

**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

CONSULTATION REPORT

May 2003

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CHAPTER ONE

EXECUTIVE SUMMARY

BACKGROUND AND PURPOSE

The Standards in Scotland's Schools etc. (Scotland) Act 2000 includes provision under Section 14 for the issuing of guidance to education authorities as to the circumstances in which parents may choose to educate their children at home. Draft guidance was issued for consultation on 20 December 2001 until 29 March 2002. This is a report on the responses received as part of that consultation.

The purpose of this guidance is to promote a consistency of approach across the country by 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. Drawing upon consultation with interested parties, the guidance will encourage effective partnership based on a shared understanding of what is expected from each of the parties involved.

THE CONSULTATION EXERCISE

The Scottish Executive distributed the draft guidance to education authorities, home-educating organisations, other interested organisations (chiefly children's organisations), and individuals that expressed an interest. The document was also published on the Scottish Executive's website. The main aim of the consultation exercise has been to test the acceptability of the proposals within the guidance with those whom the guidance will affect. A total of 126 written responses were received, with some responses representing the views of a much wider group (often carrying out further consultation themselves in the form of meetings, the circulation of questions, and other means).

Thirty of the thirty-two education authorities in Scotland responded to the draft. Three of the major home educating organisations in Scotland submitted extensive and detailed responses. There were eighty responses from individuals, the vast majority of them from home educators with a few from home-educated young people. Thirteen other interested organisations, out of the twenty-four invited, offered responses.

INTEREST GROUP/SECTOR	INVITED	RESPONDED
Scottish Education Authorities	32	30
Home Educating Organisations	4	3
Interested Individuals	n/a	80
Other Interested Organisations	24	13

ACKNOWLEDGEMENTS

The Scottish Executive would like to acknowledge and thank the wide range of authorities, organisations, and individuals that took the time to consider the consultation document and submit their responses.

STRUCTURE OF THIS REPORT

The Scottish Executive circulated the draft document and invited people to comment on it. The consultation exercise did not pose any specific questions or seek to generate a statistical body of information. People subsequently responded in a variety of ways, some offering a general discussion of the guidance themes, some systematically working through the draft guidance point by point. This report manages the body of responses under three group headings: education authorities, home educators, and other interested organisations. Following a brief summary of the three groups' general positions, the report systematically works through the draft guidance identifying the range of views that have been voiced in response to each section. This approach seeks to acknowledge both the areas of agreement and the areas of contention.

BRIEF SUMMARY OF RESPONSES BY GROUP: HOME EDUCATORS

The draft guidance was met with frustration and disappointment by the home educating community. Their responses argued that the document was produced without any serious engagement of home educating organisations and families, and they maintained that it fails to improve the situation for home educators or promote a consistency of approach by education authorities across Scotland. Many argued that the guidance exhibits a lack of understanding of home education and attempts to impose school priorities, allowing little space for the diversity of educational approaches that exist. The use of school-based criteria for home education is inappropriate. Home educators should only be judged against their own standards.

The home educating community felt that the document endorses a power imbalance in the proposed relationship of mutual partnership and places education authorities in a controlling role, not a supporting one. The draft guidance fails to clearly state the relevant legislation; it is often ambiguous and subsequently open to misuse. The document does not affirm home education as a valid and valued option. Home education appears to be regarded in negative terms and handled with suspicion. Home educators often feel that they are guilty until proved innocent.

The responses from home educators challenged the discrepancy between groups with regard to who needs consent and who does not. Their responses voiced the frustration that parents feel when unable to gain immediate consent for the withdrawal of a child from school and emphasised that an eight-week wait is too long. Many suggested that:

- this time-scale is particularly irritating when there is no reason to believe that efficient education will not be provided and can be damaging for the child in instances of bullying
- education authorities should allow parents ample time to formulate their proposals
- if consent is refused, a detailed report should personally be provided for the parents, and there should be an opportunity for parents to amend their proposal

One of the questions that emerged asked, 'could home education be considered as a 'reasonable excuse' under Section 35, Education (Scotland) Act 1980?'

Home educators emphasised the need for education authorities to provide clear, impartial information. Many argued that:

- education authorities do not have a statutory duty to monitor home education
- authorities can only get involved under Section 37 Education (Scotland) Act 1980 if they have reason to believe that an efficient education is not being provided
- the terms 'suitable', 'efficient' and 'reasonable' are ambiguous
- the proposals for tracking home educating families in order to assess the educational provision are in breach of human rights and data protection legislation

The responses from home educators also maintained that the Education (Scotland) Act 1980 does not give education authorities the power to obtain access to the child or the home. It was stressed that:

- there are other ways that information can be provided
- the draft guidance makes little provision for respecting the child's views, specifically in situations where they do not wish to continue attending school and do not wish to meet with education authority officers
- there is a need for well-trained authority staff who have experience of home education

The responses from home educators questioned the lack of any appeals process for home-educating families. They also emphasised that home educators are an untapped resource for the improvement of education authorities' provision in schools.

EDUCATION AUTHORITIES

Thirty education authorities submitted responses to the draft guidance and twenty of them generally welcomed it, some praising the document for its clear and balanced approach, others for its attention to detail and practical usefulness. There were a few education authorities that questioned the document because of concerns that related to specific sections. A small number of education authorities were critical of the draft guidance on the grounds that it is not conducive to the promotion of partnership and it does not recognise or support alternative educational approaches. Their responses, taken collectively, hence represent a diverse spectrum of opinions and concerns.

In a number of areas, the education authorities echoed the concerns of the home educating community. Many education authorities emphasised the primacy of parents as educators and stressed the need for partnership. A number of authorities emphasised that information for home educators should be clear and readily available. On the issue of consent, many authorities questioned the discrepancy of consent requirements (certain groups of people do not need consent, for example children who have attended an independent school, while others do). The authorities expressed their preference for all parents to register their decision to educate their children at home. The authorities also noted the lack of clarity concerning what amounts to 'suitable' or 'efficient' education, noting the scope for varied interpretation and practice.

In considering parents' proposals, a number of authorities expressed their desire to safeguard the interests of the child, maintaining that quality of education should be based on breadth, balance and progression. A few suggested it was inappropriate to employ a school-based model in the evaluation of home education. A small number of education authorities argued for the importance of identifying home-educated children if there are welfare issues. Some maintained that any person employed to educate at home should have a criminal conviction certificate.

The education authority responses that commented on the issue of access to the home emphasised the importance of seeing the child or young person in the home environment although some acknowledged that legislation does not give them a right to do so. A small number of their responses emphasised the practical difficulty of obtaining the child's views. Within the body of responses was the suggestion that an independent advocate could be involved to ensure that the child's views are taken into account.

Many of the authorities were concerned about the financial implications of the draft guidance, arguing that effective support relies on the availability of resources. Many questioned the onerous consent and monitoring procedures, specifically challenging the practicality and legitimacy of the tracking arrangements.

The responses from education authorities often stressed the need for sensitivity and flexibility in the building of relationships between authority officers and families. A number of responses stressed the need for trained and experienced staff, others suggested that a named contact is

provided and that a written report is given to the family following a meeting. A number of education authorities expressed the view that there is no legal duty to monitor the quality of education provided at home unless there is reason to believe that efficient education is not being provided. A few suggested that the practices of education authorities should be regularly reviewed, and emphasised that home educators should be involved in that review process. Others suggested that an appeals process be built in for the home educating community. A number of authorities stated that there should be specific arrangements for children with Special Educational Needs proposing that other agencies be involved.

OTHER INTERESTED ORGANISATIONS

Thirteen responses were received from other interested organisations, chiefly children's organisations. Although their responses often welcomed certain principles within the draft, such as partnership or respecting the rights of the child, they invariably expressed concern that the tone and content of the guidelines were incongruous with the principles they aspired towards. There was only one organisation that strongly commended the document and there were a few who feared that the guidance would lead to an unworkable situation in which home educators were alienated. Echoing the home educating community, the responses from other interested organisations included calls for:

- a review of consent arrangements
- trained and experienced education authority officers
- clear information
- a greater emphasis on the positive benefits of home education
- an accurate stating of the law

Two of the other interested organisations suggested that education authorities should learn how to improve their provision by listening carefully to the reasons why some children and families opt for home education. A few recommended that the draft should suggest the way in which online learning and ICT could be harnessed in this area. One organisation called for greater clarity with regard to Special Educational Needs children.

