4.2.1 Clackmannanshire Council is under no obligation to provide any type of resource, either physical or in terms of personnel, to home educating families.

4.2.2 Similarly, Clackmannanshire Council's Education Service is not responsible for any of the financial cost to those who choose to home educate.