

Shetland Islands Council



**Education &
Social Care**

**Schools
Service**

Home Education Policy

July 2008

Home Education Policy

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

1. Introduction

1.1 Parents have a legal responsibility to ensure that their children receive an education which is suited to their age, ability and aptitude. Most choose to do this by sending their children to school. Where parents exercise their right to educate their children at home, the Schools Service has a duty to ensure that arrangements are efficient and suitable:

- a) where a child has attended public school on one or more occasion. In these circumstances, where a parent decides to provide other education for the child, the consent of the Schools Service is required before the child can be withdrawn from school and
- b) where a child has not attended a public school in the area
- c) where a child has attended but has been withdrawn with the consent of the Schools Service
- d) where a child has been excluded.

The Schools Service 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 Service has a duty to intervene.

1.2 Parents may decide to home educate for a number of reasons. They may, for example, wish to educate their children in accordance with their own wishes, including any religious and philosophical convictions. In some cases, a decision to home educate is made when difficulties have been experienced at school. The Schools Service will ask all parents, who are withdrawing their children from Shetland schools to home educate, why they wish to do so, in order to find out if there is any dissatisfaction with current school provision.

1.3 Parents of children who have attended an education authority school must seek the consent of the Schools Service before withdrawing them to educate at home. There is no such requirement for children who have never attended a public school or an independent school; or who have never attended school in this area; who have finished primary education in one school but have not started secondary education in another; or if the school the child has been attending has closed.

1.4 Decisions on home education should be made in light of the circumstances of the individual child. It is essential that such decisions meet the legislative requirements and that the policy and procedures adopted by the Schools Service are based on best practice and advice.

- 1.5 This guidance sets out the legislative position and provides advice on the roles and responsibilities of the Schools Service and of parents in relation to children who are educated at home.
- 1.6 It is important that education staff and home educating parents work together to develop mutual respect and a positive relationship which functions in the best interests of the child.

2. Legislative Position

- 2.1 Parents of children who have started to attend a public school must seek the School's Service's consent before withdrawing their child from school. Otherwise they will be guilty of an offence under Section 35 of the Education (Scotland) Act 1980 and the Schools Service could report the parents to the Procurator Fiscal.
- 2.2 The Schools Service must not unreasonably withhold consent to withdraw a child from school. Reasons for withholding consent are not defined in legislation, but might reasonably include circumstances where:
 - there is no evidence of the parent's educational objectives and proposed resources;
 - the child is on the Child Protection Register, or a matter is being investigated;
 - the child is the subject of a supervision requirement, court order or referral to reporter on care and protection grounds.
- 2.3 Parents of children who have never attended a public school are not required to seek the consent of their education authority in order to educate their children at home.
- 2.4 The Schools Service may intervene if there is reason to believe that parents are not providing an efficient education for their children. This responsibility applies both to children who have previously been withdrawn from a public school and to children who have never attended a public school, or have been excluded from a public school.
- 2.5. In either case, if the Schools Service is not satisfied that the parent is providing efficient education for their child, they have a duty to serve a notice on the parent requiring him or her to appear before the Schools Service and provide information on the education that is being provided. The Schools Service has no right of access to the home. If the parent fails to satisfy the Schools Service that an efficient education is being provided, the authority has a duty to make an attendance order requiring the parent to ensure their child attends school.

- 2.6 The UK Government supports the principle in the UN Convention on the Rights of the Child which states that children and young people have the right to freely express an opinion in all matters affecting them, and to have that opinion taken into consideration. This principle has been incorporated into the Standards in Scotland's Schools etc. Act 2000 in respect of school education, which makes it a duty to have regard to a child's views so far as reasonably practicable and taking into account the child's age and understanding. The Schools Service will therefore wish to establish the child/young person's view of a request that they be home educated.
- 2.7 The Education (Additional Support for Learning) (Scotland) Act 2004 requires that a child with additional support needs requiring a Co-ordinated Support Plan should receive support from appropriate agencies. Home-educating parents assume responsibility for the identification of additional support needs and for the co-ordination of the plan.

3. Shetland Islands Council Policy

Shetland Islands Council Schools Service recognises that home education is a legitimate option for parents which may offer distinctive benefits for some children and young people. A principal concern is always that a child should receive the best possible education, wherever they are educated. The Schools Service offers advice and support to parents who choose to home educate.