CHAPTER TWO

FINDINGS BY GUIDANCE SECTION

SECTION 1 - INTRODUCTION

The introduction was seen as a good opportunity to promote partnership between home educators and local authorities, and to encourage a relationship of positive support as opposed to mutual suspicion or power imbalance. Responses from all parties maintained that it should clearly state the legal status of the guidance as well as the purpose and scope. The home educating community called for a document that:

- recognises that home education is a valid and respected option that embraces a diversity of educational approaches; an option that is taken in the best interests of the child
- seeks to promote a consistency of approach across the country, as well as greater fairness and transparency in local practice

A small number of responses from both home educators and local authorities requested greater clarity with regard to what is meant by the terms 'suitable' and 'efficient', as well as examples of best practice.

A number of home educators emphasised that education authorities must not unreasonably withhold consent, and that education authorities only have a duty to intervene if they have reason to believe that parents are not providing an efficient education. They asserted that it is parents who have the lead role and responsibility in determining a child's education and questioned the anomaly of different consent requirements. Local authorities reported that they may not know about children who have never attended school, and even when they know about the children, they have difficulty in assessing the quality of home education if parents do not require their consent.

SECTION 2 - LEGISLATIVE POSITION

'There has to be a balance between the individual rights of parents and children as consumers of education services with the wider public interest of the provision of a well-educated population and ensuring the educational welfare of children within that population.' [A Voluntary Organisation]

Home education organisations argued that the draft guidance paraphrases and interprets legislation, often making it less clear. One group commented that the guidance 'should be expressed in a way that reflects the wording of the legislation as closely as possible.' Another argued that the guidance should include direct and full quotations with accurate references to relevant section numbers.

PARENTS' RIGHT TO EDUCATE THEIR CHILDREN AT HOME & CONSENT TO WITHDRAW CHILDREN FROM SCHOOL

Many voices in the home educating community were keen to assert that the main purpose of Section 35 is to prevent irregular attendance at school without a reasonable excuse. Its purpose isn't to prevent the exercise of the right to choose alternative home education provision. It is therefore a fragile foundation for the handling of consent requests.

Annoyance was expressed amongst home educators that families are unable to gain immediate consent for the withdrawal of a child from school. A number of home educators argued that it is absurd that parents have to seek consent to fulfil a duty that they already have in law. An 8-week wait is perceived to be too long, especially if there is no reason to believe that 'efficient' education will not be provided. Such a delay could prove very damaging in instances where there is bullying. Other interested organisations raised this concern as

well. There was also criticism that it is illogical that certain categories of family should require permission to begin home education when others do not (e.g. children being withdrawn from a private school).

One recurring argument among the home educators' responses proposed that the law be amended so that a parent only needs to inform the education authority of their intent to home educate. 'Why should children have to stay in school pending the decision?' It is already the case that some parents do not need to obtain consent for their children to be educated at home. This should be extended to all families in the interest of fairness and equality.

Local authorities and other interested organisations also strongly questioned the discrepancy between groups with regard to who needs consent and who does not. There was concern, from authorities, about a lack of need to register certain children. The guidance should clarify the position of parents whose children have never attended a school and who decide to educate at home. It should also clarify the position of parents whose children are in transition between one authority and another or between primary and secondary education. There were a few local authorities that believed a greater emphasis should be placed on the responsibility of parents to continue to send their children to school pending a decision by the authority.

A number of home educators enquired whether the language of 'other reasonable excuse' in Section 35 and 42 (1) (c) of the Education (Scotland) Act 1980 could apply to home education. If a child were afforded an education at home that is efficient and suitable to their age, ability and aptitude, would this not constitute a reasonable excuse for not attending school? One home education organisation argued:

'This does not compromise the education authority's responsibilities under Section 36 of the 1980 Act which sets out how the authority must proceed if there is no reasonable excuse for irregular attendance, nor Section 37 which sets out how the authority must act if they are not satisfied that the parent is providing an efficient education.'

The local authority responses highlighted a range of views on what constitutes 'suitable' education outwith a school. They expressed that in the absence of any legal clarity as to what amounts to 'suitable' education it will always be difficult to make judgements on the quality of provision provided by parents at home. This leaves considerable scope for varied interpretation and practice. Some suggested that specific reference should be made to the 2000 Act acknowledging that 'age, ability and aptitude' include the child's social, emotional and spiritual development. Guidance is required on what would constitute a 'reason to believe' that efficient education is not being provided. These concerns were resonated by a number of other interested organisations. One such organisation commented:

'Presumably since these [*home educating*] parents have chosen to withdraw their children on the grounds that the education provided elsewhere is not efficient their definition of efficient will differ significantly from that of the local authority.'

The content of this section also prompted a mixture of responses from local authorities on the issue of consent. Some responded by asking if 'permission' was the correct term to use if parents have a right to educate their children at home. A few local authorities emphasised the absence of any legal duty on an education authority to monitor the quality of education provided at home. Some emphasised that any assessment of provision would require a relationship of mutual trust. Others indicated that they would consider it insufficient for parents to merely declare themselves to be home educators irrespective of the circumstances. A number of authorities emphasised the need for mechanisms to ensure that efficient education is being provided and that parents have thought through a planned approach to their child's future education.

There was, among the local authorities, a consensus that it would be helpful if parents were required to inform authorities of their intention to home educate regardless of whether the child had attended school before.

MONITORING HOME EDUCATION PROVISION

A number of home educators maintained that local authorities only have a right to step in if they have reason to believe that the parent is not providing an efficient education. Local authorities must not be given leeway that has no legal precedent. They called for the removal of all monitoring references and suggested that any meetings with education authority officials should be optional.

There were further concerns from local authorities with regard to families who are not required to inform them of an intention to home educate. How can education authorities know of those children who have never attended school and the quality of home education if parents do not need the consent of the education authority? One authority argued, 'it is unreasonable to make local authorities accountable for inefficient home education if there is not a complete register of home educated children.'

There was a broad consensus that a statutory requirement on parents to register any child who is being educated at home would enable authorities to carry out their responsibilities more effectively. The onus to inform the authority that home education is taking place should lie with the parent. This might be seen as distinct from seeking consent. Where authorities have no knowledge of a child's existence, it remains unclear as to how it would be possible to determine whether or not a suitable education was being provided. If local authorities have not been informed then it is unreasonable to make them accountable in this way. The local authorities also argued in response to this section that the monitoring of home education provision has significant cost implications, especially in areas where the population is sparsely scattered. Many recognised the need for sensitivity in any monitoring. There was also concern that monitoring is extremely difficult if parents do not wish to co-operate, and that a written account of what is being offered need not reflect reality.

SECTION 3 - INFORMATION FOR PARENTS

'The provision of clear, accurate and impartial information has a key role to play in the development of positive partnerships.' [A Voluntary Organisation]

There was agreement in the responses that if home education is a parental right, then education authorities must provide unbiased information setting out the legal position and explaining the procedures. Effort should be taken to ensure that the process is transparent, consistent and fair. Information detailing how a complaint can be lodged should be provided as well as information detailing how home educators can be included in regular reviews. One response suggested that access should be provided to sources of independent advice.

A number of responses from home educators, local authorities and other interested organisations suggested that the language in this section should be strengthened. Many suggested that a named contact should be provided for home educators to liaise with. Such officers need to be more than just *familiar* with home education. They should receive adequate, regular training in issues relating to home education. Other instances of weak language that were highlighted included the use of 'it is helpful' in 3.2 and 'might usefully' in 3.3. Parents, children and home education organisations all have an essential contribution to make. One local authority suggested that information should be available in other formats to comply with the Special Educational Needs and Disability Act 2001.

SECTION 4 - APPLICATIONS FOR CONSENT TO WITHDRAW CHILDREN FROM SCHOOL

PROCEDURES FOR CONSIDERING APPLICATIONS

Section 4.1 raised the following questions and concerns amongst the home educating community.

- Why are there differences between authority procedures for withdrawing children from school? - The phrase 'will vary' in relation to procedures promotes the kind of inconsistency that the guidance is seeking to avoid.
- Why is the right of appeal denied? This concern was echoed by a number of other interested organisations.
- Where is the room for parents to exercise their choice to use 'other means' in the education of their children? The terminology here should respect the fact that the primary responsibility for ensuring that a child is educated belongs to the parent. Any assessment should be grounded in a supportive relationship.

In response to the first bullet point under section 4.1 of the draft guidance, home educators stressed that there was no legal basis for demanding parents' plans. It is unreasonable and constitutes an interference with parents' legal right to provide education that is in accordance with their wishes. One home education organisation commented:

'A parent who has withdrawn a distressed child may decide that the most appropriate educational provision should be an informal, child-led and individual approach that responds constantly to the child's changing interests and motivations. The information that is required by the guidance presupposes a particular approach to education that is formal, structured and sequential, thus ruling out more informal approaches that work well at home.'

