

A Review of the Scottish Executive Document: *Guidance on the Circumstances in Which Parents May Choose to Educate their Children at Home*

SCC response to the Scottish Executive consultation

February 2007

About the Scottish Consumer Council

The Scottish Consumer Council (SCC) was set up by government in 1975. Our purpose is to promote the interests of consumers in Scotland, with particular regard to those people who experience disadvantage in society. While producers of goods and services are usually well-organised and articulate when protecting their own interests, *individual consumers very often are not. The people whose interests we represent are consumers of all kinds: they may be patients, tenants, parents, solicitors' clients, public transport users, or simply shoppers in a supermarket.*

Consumers benefit from efficient and effective services in the public and private sectors. Service-providers benefit from discriminating consumers. A balanced partnership between the two is essential and the SCC seeks to develop this partnership by:

- carrying out research into consumer issues and concerns;
- informing key policy and decision-makers about consumer concerns and issues;
- influencing key policy and decision-making processes;
- Informing and raising awareness among consumers.

The SCC is part of the National Consumer Council (NCC) and is sponsored by the Department of Trade and Industry. The SCC's Chairman and Council members are appointed by the Secretary of State for Trade and Industry in consultation with the Secretary of State for Scotland. Future appointments will be in consultation with the First Minister. Martyn Evans, the SCC's Director, leads the staff team.

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The SCC assesses the consumer perspective in any situation by analysing the position of consumers against a set of consumer principles.

These are:

ACCESS

Can consumers actually get the goods or services they need or want?

CHOICE

Can consumers affect the way the goods and services are provided through their own choice?

INFORMATION

Do consumers have the information they need, presented in the way they want, to make informed choices?

REDRESS

If something goes wrong, can it be put right?

SAFETY

Are standards as high as they can reasonably be?

FAIRNESS

Are consumers subject to arbitrary discrimination for reasons unconnected with their characteristics as consumers?

REPRESENTATION

If consumers cannot affect what is provided through their own choices, are there other effective means for their views to be represented?

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Introduction

The Scottish Consumer Council (SCC) aims to make all consumers matter. Our main objectives are to make markets and public services better focused on delivering for all consumers, and to enable consumers to be effective and demanding in their selection and use of goods and services. SCC welcomes the opportunity to comment on the consultation on the *Guidance on the Circumstances in which Parents May Choose to Educate their Children at Home*.

Our first report on home education (*Home Works; Local authorities' approaches to working with home educating parents in Scotland*) was published in 2000. This research was updated and expanded upon in 2007 with the publication of *Home-based education: Towards Positive Partnerships*. This more recent research report includes an analysis of local authorities' policies and procedures, case studies of home educating families' experiences and reports on a seminar on home education held on 15th January 2007. We hope that the research findings will be taken into account during the Scottish Executive review of the current guidance. The full report of this research is enclosed for further information.

The key recommendation of *Home-based education: Towards Positive Partnerships* (SCC, 2007) is that the Scottish Executive should revise the Education (Scotland) Act 1980 to allow parents to remove a child from school and home educate upon written notification to the local authority. We would like to reiterate that recommendation here. **We do not believe that the current legislative position, where children have to continue to attend school until the local authority makes a decision, is in the best interests of the child.** Written notification would allow local authorities to ensure that they were aware of all children in this situation. In cases where the authority has child protection concerns or concerns over the suitability of the education provided, the local authority would retain powers to intervene. This legislative change would tend to define the duties on local authorities as 'negative' acting only when they have evidence of concerns, than a 'positive' power to intervene and investigate without evidence of concern.

The current draft of the Scottish Executive guidance focuses on the need for local authorities to develop positive partnerships with home educating families. We strongly suggest that this approach is retained within revised guidance. **We would also like to suggest that, the Scottish Executive demonstrate their commitment to positive partnerships by convening a working group to develop the guidance.** This working group should involve representatives of home educators and their families, local authority officers and other interested organisations. This mechanism would help to develop guidance that reflects the needs of all parties.

Q1. Is there anything else you would wish to see in the introduction to the guidance?

No, the introduction clearly states that home education is a key aspect of parental choice and sets the guidance within the context of building positive relationships between local authorities and home educating families.