3.1 Working Together with Parents

- 3.1.1 Information for parents on home education (**see Appendix 1, Parent Leaflet**) sets out the legal position and explains the procedures for considering any application to withdraw children from school, as well as the arrangements that will be made to maintain contact with parents.
- 3.1.2 The **Home-Link Teacher** is the named contact for parents, and is familiar with home education policy and practice. S/he will be able to provide advice and support to parents and will hold the initial discussion with parents. (**Appendix 2: Introduction**)
- 3.1.3 Parents will be required to provide the Schools Service with a summary of the approach they are planning to take in providing education for their child at home.
- 3.1.4 The Home-Link teacher will in every case meet the family to discuss their proposals; explain legal obligations; outline Schools Service duties, and obtain written confirmation of parents' intentions. Parents may use

the pro forma (**see Appendix 3, Summary Approach**) or they may choose to provide the required information in a different format such as a statement setting out the general aims and objectives of their proposed approach. Future contact will also be agreed between parents and the Home-Link teacher but ordinarily this will be on an annual basis.

- 3.1.5 An educational psychologist will normally be consulted about the proposed provision for a child with additional support needs and a meeting may take place at a mutually acceptable location. This meeting should involve the child where appropriate. More frequent contact with the Home-Link teacher may be necessary in the case of children with additional support needs.
- 3.1.6 The Home-Link teacher will then prepare a report which will be copied to the applicant. Withholding a report, or more usually a part of it, will only be considered in exceptional cases.
- 3.1.7 *Where consent to withdraw is given*, the Schools Service will write to the parents with an agreed start date and inform the child's school.
- 3.1.8 *If consent to withdraw is withheld*, the reasons should be discussed with the family. The family may be given time to amend and resubmit their proposals for reconsideration. There is no statutory right to appeal against an authority's decision to withhold consent. The Head of Service will also notify the school where consent to withdraw is withheld. All decisions on home education will be reviewed annually by the Quality Improvement Officer with responsibility for Home Education.
- 3.1.9 The Schools Service is committed to working closely with the families to ensure that the outcome of any decision is in the best interests of the child.
- 3.1.10 The time taken to consider applications will vary depending on the individual circumstances of each case, but in normal circumstances, the process should be finalised within 8 weeks of receipt of the family's proposals.
- 3.1.11 In general, **children should continue to attend school pending a decision on their application**, with due sensitivity to individual circumstances. If a child fails to attend school without the consent of the authority, the normal procedures for dealing with unauthorised absence will apply, including the making of an attendance order if necessary.

3.1.12 Home educating families do not need to follow a school-based curriculum and home education proposals will reflect the diversity of approaches and interests of home educators. However, when a parent intimates a decision to educate her or his child at home, the Schools Service will ask:

- the parents' reason for wishing to home educate, and in particular whether their decision has been prompted by dissatisfaction with the schools' service;
- how parents will provide evidence of a child's progress;
- about social contact with other children of a similar age;
- how skills in literacy and numeracy will be developed.

These questions will be asked in order to ensure that the child is prepared for life in a modern, civilized society and to enable them to achieve their full potential. Parents and their children may require a period of adjustment before finding their preferred mode of learning.

3.1.13 Parents do not need to have any special qualifications or training to provide their children with an effective education, but they should be expected to demonstrate their commitment to providing an education which is suited to their child, and provide some indication of their objectives.

3.1.14 If parents are considering home education *as a temporary measure*, and want their child to return to school at some point in the future, it is important that the education provided is broadly based on a school curriculum. In these circumstances, the Home-Link teacher may involve the child's school in planning temporary home education provision to ensure optimum coherence and continuity in education, and a smooth transition when the child returns to school.

3.1.15 Wherever possible, all of those with parental rights and responsibilities for the child should be given a copy of the written agreement to the proposed provision.

3.1.16 Parents may choose to engage 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.

3.1.17 The Schools Service will expect that parents who employ someone to teach their children will ensure that the appropriate Disclosure Checks are carried out (see Parent Leaflet).

3.1.18 Where parents apply to withdraw their child from school in order to educate them at home, they and the education authority must be able to

show evidence that they have listened to the views of the child and taken their opinions into account.