Home educators raised a number of concerns in relation to Section 4.1's second bullet point. Parents should be allowed to decide whether the child should be present or not and the location should be mutually acceptable. While the intention to have an officer with 'knowledge of home education and practice' is good, a small number of home educators claimed that the reality is that few officers have such knowledge. Guidance should explain how this knowledge would be gained.

The second bullet point attracted the greatest response from the other interested organisations. They welcomed the requirement that the education authority officer should have 'knowledge of home education policy'. Their responses also emphasised that the officer should be sympathetic with the concept of home schooling, have a thorough understanding of it, and be fully trained to assess what is and isn't suitable education outside the school setting. It would also be helpful if the education authority officer had experience of working with children and families.

One other interested organisation emphasised that if consent to withdraw is withheld, the reasons should be given to the family in writing as well as being discussed with them. Consent must not be withheld unreasonably and partnership should be prioritised over procedures. Families should be given ample time to revise their proposals if necessary.

In response to the last bullet point in Section 4.1, one home educator suggested that reference be made to the public sector ombudsman and to the legitimate role of independent advice agencies for families.

A number of local authorities stressed the need for sensitivity and non-threatening discussion when interacting with parents. Authorities should bring assistance and advice to the dialogue. There were a couple of local authorities that called for the establishment of an appeals procedure. One response argued that it should be made explicit that in current procedure,

although the parent has the right to seek Judicial Review, there is no question of deciding if the decision is right or wrong, simply whether the means of reaching the decision were rational, reasonable and legal.

With reference to the first bullet point, a number of local authorities emphasised the need for flexibility in drawing up procedures. One authority commented that although parents do not need to give their reasons for home education, it would be helpful for an authority to know what educational plans the parent has in order to address possible concerns within the education service. A summary could be written in conjunction with a representative of the authority with responsibility for home educators if the parents preferred. Another authority argued that in addition to a summary of the planned approach, there should be a requirement for parents to provide a written programme of educational activities and learning experiences that would outline the resources to be used for the coming year. There were two authorities that specifically called for the involvement of an educational psychologist in assessing the proposed provision for a child with Special Educational Needs.

A number of local authorities expressed that the guidance in bullet point two would have resource implications. Many recognised the difficulty in assessing the appropriateness of alternative education without clear criteria. A number of authorities expressed a preference for meeting with the family in the location where the learning and teaching of the child will be based.

One authority argued that the consent procedure must ask health services and the reporter to the Children's Panel if there are any circumstances in which home education would be undesirable in the interests of child protection.

On the fourth bullet point, there were a few local authorities and one other interested organisation who suggested that if consent to withdraw is going to be withheld, the reasons should be given to the family in writing before the decision is made. The parents should then be given a reasonable time to respond to this by making any necessary changes. The phrase 'consent must not be unreasonably withheld' should also be added.

The responses that made reference to section 4.2 welcomed it. One response suggested that it was the most important statement in the section and should be given more prominence. A home educating voice requested greater clarity of the phrase 'the Education Authority works closely with the family'. Another asked, 'Who decides what is the 'best interests of the child?'' Two responses from other interested organisations asked, 'What does this mean in practice?'

TIMESCALE WITHIN WHICH APPLICATIONS SHOULD BE CONSIDERED

There was a consensus among home educators that the timeframe of eight weeks was too long, especially in cases where a child is suffering bullying and unhappy. This argument was supported by a number of other interested organisations. The responses argued that:

- it could be harmful to prolong school attendance and the best interests of the child should be prioritised
- parents should have the freedom to withdraw their children from school immediately on submitting their application
- a child should only have to remain at school in exceptional circumstances pending consent and in these circumstances the local authority should write to explain why
- section 4.4 should be strengthened by saying it is good practice to allow non-attendance where there are problems
- if parents have a legal responsibility to ensure that their child is being effectively educated, it seems reasonable that they should be able to remove their child immediately if effective education is going to be provided

The local authorities presented a more mixed reaction to this section. There were a few who maintained that the 8-week timescale was manageable and acceptable under normal circumstances. Others argued that this timeframe was very long if there were no additional

problems to take into account. There were also concerns that the timescale was not long enough, especially when there are special educational needs. One authority argued that if extra time is required, the parent should be informed in writing. Again sensitivity and partnership were considered to be paramount.

One other interested organisation suggested that the Executive should closely monitor the length of time taken by local authorities for processing applications. Another asked, 'At what point would the Scottish Executive wish the education authority to invoke their normal procedures in cases of unauthorised absence?' There was one other interested organisation that called for further examination of the circumstances that result in the threat of legal action against parents who remove their children before consent is granted.

PARENTS' REASONS FOR APPLYING

A few home educators suggested the additions of 'bullying' and 'short term intervention' to the list of reasons. One response from the home educating community questioned the need for reasons at all and suggested that the guidance clearly state that parents are not legally obliged to give information about their reasons. One other interested organisation commented that sometimes a desire to home educate is not the issue and the parent's preference would be to have their child in school education were it not for a breakdown with the local school. They suggested that there should be a strengthening of arbitration for parents who have such difficulties.

CONSIDERING PARENTS' PROPOSALS FOR HOME EDUCATION

'The document should signal clearly that home education is to be taken seriously as a quality alternative to school education. Minimum expectations of skills, attitudes, knowledge to be achieved should at least be outlined. There are very real dangers that without this some children may experience a very narrow, biased and ultimately disabling curriculum. This can be clearly signalled while also warmly acknowledging the often very rich and empowering experiences achieved in some families.' [A Children's Organisation]

Home educators concurred that a number of statements in this section showed a lack of understanding of home-based education, especially autonomous learning. Whilst there is acknowledgement that 'home educating families are not required to follow a school-based curriculum' (4.6) and that 'there is no single form of appropriate education' (4.7) there is also the contradictory language of 'balanced education', 'learning programme' (4.9), and 'core areas' (4.11). Those that adopt a more informal provision should not be penalised. Home education should not be evaluated against the achievements of state schools. One other interested organisation emphasised that by listening to the reasons why some children and families opt for home education, local authorities can learn how to improve schools for all children and young people.

On section 4.12, one home educator suggested the addition to this section that 'parents will be free to do these at a time that is right for the child.' On section 4.13, there were some parents who expressed that it would be useful to know where advice was available in this area. Others questioned the necessity of such provision on the grounds that most children have no idea of their career until well after they leave school.

In regard to section 4.14, a number of home educators requested a consistency of approach across the local authorities in the provision of resources and the offering of advice. The guidance should also insist that local authorities answer questions and letters. In response to 4.15, one home educator stressed that it should remain at the parent's discretion whether the following of a school curriculum is in the best interests of the child. On 4.16, one response asked how this section would be handled where there were several parents involved. Not everyone who is liable to maintain a child has the right to be involved in decisions about that child's education.

There were a number of local authority responses that echoed the concerns of the home educating community. One authority commented, 'This whole section is in fact seeking officers to ensure that a school-based model is in place and that is unrealistic.' Other authorities, joined by other interested organisations, picked up on the contradictions of freedom and formality; suggesting the focus should be on 'education' not 'curriculum'. One other interested organisation commented:

'Whilst this guidance acknowledges 'there is a no single form of appropriate education', this document could be interpreted as being somewhat prescriptive. We are concerned that the flexibility that parents may aspire to will not easily fit into the 'schooling model' defined here... It is well known that children benefiting from one-to-one learning experiences on a varied and often unstructured programme are well educated and are capable of achieving academic excellence.'

There were also local authorities that were satisfied with the content of this section. A number of local authorities praised the language that the home educators challenged. Voicing the concerns of various authorities, one education authority response argued:

'It is not in the long term interests of children and young people to receive forms of educational instruction which are so divorced from that conventionally delivered that they jeopardise the vocational and lifelong learning prospects of the individual child or young person.'

There was concern as to how much one can move from standard provision before reaching a stage where consent should be withheld. The guidance should provide clearer criteria for the assessment of education provision. A number of other interested organisations also called for clarity in defining what must be provided. One drew attention to Article 29 of the UNCRC on the purpose of education. This states that education should develop a child's personality and abilities as much as possible, it should encourage respect for human rights, diverse cultures, values and the environment and should prepare the child to participate in society. Contact with a range of peers must be encouraged. Local authorities could have responsibility for encouraging networks and facilitating meetings between home educators and schools.