Q2. Do you consider that the legal position is presented clearly enough in the guidance?

AND

Q3. Would the section on the legislative position benefit from: additional descriptive text; or no descriptive text at all, to let the legislation ‘speak for itself’?

Our research (SCC, 2007) found that local authorities were more confused by the legal situation in 2006 than they were in 2000 prior to the publishing of the Scottish Executive Guidance. One of the reasons for this is the confusing nature of the second section of the guidance on the legislative position. We agree in principle with the suggestion in Q3 of adding further descriptive text as the legislation itself is complex.

We suggest the following revisions:

- The section should begin with the primary legislation in this field – Section 30 of the Education (Scotland) Act 1980. At present this is buried and its significance may not be immediately apparent to the reader. A discussion of the significance of this section would also be beneficial.
- Given that the rights of both parents and children under international law (the UN Convention on the Rights of the Child and the European Convention on Human Rights) are enshrined in Scottish legislation, we feel that including them here clutters and confuses the section and would prefer to see them placed within an appendix.
- Sections 1 and 2 of the Standards in Scotland’s Schools Etc Act 2000 require further discussion. They are only relevant to situations where children are being withdrawn from school. The section may suggest to local authorities that home education is against children’s rights (which it is not) or that local authorities have a duty to listen to the views of children who are being home educated, where this legal duty actually falls on parents.
- The duties of parents to listen to the views of children under the Children (Scotland) Act 1995 should be referred to in this section.
- The section should highlight that local authorities have no duty to monitor the education provided under Section 30 of the 1980 Act and stress that local authorities have only two limited duties in relation to the provision of home education:
 - Where a child has attended a public school on one or more occasions, local authority consent is required to remove the child and begin home education. This consent may not be withheld unreasonably;
 - Where the local authority is not satisfied that a home educating parent is providing education suitable to the child’s age, ability and aptitude, they may ask for information about the education provided. If, following receipt of this information, the authority feels the education is not suitable they can serve an attendance order,

requiring the child to attend a particular school (taken from Janys M. Scott (2003) *Education Law in Scotland: Pupils, Parents and Schools* Edinburgh: Sweet and Maxwell).

Q4. Is the section on who needs consent set out clearly enough, and if not, do you have any suggestions for improvement of this section?

No changes required.

Q5. Is it necessary to state possible reasons for choosing to home educate, given that this has no bearing on whether consent is given?

AND

Q6. If you feel it is helpful to state possible reasons, do you believe that this list at section 3.5 should be updated or does it adequately cover the main reasons for wishing to home educate.

We would prefer to see this section removed as it has no bearing on the decision.

Q7. Would you find it helpful if the guidance specifically referred to the particular issues surrounding Gypsy/Traveller families and home education?

SCC has no information on this area and therefore we are unable to comment.

Q8. How is the process of requesting to withdraw a child from school currently working without a specified suggested timescale within which the authority should respond?

Our research identified that only five authorities currently publish a timescale for responding to a request to remove children from school. Of those that do publish a timescale, these range from 4 to 8 weeks.

Given that the most common reason given by parents for choosing to home educate is that their children are experiencing difficulties at school, a substantial waiting period is likely to exacerbate problems. Providing that parents submit information on the education they would provide and local authorities have no information that raises child protection concerns, we are not convinced that a long-time scale is required. We would prefer to see the Guidance revised to include a maximum timescale of 3 weeks to grant or refuse a request to remove a child from school.

We also suggest that the Guidance includes a section on the circumstances which would be considered to be a 'reasonable excuse' not to attend school while a local authority is considering granting consent to withdraw a child from school. For example, this could include cases of bullying or cases where a child has unmet additional support needs. This would remove the dilemma facing many parents who are removing their children from school due to concerns about their safety.

Q9. So you have any suggestions for improvement of the section on withdrawing the child?