- 3.1.19 Although there is no requirement for children who are educated at home to take a particular set of qualifications, the Schools Service will support parents by providing advice on a range of options for accreditation.
- 3.1.20 Shetland Islands Council will not meet any costs associated with external candidates taking examinations or other qualifications.
- 3.1.21 That a child has additional support needs should not in itself be a reason to refuse an application to educate at home. Additional considerations do, however, apply.
- 3.1.22 Where a child's additional support needs are such as to require a Co-ordinated Support Plan, the Plan may nominate a school which the child should attend – the basis of the nomination being that the school has the expertise and resources to meet the child's needs if the parents are unable to provide an appropriate education at home.
- 3.1.23 It is therefore reasonable to ask parents to indicate how they propose to cater for a child's support needs at home. In the case of children with additional support needs, the Schools Service will review arrangements to meet the child's needs at least twice a year and may opt to carry out more frequent reviews if it is considered to be in the best interests of the child or young person concerned.
- 3.1.24 Shetland Islands Council has no statutory obligation to provide financial or other support for children with additional support needs who are educated at home, except where measures are specified in a Co-ordinated Support Plan (CSP) with the stipulation that they must be effected in the home.
- 3.1.25 If a child has a Co-ordinated Support Plan, the Schools Service has a duty to review arrangements annually. This duty also applies in the case of children who are being educated at home. The child's parents continue to have responsibility for the education provided, and the Schools Service continues to have a legal duty to ensure that the child's needs are met.
- 3.1.26 Although there is no statutory duty upon parents to inform the Schools Service that they are home educating if they do not require consent, Shetland Islands Council prefer home educators in their area, or moving into their area, to contact them.

3.1.27 The Schools Service may take reasonable steps to identify children who may not be attending school or are being officially educated at home, by using sources such as birth registers, health visitor records and information from the Children Missing from Education Project, in order to offer support to parents and children.

3.2 *Ensuring efficient and suitable home education*

3.2.1 The Schools Service has a statutory duty to satisfy itself that all children in Shetland are receiving an efficient and suitable education. The Schools Service should assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary.

3.2.2 It is desirable that parents allow access to a home educated child in order for the Home-Link teacher to ascertain the child's progress and satisfy him/herself that the child is receiving a suitable education. This will also be an opportunity to ensure that the child has the right to freely express an opinion in all matters affecting them and to have their opinion taken into consideration. Parents may prefer to provide information through other means – eg electronic.

3.2.3 The Schools Service will respect the view of parents who may not feel comfortable in allowing the Home-Link teacher to meet their child in the family home and the meeting may take place in a mutually acceptable alternative location such as a library or community centre.

3.2.4 The Schools Service can reasonably expect provision to include the following characteristics:

- consistent involvement of parents or other significant carers
- the presence of a philosophy or ethos (not necessarily a recognized philosophy) where 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, ICT
- an appropriate level of physical activity
- the opportunity to interact with other children and other adults.

- 3.2.5 Where one or more of the characteristics listed above appear to be lacking, the Schools Service may choose to investigate whether or not an efficient education is being provided. A full report on the findings will be made and copied to the parents promptly, specifying the grounds for concerns and any reasons for concluding that provision is unsuitable.
- 3.2.6 In exceptional circumstances, where the Schools Service has serious concerns about the child's progress, they may ask the home educating family for access to the child's learning environment to assess its suitability. If, in those circumstances, the family refuses access, the authority might reasonably conclude that they have insufficient information to satisfy themselves under Section 37 of the Education (Scotland) Act 1980 as to the suitability of the family's education provision, and consequently make an attendance order.
- 3.2.7 Following any meeting with a family, a report will be prepared by the Home-Link teacher, setting out the nature of the education being provided and any specific recommendations that have been made. Parents will be given a copy of this report, or feedback on it.
- 3.2.8 Where a pupil is in their final year of statutory education, the Home-Link teacher will arrange, with the parents and young person's agreement, a meeting prior to the official finishing date. This will provide an opportunity to discuss the young person's future plans and for the Home-Link teacher to offer guidance and support where appropriate.
- 3.2.9 For young people with a Co-ordinated Support Plan, the Schools Service must arrange a meeting with the parent and young person to review what provision would benefit that young person after they cease to be of school age. This meeting should include what services may be required by other agencies and should take place no later than six months before the date on which the young person ceases to be of school age.
- 3.2.10 The Educational Maintenance Allowance (EMA) is available to eligible young people who are undertaking full-time non-advanced level study by home education. Applications should be made to the Schools Service and will be considered in the context of a recorded history of home education, prior to reaching the student's official school leaving age and on submission of a signed learning agreement between the adult responsible for home education, and the student.

3.3 Making an Attendance Order

3.3.1 Only in extreme cases will the Schools Service serve notice on a parent under Section 37 of the Education (Scotland) Act 1980, to enforce attendance at school. This would only happen where:

- the education being provided is clearly not efficient and suited to the age, ability and aptitude of the child
- the parent has not provided the Schools Service with information to satisfy the Service that the education is efficient and suited to the age ability and aptitude of the child, despite every effort to secure this information.