Some of the suggestions in this section were seen as very demanding on authority staff's time. Authorities were particularly wary of 4.15, warning that it would create some sort of presumption on the part of the parents that a school would give them guidance and resources in planning the next steps in the child's learning. The suggestions of 4.16 are awkward in situations where the parents are not forthcoming with this information. Many parents who are not living with their child are not sent progress information or given the opportunity to contribute to decisions regarding their child. The mix of 'wherever possible' and 'should ensure' makes interpretation uncertain.

Advice in 4.17 about how parents might carry out a criminal record check on any person acting as a tutor was broadly welcomed as a sensible addition to authority advice documents. A few responses from local authorities and other interested organisations maintained that such checks should be compulsory.

CHILDREN'S VIEWS

Home educators raised a number of problems with this section. Children may not express themselves clearly. They are often keen to please authority figures. What about pre-schoolers, those not able to write, and children under 12 years old [the Law makes a distinction between children under 12 and children over 12]. Teenagers are not always aware of what is best for them. One home educator's response argued that the law was inaccurately stated as *The Standards in Scotland's Schools Act* refers to school education of which local authorities are providers. The phrase 'should he wish to omit his view' (Children Act 1995 Section 6) is omitted. Another home educator's response commented:

'UNICEF say that children have the right to express their views and to have their views taken seriously and given due weight - but it does not state that the children's views are the only ones to be considered. The [UN] Convention [on the Rights of the Child] explicitly states that children have a responsibility to respect the rights of others, especially those of parents. The Convention emphasises the need to respect children's 'evolving capabilities' but does not give children the right to make decisions for themselves at too young an age.'

Numerous responses argued that the provisions in Section 4.19 and 4.20 were unfair on the grounds that children who attend schools have no right to be consulted about the decision by their parents to send them there. This Section was perceived as a 'discriminatory test' for those who are home educated. Why is there no mention of the child's views being taken into account when a school attendance order is made? One home education organisation commented:

'If the guidance is to do any more than pay lip service to the child's views, the illogicality of the requirement for the child to remain in school pending a decision on consent to withdraw must be addressed. Also, the child may not want to be involved in any monitoring of home educating. The child's views should be respected in these situations too and the guidance should make that explicitly clear.'

There was also concern that in extreme instances, when a child has been damaged by an unsuitable school experience, it is unreasonable that those in authority should have immediate access to interview the child. One other interested organisation emphasised that 'it is often children and young people who have been most excluded or discriminated against who might lack the skills or confidence to communicate clearly to authorities about their wishes for their education.'

Many local authorities held similar concerns. The guidance here is not clear how an authority would take account of the views of the child and at what stage this would happen. Clear advice would be welcomed for special circumstances such as disability. In practice it is difficult to be sure that a child's views have been heard. What happens if there is disagreement between child and parents? How can you be sure that a child is not constrained in expressing views that are contrary to the parents and the authority? One authority suggested that the child have a meeting with an independent advocate who could then report to the parents and the authority. Another argued that the convention on the Rights of the Child carries no statutory authority in Scottish Law and is only persuasive. Essentially this legislation deals with the parents' right to educate at home and not the child's rights.

Other interested organisations argued that there is scope for children to be more involved in the decision making that affects their lives. One group suggested that it would be important for local authorities to consider the training needs of those who are to take on the work of seeking views from the child and the parents. A balance must be struck between the best welfare of the child, his or her wishes, age and perceived level of understanding.

RECOGNISED QUALIFICATIONS

Some home educators argued that this section was unfair. Courses and exams seem designed specifically to exclude them. They argued that although information about qualifications is helpful, it is a disgrace that there is no financial provision by the local authorities for home-educated children to sit exams. If a child were at a state school, the local authority would pay for everything without questioning. Exams should be equally accessible for all.

Local authorities emphasised that they could not meet the examination costs for home educators from existing budgets and argued that the guidance should not raise expectations that they will meet any costs in relation to home education. Some commented that although the guidance states that there is no requirement for home educated children to study for

qualifications, it does seem to require authorities to ensure that children gain a general level of accreditation appropriate for their age and ability. A few local authorities were concerned to state that a lack of such qualifications might lead to a limitation on future options for the child, particularly in employment and higher education. Others welcomed the idea of links for home educators with schools to enable accreditation.

One other interested organisation suggested that the guidance should note that accreditation is not the priority of some individuals / groups. In some cases it is the pressure to gain accreditation that leads to withdrawal from school. Another was keen that home educators be given maximum encouragement to engage with the formality of National Qualifications.

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

'Home and school environments each have their own advantages and disadvantages. On the one hand, the school may often have special expertise and resources; on the other, the home will generally allow one-to-one attention and a high degree of sensitivity to the child's individual needs. The efficiency of the provision should match the child, and it would be appropriate for the local authority to make practical or financial assistance available to home educating Special Educational Needs parents where it can.' [Home Education Organisation]

One home educating organisation that responded to this section felt that the guidance directly discriminated against children with Special Educational Needs by seeking to limit their parents' and own rights to be educated out of school if they have a Record of Needs. Other concerns amongst the home educators' responses related to the sense that special schools had a stigma attached and argued that there is scope for the guidance to recognise that some home educating families are meeting needs not recognised in the school system.

There were a variety of comments from local authorities. One commented that the guidance should clarify the duty of an education authority to assess any child who may have special educational needs. Another stated that decisions relating to children with special educational needs should involve multiple agencies (e.g. Health Services, Educational Psychologist...). There were a few who called for greater clarity: it would be helpful if some advice were to be provided regarding the continuing provision of therapies referred to in the Record under 'other services' when a child is being educated at home. Who takes responsibility for ensuring the child has continuing access to such services? What is a 'reasonable approach' (4.28)? One authority stressed that if the parents are not able to meet the needs outlined in the Record, then the child should attend the nominated school. Another emphasised that education officers who are involved should have experience of special educational needs. One other interested organisation raised their concern that this section will need revision in light of recent proposals for co-ordinated support plans in place of Records of Needs.

REASONABLE REASONS FOR REFUSING AN APPLICATION FOR WITHDRAWAL

In response to this section, home educators took issue with the idea of 'planned provision', arguing that it was unreasonable for authorities to demand timetables, schemes of work, and lesson plans. One home-educating organisation argued that consent should always be given as 'it is fundamentally unreasonable to prevent a parent from fulfilling his or her legal duty by providing for the child's education at home.' One other interested organisation suggested that consent should only be withheld where there is significant evidence to show that this would safeguard the welfare and educational needs of the child. Another response maintained that this section should make space for autonomous approaches.

A couple of responses from authorities and other interested organisations argued that there are really no grounds for refusing home education unless issues of child protection emerge. The reasons for withholding consent are not defined in legislation. Subsequently it is very difficult, if not impossible, to refuse an application to educate at home. In response to this section, one authority stressed that home education should never be used as a cover for condoned truancy.

Local authorities were generally united by their wish for more explicit guidance concerning what would constitute inappropriate provision and hence the withdrawal of consent. What are the minimum requirements? Would refusal to co-operate with reasonable monitoring arrangements be sufficient grounds to withdraw consent? In all decisions, it is the child's welfare that should be paramount. A number of authorities also stressed that parents should have an appeals procedure available to them.

A few authorities emphasised the need for close links between the various agencies that exist – information-sharing protocols between education, social work and health are crucial. Co-operation is also vital as a family moves between authorities. One authority argued that there should be a duty on parents to indicate at the point of application whether their child is on the 'at risk' register. Parents would also need to be made aware that the Social Work Department would carry out an automatic check regarding any child protection issues.

REVIEW OF AUTHORITIES' PROCEDURES FOR CONSIDERING APPLICATIONS

Home educators' responses suggested the involvement of an independent agency to assess local authority provision. One response suggested that if home educators are regarded as falling beyond the scope of existing measures for the protection of children, research into institutional mechanisms should fall within the remit of an independent commission. Local authority responses recognised that it was good practice to review policies regularly and to involve stakeholders in review, and that there is a need for the establishment of an appeals procedure.

The responses from other interested organisations called for the proper recording of comments about dissatisfaction with any stages of the process related to home education. Levels of dissatisfaction can then be monitored and local authorities should draw on this information to improve their services and procedures for the children's benefit. One response welcomed the acknowledgement that some parents have philosophical objections to testing and the subsequent acceptance that the review cannot be based on formal assessment.