SCC has a number of recommendations to improve this section:

- i. Section 3.7 includes information on what might cause consent to be withheld but again this is buried within a 'best practice' section. This should be separated out and subject to a longer discussion to avoid confusion.
- ii. Section 3.7 implies that local authorities should have a written procedure for dealing with requests to home education but does not explicitly state this. We believe that in the interests of transparency, all local authorities should be expected to hold written policies on home education and would welcome an additional section on this within the Guidance.
- iii. Section 3 should include a section on how local authorities should carry out their investigations. Our research found that 42% of authorities **required** meetings between parents and education authority officers while currently there is no suggestion in law or guidance that this must happen.
- iv. Section 3 of the guidance makes reference to the role of education authorities in listening to the views of children and young people. While the guidance refers only to providing the opportunity for this to happen, we found that 7 local authorities reported that they **required** meetings with the child and their parents and one reported that they would **require** meetings with the child on their own when making a decision about granting approval to withdraw from school. It appears to us that this may be *ultra vires* and we would welcome a discussion in section 3 of the guidance on the responsibility for listening to the views of children.
- v. The section on appeals should be placed within Section 3, not section 4. It should make reference to the right of parents to access the Scottish Public Services Ombudsman service if they have a complaint about a decision made by a local authority.

Q10. Do you find the section on developing relationships helpful?

Given the stated aim of the Guidance to develop positive relationships, this section is vitally important. In our research, we were disappointed to find cases where local authorities did not provide information to parents, despite the suggestion to do so in the Guidance.

Home-based education: Towards Positive Partnerships recommends that the Scottish Executive consider developing a national template for information for parents on home education to reduce the inefficiencies in duplication across Councils and allow for consistency of information across Scotland. This information should be developed in consultation with home educating families.

Q11. How is the current guidance regarding frequency and type of contact between home educators and education authorities working, and would you like to see it changed in any way?

Ongoing contact with families, as described in sections 4.12 – 4.15 was one of the most contentious aspects of our review of local authority policies and procedures. Our review suggests that many local authorities are interpreting the legislation as providing them with a legal duty to monitor the provision of home education, despite the clear statement in section 5.3 that authorities are under no requirement to do so. For example, some authorities clearly stated in their staff policies that they had no right to monitor the education provision, while others called annual visits a 'requirement'. Two authorities specifically reported that they would require meetings with the child without parents present to monitor education provision. The Guidance must be revised to state clearly whether or not local authorities are requesting or requiring this information from parents, and whether or not parents have a right to refuse the request for ongoing information. In particular, we would like to see the Guidance state that if parents do not provide this information, it is not in itself to be taken as a reason for concern about the suitability of education.

A further complexity identified by the SCC report is that the role in ongoing contact appears to differ depending on the circumstances through which a child comes to be home educated. The majority of those that have withdrawn from school appear to be contacted regularly, while those who have never attended are less likely to be contacted, even though they are known to the local authority. This finding suggests that some local authorities view ongoing contact with home educating families who have withdrawn their child from school as compulsory while contact with families whose children have never attended school is not necessary. We do not believe that this is a correct interpretation of the law. Local authorities may request contact with home educating families regardless of the child's previous attendance at school but they have no legal right to demand information. Again, the Scottish Executive Guidance must clearly state the legal position.

Q12. Do sections 4.18 and 4.19 provide adequate coverage, for the purpose of this guidance, on child protection issues, and if not, what further guidance would you like to see?

Throughout the research with local authorities, we found that ongoing contact with home educating families and child protection were intertwined in the minds of education officers. Similarly, some officers felt that home educated children were to be classed as 'children missing from education' (CME) despite Scottish Executive Guidance on CME clearly stating that they are not.

We would welcome a longer discussion in the guidance on the role of the education authority in relation to child protection and home educating families, with a view to strongly dissuade officers from taking a child protection approach to families who wish to home educate. This should be stated as a 'negative' duty to react when evidence suggests child protection concerns, rather than a 'positive' duty to investigate.

Q13. Do you have any suggestions, not already mentioned in the guidance, of how better relationships can be developed?

No.

Q14. Does section 5 set out clearly enough the roles and responsibilities for providing efficient and suitable education, and the monitoring of that education for: parents and education authorities? If not, how would you improve it?

Section 5 clearly states that there is no express requirement on local authorities to monitor education provision, however our research found examples of this happening. We also found a substantial amount of confusion over this aspect of the law – with 52% of authorities reporting that the guidance on contacting families is too ambiguous and 39% stating that the law is too ambiguous.