3.3.2 Under Section 37, notice will allow between 7 and 14 days for the parent to provide the Schools Service 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 Quality Improvement Officer, or by supplying the information in writing. The authority should make an attendance order where the parent, on whom notice has been served, fails to satisfy the Service that efficient education is being provided, suitable to the age, ability and aptitude of the child, or that there is reasonable excuse for his/her failure to do so.

3.4 Review

3.4.1 These arrangements to support effective home education will be reviewed on a regular basis in consultation with parents in order to promote partnership between Shetland Islands Council Schools Service and parents who choose to educate their children at home. Additional advice from the Scottish Executive will be incorporated in the local policy (ref. Home Education Guidance, Scottish Government 2007).

PARENT LEAFLET

Shetland Islands Council

Schools Service



Introduction to Home Education

Child's Name	Date of Birth
Parent/Guardian's Name	Tel. No.
Address	

Brief Record of Achievement/Learning/school experience:

Does your child have additional support needs (eg health)?
(Note whether child has CSP)

Why do you wish to home educate? (optional):

What is your child's statutory school leaving date?

What support would you like from the Schools Service?

Any further comments/information

Parent signature _____

Home-Link teacher _____



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Summary of Approach

These questions are not prescriptive but can be used as guidance for parents who are beginning to home educate where they have not yet decided on an approach

Please outline how you intend to educate your child to ensure a broad and balanced education.

eg. *Primary: English, Maths including problem-solving*, Science, Environmental Studies, Expressive Arts (Music, Art, Drama, Physical Education) Religious and Moral Education*
*Secondary: English language, Maths *, Modern Language, Social Subject, Art, Music, Technology, PE.*

NB: Your proposals may not be detailed in the early stages of your commitment to home educated but your initial proposals should show how you intend to provide an efficient education for your child.

How do you intend to support education in the following areas:

- personal and interpersonal skills, including working with others
- careers
- health, including education about drugs and alcohol
- environmental education
- outdoor education
- use of information technology

What will your child's working week and working day look like?

How will your child have social contact with other children of a similar age?

Where will teaching mainly take place?

What are the qualifications and experience of those who will teach the child?
(optional)

How will you record your child's progress?

What evidence can you provide of your child's opinion on his/her education?

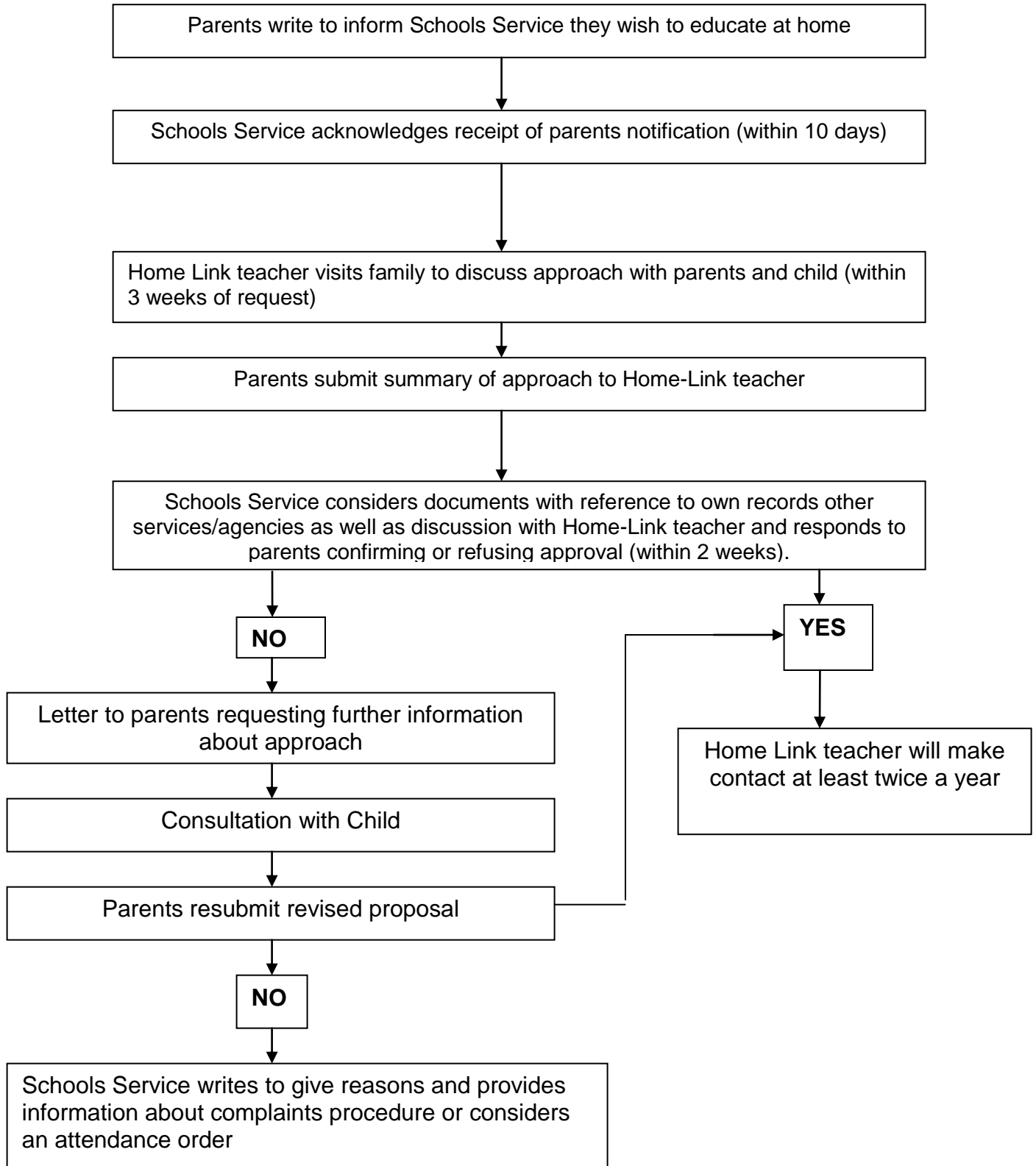
Further details/comment:

Parent's signature _____

Home-Link Teacher _____

Please note that active learning is recognized to be a successful approach. Reading, numeracy, and the use of information technology are considered essential skills by most employers. Similarly, opportunities to develop social competence and to explore the environment are key features of an effective educational programme.

HOME EDUCATION REQUESTS



7. Children Educated at Home

Education authorities and home educators should “work together to develop trust, mutual respect and a positive relationship that functions in the best interests of the child”

(“Guidance on the circumstances in which parents may choose to educate their children at home, SEED 2006)

The Schools Service supports the right of parents to educate their children at home and is committed to working closely with the family to ensure that the education is in the best interests of the child.

The Home Link teacher should inform Head Teachers of the young people in their catchment area who are home educated. She will liaise between the school and the home-educating parents regarding any access to resources/links with school pupils.

Good practice in supporting home educating parents may include

- e-mail links with pupils in school
- offering opportunities to home-educated children to attend school concerts
- sending home-educated children copies of school newsletters
- lending resources where appropriate
- use of school buildings to sit certificated exam

In all cases, the child’s interests should be considered paramount. A copy of the Parent leaflet on Home Education is available from the Schools Service.

Read these for more information:

- **Guidance on the circumstances in which parents may choose to educate their children at home. (SEED)**
- **Home Education Guidelines (SIC)**
- **Children Educated at Home through Ill Health Guidelines (Managing Inclusion, SIC)**

Head of Schools: Helen Budge
Executive Director: Hazel Sutherland

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Fax: 01595 744074

If calling please ask for
Helen Budge
Direct Dial: 01595 744064

E-mail: Helen.Budge@shetland.gov.uk

Your Ref:

Our Ref:

Date:

Dear

Home Education

I write now to confirm our approval for your request to educate (child/young person's name), on the basis of the information you have provided from (date).

In line with our policy, (name of teacher) our Home Link Teacher will be in touch with you at least annually to assist us in ensuring an efficient and suitable education for (child/young person's name)

I wish you well in your decision to home educate and hope that this may be effective in ensuring (child/young person's name) is a successful learner, and a confident, responsible young person.

Please contact our Home Link Teacher if you have any further queries.

Yours sincerely

Helen Budge
Head of Service

cc: Home Link Teacher

Definitions

SEED	Scottish Executive Education Department
IEP	Individualised Educational Programme – A document recording targets and attainment of one pupil, reviewed regularly by staff involved, monitored by Head Teacher.
CSP	Co-ordinated Support Plans – This statutory planning document replaces the Record of Needs, for young people with enduring complex or multiple barriers to learning who need a range of additional support from different services.
RON	Record of Needs – Statutory planning document for young people with long term profound and complex needs. The Co-ordinated Support Plan replaced this document, in 2007.
ASL	Additional Support for Learning – The Education (Support for Learning) (Scotland) Act 2004 is was implemented in November 2005. The Schools Service must, within two years of the Act's commencement, establish whether a young person who had a RON, requires a CSP. In the
CME	Computer Management in Education