SECTION 5 - HOME EDUCATED CHILDREN WHO MOVE INTO THE AREA OR WHO HAVE NEVER ATTENDED A PUBLIC SCHOOL

This section met with a strongly negative reaction from the home educating community. They argued that:

- provision 5.1 should include children who have reached the end of primary school and not yet started secondary school as well as children who attend a school that is closed
- section 5.2 contradicted the law that places no statutory duty on authorities to search for all school age children who are not known to them
- the measures of 5.3 were heavy-handed, resource intensive and in breach of data protection and human rights
- positive duty such as tracking cannot be inferred from authority's negative duty to act if there is evidence of inadequate educational provision
- the efforts of an authority should be focused on improving the provision of education in their area and considering why parents may choose to hide
- the proposed approach will breed anger and resentment, not partnership and co-operation
- section 5.5 is not helpful for anyone

Most of the local authority responses raised the concern that the suggestions of 5.3 were unfeasible, unrealistic, and of limited use. A minority found this section to be reasonable. One education authority commented:

'Notwithstanding any data protection and human rights issues, there are major resource implications for education authorities in identifying children being educated at home.'

The idea of greater collaboration between authorities was welcomed but there was concern that the consent of parents for their information to be shared would be required. One authority commented that this 'action is questionable under the data-protection act, the conventions of confidentiality applied by health service staff and, potentially, under the Human Rights Act.' Another commented on the contradiction between this section and the earlier emphasis of a parent's right to choose and freedom to manage the education process. A few emphasised that it is the relationship with home educating families that should be prioritised.

A popular proposal amongst the authorities was for legislation that would place a duty on parents to inform an authority of all children being educated at home or in an independent school. 'Legislation should require parents of *all* children being educated at home to inform their local authority that they are home educating or intend to do so.' In the interest of children's protection, all children should be registered. A couple of authority responses called for the language of 5.5 to be strengthened to ensure that an independent school notifies the authority when a child is withdrawn.

Other interested organisations echoed the data protection concerns and questioned the usefulness of this approach. One other interested organisation enquired how authorities would carry out their responsibility to satisfy themselves. Another argued that non-intrusive care and support should be available.

SECTION 6 - PRACTICAL SUPPORT FOR HOME EDUCATORS

Home education responses questioned the lack of obligation for authorities to provide resources and requested greater clarity over flexi-schooling. Local authorities emphasised that the provision of resources is not always feasible and suggested that the terms of 6.3 should be more clearly defined. Expectations should not be raised. Other interested organisations generally called for greater support for home education from local authorities.

SECTION 7 - MONITORING HOME EDUCATION PROVISION

MONITORING AGREEMENTS

One home educator argued for a rewording of section 7.1 to reflect the duty of local authorities to intervene only if they are not satisfied that a child in their area is receiving suitable education. There were further calls for a clear definition of the terms 'suitable education' and 'reasonable steps'. Another home educator's response emphasised that the assessment of educational provision should not be confused with an 'assessment of the child' which has no basis in law. A number of responses argued that home education is by its very nature continual assessment of the best kind.

In response to 7.2 there were a few responses that argued Case H v. the UK was poorly referenced and incompletely quoted. They argued that this case should not be used to condone the kind of monitoring envisaged. No family has to accept routine welfare checks and no family should have to routinely accept checks of their educational arrangements. In reference to this case, one home educator commented:

'It is not a straightforward case of an authority wanting access to children to check the progress of home education, but a long and drawn out case in England in which the family (all dyslexic) was found guilty of not providing a suitable education because little was being done to teach the children to read, write and use numbers. The parents were only required to give access to the children in those areas in which they had been found guilty of failing.'

In response to 7.3, a number of home educators asked what would happen if a child expressed the desire not to be monitored. What happens if children do not perform for the local authority officer?

A number of local authority responses welcomed the notion of safeguards to ensure that home-educated children receive an appropriate education despite the absence of an explicit statutory duty to monitor home education provision. A number of their responses acknowledged that any such arrangements for determining satisfaction would work best in the context of supportive partnership. A few were concerned about the lack of criteria for assessing the suitability of home education provision.

ACCESS TO THE CHILD AND HOME

There were many home educators who argued that access to the child was unreasonable and unnecessary in ensuring that a suitable education is being provided, and beyond the requirement of the law. Others emphasised the fact that home education occurs everywhere:

'Learning is when our children are there and ready. Learning for the love of knowing: not because it's expected. Subjects and time chosen by them. What education could be more suited to their ability and aptitude? What education could be more efficient? Rather than home education we could call it education everywhere... Children should be at the centre of this debate, not Guidance, not Parents, not education authorities, not criteria, not vested interests.' [Home Educating Individual]

Home educators wanted any visit to the home to have parental agreement and to involve an officer who is not biased against home education. One response suggested that an independent party should be involved. Some have a philosophical objection to assessment. A few responses found the terms of 'exceptional circumstances' and 'serious concerns' in 7.6 ambiguous. One response suggested that 'serious concerns' would probably be welfare matters and not educational ones.

Most responses from local authorities emphasised that although access to the home and child is not an automatic right, it is essential in adequately monitoring the educational provision. A large number of responses emphasised that the learning environment has a significant part to play, and that the assessment of accommodation and resources would be difficult if meetings occurred outwith the home. One authority enquired whether the refusal of access would constitute grounds for the refusal of consent.

FREQUENCY OF MONITORING

Home educating responses included the argument that monitoring should only be by agreement with the parents. It should be supportive. One response suggested that the guidance put an upper limit on the frequency of visits. There was also concern that individuals who have rejected the examination system would be pressured to accept conventional standards.

Local authorities generally maintained that annual monitoring was appropriate. One local authority commented:

'The frequency of monitoring home education provision should be a matter for discussion with the family and should vary depending on the individual case. In most instances an annual follow-up meeting will be sufficient and the proposal to hold an initial meeting after 6 months need not be so prescriptive.'

PROCEDURES FOR MONITORING

Home educators argued that all monitoring arrangements should be agreed in advance. In response to 7.13, a number of home educators stressed that the report should be made available to the parents in its entirety. One response was prompted by this section to request an appeals procedure to accommodate any disagreement with the content of such reports.

A number of local authorities suggested that reports should be sent to the parents and also to the child. One authority suggested that the guidance should mention the use of records of work as an alternative source of evidence. A few responses requested greater clarity concerning procedures for the evaluation of Special Educational Needs.

CRITERIA FOR ASSESSMENT OF PROVISION

In response to 7.14, home educators generally took the view that there was unwarranted scope here for authorities to impose their will and priorities. The point was re-iterated that the authorities only have a duty to intervene if they are not satisfied that parents are providing an efficient education. One home education organisation emphasised that:

'One of the most significant characteristics of home education is its flexibility that enables parents to be responsive to the changing needs and interests of the child. There is a real danger that the guidance justifies authorities in making demands for parents to produce plans in detail and to conform to them.'

Many responses indicated that the content of 7.15 was inappropriate and irrelevant as it places home education within the philosophy of school standards and mainstream curricular education. A few responses took specific objection to the use of the terms 'observable', 'systematic', 'core skills', and 'progression in learning' in 7.16 and 7.17 arguing that it is unclear what is meant by these terms and that there are contradictions to resolve with the earlier provisions of 4.6 and 4.7. There were a few responses that levelled the challenge that the criteria here were not being met or ensured by the educational provision of schools.

In connection with issues of evidence, home educators questioned the legal basis for demanding the submission of educational plans. A few responses argued for flexibility and against being tied by previously agreed proposals. In response to 7.19, a small number of responses drew attention to the apparent paradox of the phrases 'absence of testing structure' and 'systematic assessment of a child's learning.' It was emphasised that formal assessment and the keeping of records are not necessarily appropriate at home. Another response noted that, 'the way in which a parent responds to an invitation for information about their provision is entirely at the discretion of the parent.'

The responses from local authorities were more diverse. A few questioned the disparity between this language of formal monitoring and the previous encouragement in Section 4 for local authorities to accept and make space for a diversity of home educating approaches. A substantial number of others asserted the need for some form of systematic assessment. While some expressed their belief that the criteria were helpful, reasonable, and grounded in 'sound educational principles', others requested a clearer definition of minimum monitoring requirements and procedures for the evaluation of progression. One authority suggested that the development of such criteria should be the joint project of home educators and local authorities.

Other concerns in this area included the argument that many of these provisions placed unrealistic expectations upon home-educated parents, and that these criteria would be very demanding in terms of time and resources. One response argued that the last bullet point of 7.17 was unnecessarily negative.

DISSATISFACTION WITH PROVISION

The responses from home educators that specifically picked up on this section expressed concern that they might be left facing unreasonable demands and unattainable goals. They also argued for an appeals procedure.

Local authorities suggested that the length of time afforded to home educators to remedy their proposals should be specified. Again they sought clarity concerning the terms 'efficient' and 'appropriate'. A few authorities proposed that in these circumstances an agreement should be sought to return the child to school instead of requiring the authority to make an attendance order. One response suggested that there should be a requirement for the family and the authority to engage in mediation before any legislative action is taken.