In order to remove the ambiguity in the guidance, we would prefer a section on 'contact with families when there is a concern about education'. This section should follow on from Section 3 on withdrawing a child from school. As with earlier sections, we would welcome a clear statement on the rights of local authorities to have access to the child or the home in these situations.

Q15. Do you consider the list of suggested characteristics of efficient and suitable education at section 5.5 helpful and relevant, and if not, would you wish to: amend it or omit it altogether?

A clearer definition of 'suitable and efficient' was one of the main responses made by local authorities when asked about what the current problems are with the role of local authorities in home education. The Scottish Executive should consider whether it wishes to make reference to English case law which has defined 'suitable' education. For example, in the judicial review case of *R v Secretary of State for Education, ex parte Talmud Torah Machzikei Hadass School Trust* (1985), Mr Justice Woolf held that:

Education is 'suitable' if it primarily equips a child for life within the community of which he is a member, rather than the way of life in the wider country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so¹.

Q16. Is the section on attendance orders helpful, and if not, how would you amend it?

As a legal mechanism, it is important that attendance orders are covered by the guidance. However, it may be helpful to add that they are very rarely used. For example, our research found that no attendance orders were served between 1 April 2005 and 31 March 2006.

¹ Quoted in Sean Gabb (2004) *Home Schooling: A British Perspective* University of Buckingham (<http://www.seangabb.co.uk/academic/homeschooling.pdf>)

Q17. Do you have any comments regarding the home education of children with additional support needs, which you feel should be reflected in any revised guidance?

We welcome the fact that despite having no legal duty to do so, 15 authorities (58%) reported that they would assess home-educated children for additional support needs. We would hope that the Guidance on home education for children with additional support needs would encourage local authorities to carry out this role if requested by parents. We would also welcome a discussion on 'flexi-schooling' for children with additional support needs, to allow them to split their education between home and school.

We also suggest that the Scottish Executive issue the revised section on home education of children with additional support needs for further consultation.

Q18. Do you find it useful to have a section on qualification options in the guidance, and would you like to see any changes or additions to this section?

No comment.

Q19. Are there any organisations, or types of organisation, not currently represented that you would like to see included in the contacts section?

No comment.

Q20. Are there any other issues not addressed elsewhere which you feel should be taken into account during the review of the guidance?

Our research found a tendency for education officers to use the terms 'home education' and 'education at home' interchangeably, despite important differences in the legal interpretation. We also found a lack of understanding of the term 'missing from education'. We therefore suggest that the Guidance includes a glossary of key terms.

The Scottish Executive may also wish to consider whether or not the document title correctly reflects its contents, as there are very few circumstances in which parents cannot choose to home educate their children.



Home-based Education: Towards Positive Partnerships

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- The families who submitted case studies for providing information on how parents experience the process of withdrawing their child from school and their ongoing relationship with the local authority.
- All of the local authorities who responded to the questionnaire and requests for information.
- All the delegates and speakers who attended the discussion session in January 2007, in particular for their enthusiasm and suggestions for changes to both legislation and the Scottish Executive guidance.
- Iain Nisbet, Govan Law Centre, for reviewing this report for legal accuracy.

The Scottish Consumer Council's Housing, Education and Local Government Committee oversaw the work for this report. The members of the committee at the time were: Ann Clark (Chair), Ashok Khindria, Drew Ratter, Jon Harris, Eddie Follan, Lewis Shand-Smith, Martyn Evans (ex officio), Heather Brash (ex officio) and Douglas Sinclair (ex officio).

Preface

The right to home-educate is a fundamental entitlement of every parent in Scotland. However, it is a right conditional on providing an 'efficient and suitable' education for their children. This situation places a home-educating family and their local Council in a unique relationship which relies on the development of a positive partnership between the two.

The findings of this research demonstrate that in many cases this 'positive partnership' is not being developed. Many of these problems appear to stem from the way that the initial request to home-educate is handled. While some Councils approach this in a positive and supportive manner, others are employing a heavy-handed approach which can be intimidating to parents and in some cases their children. The Scottish Consumer Council believes that a change in the law to allow parents to withdraw their child from school on written notification would remove many of the tensions inherent in these processes.