REVIEW OF AUTHORITIES' MONITORING PROCEDURES

In response to this section, one authority suggested that each local authority should establish a monitoring group that will take account of views of the parents, children, and young people.

CHAPTER THREE

CONCLUSION

The Executive recognised the level of concern over the draft guidance and wrote to local authorities and representatives of home educators in the summer, indicating that there would be further discussions with all parties to agree a way forward. Officials met with representatives of home education organisations in Edinburgh (15 January) and Inverness (17 January) to discuss some of the more contentious issues. On 20 February officials met with representatives from the Scottish education authorities for the same purpose.

These meetings presented an opportunity for positive and constructive discussion. In conjunction with the consultation responses, these discussions have provided a framework for the revision of the guidance.

ANNEX 1

ORIGINAL DISTRIBUTION LIST

Education Authorities

Directors of Education in Scotland
Education Authority Chief Executives

Home Educating Organisations

Education Otherwise
Home Education Advisory Service
Schoolhouse Home Education Organisation
The European Academy for Christian Homeschooling

Other Interested Organisations

Aberlour Childcare Trust
Association of Directors of Education in Scotland
Barnardos Scotland
CARE for Education
Central Scotland Child Protection Consortium
Children First
Children in Scotland
Church of Scotland, Committee on Education
Convention of Scottish Local Authorities
General Register Office for Scotland
Learning & Teaching Scotland
NCH Action for Children Scotland
Professional Association of Teachers Scotland
Save the Children
Scottish Consumer Council
Scottish Council of Independent Schools
Scottish Out of School Care Network
Scottish Parent Teacher Council
Scottish Qualifications Authority
Scottish School Board Association
Scottish Traveller Education Programme
TEACH
The Scottish Child Law Centre
The Scottish Children's Reporter Administration

Copies were also sent to various individuals who expressed an interest.

ANNEX 2

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

THE ORIGINAL DRAFT THAT WAS DISTRIBUTED FOR CONSULTATION IS INCLUDED BELOW FOR EASE OF REFERENCE. THE DRAFT HAS SINCE BEEN SIGNIFICANTLY AMENDED TO REFLECT THE RESPONSES.

**THIS VERSION SHOULD NOT BE
USED TO INFORM PRACTICE**

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CIRCULAR NO 10

**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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 - Considering parents' proposals for home education
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 - Review of authorities' procedures for considering applications
- Section 5 Home educated children who move into the area or who have never attended a public school**
- Children who have never attended school
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- Section 6 Practical support for home educators**
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 - Frequency of monitoring
 - Procedures for monitoring
 - Criteria for assessment of provision
 - Dissatisfaction with provision
 - Review of authorities' monitoring procedures

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Appendix 1 Qualifications options

Appendix 2 Contacts

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Section 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, authorities have duties to ensure that the arrangements are suitable.

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.

1.3 Parents of children who have attended an education authority school are required to seek the consent of the authority before withdrawing them to educate at home. There is no such consent seeking requirement for children who have attended an independent school or who have never attended school.

1.4 Education authorities have a duty to ensure that there is an adequate and efficient provision of school education in their areas. They also have a duty to enforce school attendance if they have reason to believe that parents are not providing a suitable education for their child ; this applies equally to children who have been withdrawn from local authority schools and to children who have never attended school.

1.5 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 authorities are based on best practice and advice.

1.6 This guidance is intended to promote a consistency of approach across the country by 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. It has been drawn up in consultation with interested parties to promote an effective partnership based on a shared understanding of what is expected from each of the parties involved.

1.7 It is important that education authorities and home educating parents work together to develop mutual respect and a positive relationship which functions in the best interests of the child.

Section 2 Legislative Position

Parents' right to educate their children at home

2.1 Section 30 of the Education (Scotland) Act 1980 sets out that parents have a duty to provide efficient education for their school age children which is suited to their age, ability and aptitude. They may do this by ensuring that their child attends a public school regularly, or by other means. "Other means" would include the provision of education at home.

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Consent to withdraw children from school

2.2 Section 35 of the Education (Scotland) Act 1980 makes provision for the withdrawal of children from school. It provides that parents of children who have started to attend a public school must seek the education authority's consent before withdrawing their child from school. The Section sets out that the education authority must not unreasonably withhold consent.

2.3 Section 35 also provides that 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.

Monitoring education provision

2.4 Section 37 of the Education (Scotland) Act 1980 makes provision for education authorities to intervene if they have 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.

2.5 In either case, if the authority 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 authority and provide information on the education that is being provided. If the parent fails to satisfy the authority that an efficient education is being provided, the authority has a duty to make an attendance order requiring the parent to cause their child to attend school.

2.6 Although Section 37 does not explicitly place a legal duty on education authorities to monitor home education provision, education authorities must nonetheless satisfy themselves that suitable education is being provided.

Section 3 Information for parents

3.1 Education authorities should provide written information for parents on home education. This information should accurately set out the legal position and explain the authority's procedures for considering applications to withdraw children from school and the subsequent monitoring arrangements that will be made. It should also be consistent with the guidance given in this circular.

3.2 It is helpful to provide parents considering home education with a named contact within the authority who is familiar with home education policy and practice, together with contact details for home education support organisations.

3.3 Authorities should review the information they provide for parents on a regular basis to ensure that it meets parents' needs. Home education organisations might usefully be involved in this process.

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Section 4 Applications for consent to withdraw children from school

Procedures for considering applications

4.1 Procedures for considering applications to withdraw children from school will vary between authorities and will depend to some extent on local circumstances. The following sequence is provided as a guide:

- Parents should provide the authority with a summary of the approach they are planning to take in providing education for their child at home. Parents may use a pro forma supplied by the authority for this purpose, 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.
- Arrangements should be made for an education authority officer with a knowledge of home education policy and practice to meet with the family to discuss their proposals. With the agreement of the parents, an educational psychologist might be involved in assessing the proposed provision for a child with special educational needs. This meeting should take place at a mutually acceptable location and should involve the child.
- A report should then be prepared by the education authority officer, and should be copied to the applicant family in accordance with best practice and in fairness to the family. Withholding a report, or more usually a part of it, should only be considered in exceptional cases where the subject matter of the report or passage would be likely to cause serious harm to the physical or mental health or condition of the applicants or a named third party. This is the approach taken in data protection legislation.
- If consent to withdraw is given, the authority should establish a commencement date and inform the child's school. An education authority officer should also arrange to meet with the family to discuss and agree an ongoing programme for assessing their education provision.
- If consent to withdraw is withheld, the reasons for the authority's decision 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. We would, however, expect all decisions on home education to be reviewed internally on request. All decisions made by authorities are of course subject to external review by the Courts through the judicial review process.

4.2 It is important that the education authority works closely with the family to ensure that the outcome of their decision is in the best interests of the child.

Timescale within which applications should be considered

4.3 The time taken to consider applications will vary depending on the individual circumstances of each case, but in normal circumstances, we would expect applications to withdraw a child from school to be considered and finalised within 8 weeks of receipt of the

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family's proposals. Families have a right to a response as soon as is reasonably practical, and any unnecessary delay in delivering a decision could be deemed maladministration should the aggrieved family raise the matter with the Commissioner for Local Administration in Scotland.

4.4 In general, children should continue to attend school pending a decision on their application, but we would expect authorities to be sensitive to individual cases and consider whether interim school attendance is in the best interests of the child. 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.

Parents' reasons for applying

4.5 The reasons why parents may choose to educate their children at home are many and varied. They might include:

- distance or access to a local school;
- religious beliefs;
- philosophical or ideological views;
- dissatisfaction with the system; or
- a child's unwillingness or inability to go to school.

Considering parents' proposals for home education

4.6 Home educating families are not required to follow a school-based curriculum and home education proposals will reflect the diversity of approaches and interests of home educators. Some parents may wish to provide education in a formal manner, using a fixed timetable that keeps to school hours and terms, and is based on traditional school subjects. This may be the preferred approach when a child is first withdrawn from school or if it is likely that the child will return to school at some point in the future. Others parents may wish to adopt an alternative curriculum or opt to make more informal provision which is more responsive to the developing interests of their children.

4.7 There is no single form of appropriate education; children learn in different ways, and at different times and speeds, and some methods of teaching will be more appropriate for some children than for others. Teaching on a subject by subject basis may, for example, be most appropriate where qualification courses are followed, whereas a topic approach, integrating the knowledge and skills of a number of subjects may be more appropriate for younger children.