Often the tensions between Councils and home-educating families stem from different interpretations of the law in relation to home-based education. The Scottish Executive is reviewing the current guidance which was issued in 2004. SCC strongly believes that new guidance must be more accessible, jargon free and in plain English. We believe it would be in the interests of all three parties - the Executive, Councils and home educating parents - for the new guidance to be developed in a tripartite way.



Douglas Sinclair
Chair

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1. Background

Parents in Scotland are legally responsible for their children's education, and the vast majority opt to allow local authority schools to provide that education. A smaller number who choose not to use the state education system arrange for their child to attend an independent or grant-aided school. Beyond this, the only other choice available to parents who do not want to send their child to a state school, or wish to remove them from a state school, is to home-educate.

Our first report on home-based education, *Home Works: Local authorities' approaches to working with home-educating parents in Scotland*, was published in 2000. That research identified a number of concerns about local authorities' policies and practices in relation to home-based education; in particular, surrounding consent to withdraw a child from school and the information available to parents who were interested in (or already providing) home-based education.

In the intervening years, the Scottish Executive has issued *Guidance on the Circumstances in which Parents may Choose to Educate their Children at Home* (Scottish Executive, 2004). This report presents an update of our previous work, timed to coincide with the Scottish Executive review of the guidance on home-based education (referred to as 'the guidance' for the remainder of this report).

1.1 Research Methodology

The following methods were used:

i. A postal questionnaire of local authority education departments.

We based this questionnaire on the previous version used in 2000 to allow for comparisons over time but added a number of questions that related specifically to the guidance issued in 2004. We received twenty-six replies to this questionnaire (out of thirty-two), a response rate of 81%. Appendix B lists the local authorities that did and did not respond to the questionnaire.

ii. Requests for copies of local authority policies on home-based education and information provided to parents about home-based education. In addition to the questionnaire, local authorities were asked to send us copies of their policies on home-based education and any written information to parents on home-based education. During 2005, Schoolhouse requested similar information from local authorities and where possible we have used this information to supplement the information sent to us by local authorities. It should be noted that even this combination of requests does not provide us with information from all local authorities as some refrained from responding to either request. In total we were able to review sixteen local authority policies and eighteen pieces of written information for parents.

iii. Case studies of the experiences of home-educating families.

Due to concerns about privacy and research-fatigue, it was decided that the Scottish Consumer Council (SCC) would not contact families directly. Instead, Schoolhouse asked home-educating families who had had contact with their local authorities since the guidance was issued to provide written information on their experiences and for permission for these reflections to be included (anonymously) in the report. In total, fifteen families submitted written case studies, covering eleven local authority areas.

iv. A discussion seminar on home-based education. SCC held a discussion seminar on home-based education on 15th January 2007 to discuss the interim findings of the research. Over 50 delegates attended the seminar. Appendix C lists the organisations represented at the seminar.

1.2 Home-based education and the law

A simple interpretation of the law is that, while education is compulsory, schooling is not. The Education (Scotland) Act 1980 states that:

It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means. (Section 30).

By allowing a choice of educating 'by other means', parents can legally choose to home-educate their child or children. It should also be remembered that the European Convention of Human Rights says that children are to be educated in a way that guarantees respect for their parents' religious or philosophical convictions¹, although this principle is accepted by the United Kingdom only insofar as it is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure.

In Scots law too, the right to home-educate is qualified insofar as the education provided must be both 'efficient' and 'suitable'. The guidance offers some suggested characteristics of an efficient and suitable education, which include:

1. consistent parental involvement;
2. recognition of the child's needs, attitudes and aspirations;
3. involvement in a broad spectrum of activities; and
4. access to appropriate resources and materials.

A further source of information on the definition of 'suitable' and 'efficient' is case law. Although there is limited case law in Scotland on home-based education, Scottish Courts would have some regard to English case law. English case law has been useful in providing definitions of 'suitable education'. The legal meaning of the words 'suitable education' was considered in the case of *Harrison & Harrison v Stevenson*² on an appeal brought in 1981 in the Worcester Crown Court. In this case, the Judge defined a 'suitable education' as one such as:

¹ First Protocol, Article 2, European Convention of Human Rights

² 1982 QB (DC) 729/81

1. to prepare the children in life for modern civilised society; and
2. to enable them to achieve their full potential.