4.8 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.

4.9 In general, parents' proposals should cater for their child's intellectual, social, emotional, spiritual, imaginative and physical development, and should provide:

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- a **broad** education which introduces the child to the skills and knowledge of a range of subjects;
- a **balanced** education, ensuring that no one subject area is covered to the exclusion of all others;
- a learning programme that is **suited to the individual needs of the child**, taking account of their age, aptitude, ability and any special needs that they may have; and
- teaching that is **relevant** and relates the meaning of subjects to the child's own experience.

4.10 In considering an application to withdraw a child from school in order to home educate, an authority might reasonably ask the child's parents about:

- the child's education to date;
- their reasons for wishing to home educate;
- their short and long term objectives;
- their plans to offer a broad and balanced curriculum; and
- how the child's progress/difficulties will be recorded.

4.11 Although the approach that parents take will vary, it is reasonable to expect them to say how the curricular activities that they propose to provide for their child will expand the following core areas:

- Personal and interpersonal skills, including working with others
- Literacy, language and communication skills
- Numeracy skills
- Problem-solving skills
- Learning and thinking skills

4.12 Within this framework, it is reasonable to ask parents to show that they have an understanding of the importance of drug and health education. An authority might also reasonably ask parents to indicate how they propose to develop their child's information and communications technology skills, for example through the use of home or community facilities such as libraries. In discussing these areas, we would, however, expect authorities to be sensitive to any religious or philosophical convictions or beliefs that parents may have.

4.13 Parents should also be expected to show that they have an understanding of their child's prior learning experiences, and, in the case of older children, their future career aspirations.

4.14 Although the authority should not specify a curriculum which parents must follow, many parents do request and welcome general advice and suggestions about resources, methods and materials.

4.15 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 child's school might be involved in planning temporary home education provision to ensure optimum coherence and continuity in education, and a smooth transition when the child returns to school.

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4.16 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. Wherever possible, authorities should ensure that all of those with parental rights and responsibilities for the child have given their written agreement to the proposed provision.

4.17 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. Whilst parents are not able to carry out Criminal Record Checks on those they engage, authorities should offer advice on the checks they are able to carry out to assess the suitability of the individual in this respect. Parents may, for example,

- interview the individual; a
- ask if he or she has any criminal convictions;
- take up references, preferably from an independent source (that is from someone who is not a friend of the individual); and
- query with the individual any gaps in his or her employment history.

4.18 When Part V of the Police Act 1997 comes fully into force, parents will also be able to ask those they intend to engage to educate their children, to apply for a Criminal Conviction Certificate.

Children's views

4.19 The UK Government supports the principle in the UN Convention on the Rights of the Child 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. We would also expect authorities to take account of this principle in making decisions regarding the education of children at home.

4.20 Where parents apply to withdraw their child from school in order to educate them at home, they and the education authority must ensure that they listen to the views of the child and take their opinions into account.

Recognised qualifications

4.21 Although there is no requirement for children who are educated at home to take a particular set of qualifications, the education that is provided should aim to ensure that they gain a level of accreditation which is appropriate for their age and ability.

4.22 Internal assessment is a feature of many recognised qualification courses, and in some, the nature and/or extent of that assessment means that certification for external candidates is restricted. This is usually because written performance alone is insufficient to assess students' attainments.

4.23 Such restrictions currently preclude external candidates from some Standard Grade and National Qualification subjects, and allow only partial certification in others. These are not, however, the only qualifications which external candidates can take, and we would

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expect authorities to offer families information about alternative qualifications and the arrangements that they would need to make to take them. Some of the options available are set out in Annex 1.

4.24 Authorities are not required to meet any costs associated with external candidates taking examinations or other qualifications. They may, however, choose to do so.

Children with Special Educational Needs

4.25 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.

4.26 By definition, under Section 60(2) of the Education (Scotland) Act 1980, a child with a Record of Needs has pronounced, specific or complex special educational needs which require continuing review. A Record of Needs will usually nominate the school which the child concerned should attend – the basis of the nomination being the school has the expertise and resources to meet the child's needs. In these circumstances, it may be that the child's needs cannot be catered for appropriately unless the child attends the nominated school; the child's parents may not be able to provide an appropriate education themselves or afford to provide a private education.

4.27 It is therefore reasonable to ask parents to indicate how they propose to cater for their child's special educational needs at home.

4.28 Education authorities have no statutory obligation to provide financial or other support for children with special needs who are educated at home, except where measures are specified in a Record of Needs with the stipulation that they must be effected in the home. Authorities are, however, expected to take a reasonable approach, and may choose to provide any level of support they deem appropriate.

4.29 Under Section 65A of the Education (Scotland) Act 1980, 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. Where the Record remains in force, the child's parents continue to have responsibility for the education provided, and the authority continues to have a legal duty to ensure that the child's needs are met.

Reasonable reasons for refusing an application for withdrawal

4.30 Under Section 37 of the Education (Scotland) Act 1980, an authority 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 planned education provision;
- the child is on the at risk register; or where
- the child is the subject of a supervision order.

Review of authorities' procedures for considering applications

4.31 Authorities' procedures for considering applications should be reviewed on a regular basis to assess whether they are working effectively. This review should be carried out in

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consultation with parents as procedures based on parents' views and concerns will help promote effective partnership.

Section 5 Home educated children who move into the area or who have never attended a public school

5.1 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 is being withdrawn from an independent school; or
- the family has moved into the authority's area and consent has already been given by the transferring authority.

5.2 Authorities have a duty to satisfy themselves that all children within their area are receiving a suitable education. Authorities may experience difficulties in fulfilling this duty if children are not known to them because they have never attended a public school or have moved into the area from another authority area.

5.3 The mechanisms used by authorities to track children who have never attended school will vary, but we would expect authorities to take reasonable steps to identify children using sources such as:

- birth registers;
- health visitor records;
- nursery enrolments; and
- household surveys and census information.

5.4 Under Regulation 5 of the Education (Record of Needs)(Scotland) Act 1982, where a child with a Record of Needs moves from one authority to another, the transferring authority have a duty to notify the incoming authority. This applies both to children who are receiving education at school or at home. As a matter of good practice, we would expect authorities to share information in this way in the case of all home educated children who are known to be moving between areas.

5.5 Where a child attending an independent school is withdrawn by their parents to be educated at home, it is helpful if the school notifies the education authority to allow the authority to establish contact with the family.

Section 6 Practical support for home educators

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

6.2 Some of the ways in which authorities might support home educating families without incurring unreasonable expense include:

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- providing general advice;
- allowing access to learning centre resources; and
- allowing flexible access to school resources.

6.3 Some home educating parents may request a more flexible use of schools, and some schools may be happy to accommodate them.

Section 7 Monitoring home education provision

Monitoring agreements

7.1 Education authorities have a statutory duty to satisfy themselves that all children in their area are receiving a suitable education. The law does not, however, define how authorities can satisfy themselves that a suitable education is being provided. Although there is no explicit statutory duty on education authorities to monitor home education provision, authorities must nonetheless take reasonable steps to satisfy themselves that suitable education is being provided.

7.2 It is considered to be consistent with the European Convention of Human Rights for home educating parents to co-operate in the assessment of their children's educational provision. The European Commission of Human Rights adopted this view in the case of *Family H v The UK* (1984) where they concluded that:

“ to require the applicant parents to co-operate in the assessment of their children's educational standards by an education authority in order to ensure a certain level of literacy and numeracy, whilst, nevertheless, allowing them to educate their children at home, cannot be said to constitute a lack of respect for the applicant's rights under Article 2 of Protocol No. 1.”

7.3 At the time of granting consent for the child to be withdrawn from school, the authority should explain their normal monitoring arrangements and discuss and agree the arrangements that will be put in place to monitor the education provision with the child's parents. The UN Convention on the Rights of the Child provides 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 (see paragraph 4.18). We would expect authorities to take account of this principle in making decisions regarding the arrangements that are put in place to monitor home education.

Access to the child and home

7.4 Our view is that it is reasonable for authorities to be given access to a home educated child in order to adequately assess the child's progress and to satisfy themselves that the child is receiving a suitable education.

7.5 It is our view that authorities do not, however, have an automatic right of access to the family's home. Some parents may not feel comfortable in allowing an education officer to meet their child in the family home. We would expect authorities to respect these views and arrange a meeting in a mutually acceptable location such as a library or community centre.

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7.6 Although it is recognised that the learning environment has a key bearing on the effectiveness of learning, authorities should, in the majority of cases, be able to assess the suitability of the education being provided without gaining access to the child's home. In exceptional circumstances, where an authority 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.