In the subsequent judicial review case of *R v Secretary of State for Education, ex parte Talmud Torah Machzikei Hadass School Trust*³ (1985), Mr Justice Woolf held that:

Education is 'suitable' if it primarily equips a child for life within the community of which he is a member, rather than the way of life in the wider country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so. (Quoted in Gabb, 2004)

While generally, there is no duty on the part of the local authority to monitor the provision of home-based education by parents, the guidance acknowledges that local authorities may request an update from home-educating families on an annual basis. The local authority has no right to demand access to the family home, nor to see the child, in order to assess their education. Refusal to allow access either to the home or the child is not to be taken, in itself, as a cause for concern regarding the efficiency or suitability of the education provided.

1.3 Defining home-based education

Assumptions made in relation to home-based education are often based on a misunderstanding of the role of home educators, therefore it is important at the outset to define what we mean by home-based education. In Scotland, where almost all children are educated in school, the terms *schooling* and *education* are often used interchangeably. Because parents have a duty to educate their child, this is often mistakenly interpreted as a duty to send a child to school.

Schoolhouse, the national home-education charity, defines home-based education as:

Education which takes place outside the school environment. It is family and community based learning which is focused on the child's individual aptitudes and abilities.

In discussing the nature of home-based education, Paula Rothermel states that there is:

An important distinction to make in any discussion of home education is that home education does not equate to school at home...Generally speaking informal education is child-centred and follows the child's lead in allowing children to learn at their own pace, that is to say, there are no imposed age-related targets and the children are most likely to pursue areas of study that interest them rather than those imposed by adults. (Rothermel, 2004b)

Home-based education does not have to follow curriculum guidelines or be geared towards achieving any kind of recognised academic qualification.

3 The Times, 12 April 1985

The term 'home education' can also be slightly misleading in that it suggests a style of learning based within the family home, despite the fact that much 'home education' is carried out in community settings (Rothermel, 2002). Throughout this report we have used the term 'home-based education' to highlight the community aspect of this type of education.

In some cases, 'education at home' and 'home education' are also used interchangeably; however there are significant differences. Children are 'educated at home' if illness or family circumstances mean that they are unable to attend school. In these cases, local authorities may provide some education, for example by providing a tutor, and retain legal responsibility for ensuring that education is provided. In relation to 'home-based education', the local authority has no ongoing responsibility to provide education.

Further confusion arises out of the Scottish Executive's initiatives on 'children missing from education'. Some professionals and commentators may mistakenly assume that children who are home-educated fall under the classification of 'missing from education'. However, Scottish Executive guidance on children missing from education makes it clear that home-educated children are not to be classed in this way (Scottish Executive, 2005c).

1.4 Extent, motivations and outcomes of home-based education

Only a very small number of children are known to be home-educated in Scotland. The most recent figures published by the Scottish Executive come from 2005/06 and estimate that 706 children, or 0.1% of the population aged 5–15, are home-educated (Scottish Executive, 2006).

Our own survey also asked local authorities for the number of home-educated children known to local authorities during 2005/06 and provides more detailed information than that provided by the Scottish Executive (see table 1.1). However, it should be noted that we did not receive responses from all local authorities and therefore this does not represent Scotland as a whole.

Table 1.1: Children known to be home-educated between 1 April 2005 and 31 March 2006

	Children withdrawn from school ⁴	Children who never attended school	Total
Aberdeen City	6	7	13
Aberdeenshire	-	-	-
Angus	6	5	11
Argyll and Bute	38	2	40
City of Edinburgh	-	-	-
Clackmannanshire	5	3	8
Comhairle nan Eilean Siar	13	0	13
Dumfries and Galloway	12	0	12
Dundee City	18	0	18
East Ayrshire	10	1	11
East Dunbartonshire	5	0	5
East Lothian	13	1	14
East Renfrewshire	-	-	-
Falkirk	-	-	-
Fife	-	-	-
Glasgow City	19	-	19
Highland	50	45	95
Inverclyde	1	1	2
Midlothian	0	0	0
Moray	10	0	10
North Ayrshire	11	5	16
North Lanarkshire	18	0	18
Orkney Islands	2	5	7
Perth and Kinross	65	26	91
Renfrewshire	2	3	5
Scottish Borders	12	3	15
Shetland Islands	-	-	20
South Ayrshire	14	1	15
South Lanarkshire	24	5	29
Stirling	10	2	12
West Dunbartonshire	1	0	1
West Lothian	-	-	-
Total	382	115	502

(-) indicates that no information was provided.

The information provided to SCC during our survey and that provided to the Scottish Executive have noticeable differences, with some local authorities reporting more home-educated children in our survey and others reporting fewer. We are unclear why there should be such large differences, though the slightly different timescales may explain some of the difference (our survey asked for information on a financial year of April 2005 to March 2006, while the Scottish Executive information relates to the school year of August 2005 to June 2006).

⁴ We have included in this figure three children who attended primary school but did not enrol for secondary school.

The survey also found that local authorities vary considerably in the numbers of home-educated children that they are aware of. Rural areas such as Argyll and Bute, Highland and Perth and Kinross have the highest number of children known to be home educated. Most of these children are known to local authorities as they have been withdrawn from school. The numbers of children who have never attended school may be more difficult to ascertain.

Estimates of the total number of home-educated children (those withdrawn from school and those who never attended school) vary substantially. As Gabb (2004) notes:

Radically different figures are thrown around in reporting and in debates. They are copied from statement to statement and often garbled in the process. Most of the time, their provenance is unknown and their underlying methodology cannot even be guessed. (Gabb, 2004)

A conservative estimate may be gathered from comparing the pupil roll with the projected population figures from the General Registrar for Scotland. In 2004, there were an estimated 672,334 children aged 5–15 in Scotland (GROS, 2005). The Scottish Executive figure for the number of pupils in state education aged 5–15 in 2004 was 647,023 (Scottish Executive, 2005a). The number of children aged 5–15 in independent schools in 2004 was 24,117 (Scottish Executive, 2005b). This calculation suggests that there are only 1,194 children aged 5–15 in Scotland who are not currently attending either a state or independent school; however it is likely to underestimate the number of children who do not appear in the statistics.

A substantial body of research, both UK and international, suggests there are a number of reasons why parents choose to home-educate. In her study of home-educating families in England and Wales, Paula Rothermel identified the following main motivations for home-based education:

- Disappointment with the education system and schools (31% of home educating parents);
- Always intended to home-educate (29% of home-educating parents);
- Bullying (25% of home-educating parents);
- Depression and stress caused by schooling (24% of home-educating families) (Rothermel, 2004a)

Overall, she concluded that the reasons for home educating could be split into two groups – those relating to negative experiences at school and those relating to family ideology, with those relating to negative experiences in school by far the largest group.

Rothermel's work also helped to explode the myths about outcomes of home-based education. In a recent article, Mike McCabe (Director of Education, Culture and Lifelong Learning in South Ayrshire) commented that:

The life chances of some already vulnerable children may be impeded and some children could even be exposed to unnecessary risk. (McCabe, 2006)

However, the findings of Rothermel's research do not back up this assumption. Rothermel's survey of home educating families involved a questionnaire completed by 419 home-educating families and 196 assessments evaluating the psychosocial and academic development of home-educated children aged eleven years and under in England and Wales. In relation to outcomes of home-based education she concluded that:

64% of the home-educated reception-aged children scored over 75% on their PIPS Baseline Assessments as opposed to 5.1% of children nationally. The National Literacy Project assessment results reveal that 80.4% of the home-educated children scored within the top 16% band (of a normal distribution bell curve), whilst 77.4% of the PIPS Year 2 home-educated cohort scored similarly. Results from the psychosocial instruments confirm the home-educated children were socially adept and without behavioural problems. (Rothermel, 2002)

The results of this research become even more striking when social class and educational attainment of the parent is taken into account: the home-educated children of working-class parents without further or higher education were outperforming middle-class children educated in school.

2. Local Authority Policies and Procedures

The Law

There is no legal requirement placed on local authorities to have a policy on home education, or to ensure staff are trained in home education and the law.