Frequency of monitoring

7.7 The frequency with which authorities will monitor home education provision will vary and will depend to some extent on the individual circumstances of home educating families. It is recommended that the authority discusses the frequency of monitoring with the family in reaching an agreement on monitoring arrangements.

7.8 In the case of Recorded children or young persons, authorities should review progress annually. The authority may opt to carry out more frequent reviews if they consider that it would be in the best interests of the child or young person concerned.

7.9 An initial meeting with the family is recommended within six months of the start of home education provision to discuss progress and offer support and advice. Follow up meetings to monitor provision and ensure that it develops to meet the changing needs of the child should be arranged with the family's agreement at least once a year. The authority may consider that more frequent monitoring is required in cases where it has concerns about the suitability of the education being provided.

7.10 Where a pupil is in their final year of statutory education, it may be helpful to arrange a meeting prior to the official finishing date to discuss the young person's future plans and offer appropriate support and guidance. For young people with a Record of Needs, the authority must consider and make a report on what provision would benefit that young person after they cease to be of school age. This Future Needs Assessment should take place after the age of 14 and at least 9 months before the child reaches the school leaving age of 16.

Procedures for monitoring

7.11 Wherever possible, arrangements for monitoring home education provision should be agreed in advance with the home educating family. In particular, visits to the family's home should only be made with prior agreement.

7.12 If, during the course of monitoring, it is considered that a child may have special educational needs which require to be assessed, this should be discussed with the child's parents and then with an educational psychologist and other professionals as appropriate.

7.13 Following any meeting with a family, a report should be prepared by the authority setting out its assessment of the education being provided and any specific recommendations that have been made. It would be consistent with Data Protection legislation for parents to be given a copy of this report, or to be given feedback on it.

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Criteria for assessment of provision

7.14 Education authorities must satisfy themselves that parents are providing an efficient education which is suited to the age, ability and aptitude of their child. The purpose of monitoring is to ensure that the home educating family's proposals are being put into action, that the child is making reasonable progress, and that the family's arrangements continue to meet the educational and developmental needs of their child. The educational progress of the child should be considered against the family's agreed home education proposals.

7.15 The effectiveness of home education provision should be considered in accordance with current prevailing standards and in the context of, but not dictated by, the philosophy behind the National Priorities which have been established for school education.

7.16 In general, effective home education provision should:

- be observable and systematic;
- ensure progression in learning;
- ensure the development of core skills;
- be attentive to the child's personal and social development;
- ensure a broad and balanced range of learning experiences;
- provide opportunities for co-operative and independent learning;
- be responsive to the interests of the child;
- make connections with the child's own experiences;
- include opportunities for active learning;
- provide the child with regular feedback about their progress and opportunities for self-assessment; and
- include opportunities to establish peer group friendships.

7.17 When assessing home education provision, authorities might reasonably look for evidence which shows that:

- the child understands what they are learning;
- the learning process provides the child with sufficient opportunities to learn independently and develop core skills;
- there are identifiable programmes of work which provide the child with a progressive learning experience;
- there is evidence of planning which makes clear the purposes of activities undertaken; and
- the learning process would not leave the child significantly disadvantaged should they transfer back into the state education system or into further or higher education.

7.18 In considering this evidence, authorities might take account of:

- the match between what is being taught and the proposals previously agreed;
- the particular needs of the child and the coherence of the overall learning experience;
- whether the child is making reasonable progress in acquiring core skills; and
- the continuing suitability of the curriculum in the light of the child's development.

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7.19 The approach home educating families take to assessing their child's progress may be strongly dictated by their philosophy, and in some cases, the absence of testing structures may be a feature of their education provision. It is, however, important that there is some form of systematic assessment of the child's learning in order to monitor their progress and relate this to the continuing educational programme.

Dissatisfaction with provision

7.20 Where the authority is not satisfied that efficient education is being provided for a child, they should discuss their concerns with the child's parents. Wherever possible, the authority should give the family a period of time to address the areas of concern. If after this time, provision is still considered to be unsatisfactory, the authority has a duty to make an attendance order requiring the parent to cause their child to attend school.

Review of authorities' monitoring procedures

7.21 Authorities' procedures for monitoring home education provision should be reviewed on a regular basis to assess whether they are working effectively. This review should be carried out in consultation with parents as procedures based on parents' views and concerns will help promote partnership.

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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.

STUDY OPTIONS FOR STANDARD QUALIFICATIONS

Enrolment at a Further Education College

Some colleges may, at the discretion of the Principal, be willing to accept students aged between 13 and 16 years 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 who is under 16 years of age 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.

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 meet 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 sit the examinations; and
- pay a registration fee for each subject their child will take.

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:

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- 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: Westminster Central Hall, Storey's Gate, London SW1 9NH
Tel: 020 7233 3466 Fax: 020 7233 3469.
Website: www.odlqc.org.uk/odlqc
E-mail: odlqc@dial.pipex.com

- 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 6, Pixmore House, Pixmore Avenue, Letchworth, Hertfordshire,
SG6 1JG
Tel: 01462 485 588 Fax: 01462 485 633
Website: www.baol.co.uk
Email: baol@midnet.com

ALTERNATIVE QUALIFICATIONS

The internal assessment component of many standard 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.

International General Certificate of Secondary Education (IGCSE)

The IGCSE is a 2 year curriculum programme leading to a certificate which is internationally recognised as equivalent in standard to the British GCSE and the International GCE O Level examinations. Coursework assessment is not available to external candidates, but is only compulsory in Agriculture, Child Development, Computer Studies, Design and Technology, Food Science and Music. All other syllabuses offer an alternative to coursework in the form of a further written examination paper.

The IGCSE is administered by Cambridge International Examinations which is part of the University of Cambridge Local Examinations Syndicate.

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Contact: Customer Services, Cambridge International Examinations, 1 Hills Road,
Cambridge, CB1 2EU
Tel: 01223 553 554 Fax: 01223 553 558
Website: www.ice.org.uk
Email: international@ucles.org.uk

Advanced International Certificate of Education (AICE)

Like GCE A-Levels, the AICE has been designed as a pre-university course of study, progressing from IGCSE. AICE and IGCSE together constitute a fully integrated curriculum for students in their last three or four years of secondary education.

Contact: Customer Services, Cambridge International Examinations, 1 Hills Road,
Cambridge, CB1 2EU
Tel: 01223 553 554 Fax: 01223 553 558
Website: www.ice.org.uk
Email: international@ucles.org.uk

National Christian Schools Certificate (NCSC)

The NCSC gives students a diploma equivalent to 5 GCSEs after sufficient study at the correct level, and offers the opportunity to progress to a diploma equivalent to 3 A-Levels in addition to 8 GCSEs. There are tests at home rather than formal examinations, but the course is highly structured which may not appeal to everyone.

Contact: The European Academy for Christian Homeschooling
Marantha House, Unit 1, Northford Close, Shrivenham, Swindon,
Wiltshire, SN6 8HL
Tel/Fax: 01793 783783
Website: www.christian-education.org
Email: CEEurope@cs.com

REGIONAL EXAMINING BOARDS

The Scottish Qualifications Authority (SQA)

Contact: 24 Douglas Street, Glasgow, G2 7NQ
Telephone Helpdesk: 0141-242 2214
Website: <http://www.sqa.org.uk/>
Email: helpdesk@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: Postmaster@aqa.org.uk

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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: 1 Regent Street, Cambridge, CB2 1GG
Website: <http://www.meg.org.uk>

OCR Information Bureau, General Qualifications:
Tel: 01223 553998
Fax: 01223 552627
Email: helpdesk@ocr.org.uk

OCR Information Bureau, Vocational Qualifications:
Tel: 024 7647 0033
Fax: 024 7642 1944
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: Tel: 0870 240 9800 Fax: 020 7758 6960
Website: <http://www.edexcel.org.uk/>
Email: enquiries@edexcel.org.uk

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APPENDIX 2

CONTACTS

Schoolhouse Home Education Association

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

Contact: 311 Perth Road, Dundee DD4 8EE
Tel: 01382 646 964
Website: www.schoolhouse.org.uk/
Email: info@schoolhouse.org.uk

Education Otherwise

Contact: PO Box 7420, London N9 9SG
Tel: 01283 532 547
Website: www.education-otherwise.org/
Email: enquiries@education-otherwise.org

Home Education Advisory Service

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

Contact: PO Box 98, Welwyn Garden City, Hertfordshire AL8 6AN
Tel: 01707 371854
Website: www.heas.org.uk/
Email: admin@heas.org.uk

Learning & Teaching Scotland

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