The Guidance

The guidance does state that there should be a named person within the authority *'who is familiar with home-education policy and practice and has an understanding of a range of educational philosophies.'*

The guidance states that *'procedures for considering parents' requests to withdraw their children from school should be fair, clear, consistent and without delay in order to provide a good foundation for the development of trusting relationships.'* This strongly suggests that local authorities should have a written policy.

While acknowledging that there is no legal duty to do so, the guidance states that *'Education authorities should provide written information for parents on home education that is clear and accurate and which sets out the legal position. Contact details for home-education support organisations should also be provided.'*

2.1 The named contact

In line with the guidance, we found that all local authorities that responded to the questionnaire had a named officer dealing with home-based education.

We also asked local authorities whether this member of staff had received training on home-based education and the law over the past two years (since the guidance was launched). In relation to training for staff, table 2.1 shows that just under half of local authorities that responded had provided training. The number of local authorities responding that their staff received training is higher than our survey in 2000 found, when seventeen local authorities reported that no training was provided (46% in 2006, compared to 37% in 2000).

Table 2.1: Training provided to named officers in the past two years

	Number of local authorities	Percentage of local authorities (out of 26)
No training	14	54%
Internal training	8	31%
External training	4	15%
Total	26	100%

2.2 Policies on home-based education

While there is no legal duty to have a policy on home-based education, it is strongly implied by the guidance and was a key recommendation of our previous research carried out in 2000. We therefore welcome the fact that a total of twenty-two local authorities (69%) reported having a written policy on home-based education (see table 2.2). Three of these local authorities reported that they had policies but did not send these while a further three local authorities would not send copies as the policy was in draft or being reviewed. Five local authorities reported that they did not have a policy on home-based education (15.5%) and a further five did not respond to our request for information (15.5%). Therefore in total, we were able to review sixteen local authority policies.

Despite the existence of policies, there is some evidence from home-educating families that these are not always adhered to. For example, in one case a family, in collaboration with the school, agreed to withdraw the child from school. While the child received a 'school-leaving certificate', the local authority did not immediately provide formal written consent:

The attitude of the people I spoke to at the school and council was always friendly; I was always reassured that everything was fine and would become clear at the meeting we were supposed to be having, but I was never provided with any written information. What verbal guidance I received was not extensive and turned out to be misleading by omission.... I wrote to the council pointing out that giving my daughter a leaver's certificate without providing me with written permission to remove her from the school register had left me potentially vulnerable...and requested that they confirm in writing that they had given their consent for me to withdraw my daughter from school. I received a telephone call straight away from the Secondary Schools Manager apologising for the way my daughter's withdrawal had been handled. I was told the school should not have acted without direction from the Secondary Schools Manager. I was interviewed about my home education 'curriculum' there and then, which was judged satisfactory, and the meeting was cancelled. I received a letter confirming consent to withdraw my daughter from the school register soon after. (Family 6)

Table 2.2: Local authorities with internal policies on home-based education

	Local authority has a policy	Local authority does not have a policy	No response
Aberdeen City	✓		
Aberdeenshire			✓
Angus	✓		
Argyll and Bute		✓	
City of Edinburgh			✓
Clackmannanshire		✓	
Comhairle nan Eilean Siar	✓		
Dumfries and Galloway		✓	
Dundee City	✓		
East Ayrshire	✓*		
East Dunbartonshire	✓		
East Lothian	✓*		
East Renfrewshire			✓
Falkirk			✓
Fife	✓		
Glasgow City	✓		
Highland	✓		
Inverclyde	✓		
Midlothian	✓		
Moray	✓		
North Ayrshire	✓*		
North Lanarkshire	✓*		
Orkney Islands	✓		
Perth and Kinross	✓		
Renfrewshire		✓	
Scottish Borders		✓	
Shetland Islands	✓		
South Ayrshire	✓*		
South Lanarkshire	✓		
Stirling	✓*		
West Dunbartonshire	✓		
West Lothian			✓
Total (out of 32)	22 (69%)	5 (15.5%)	5 (15.5%)

(* indicates that the policy was not sent

In total, the confusion about procedure led to a delay of five months in granting consent for withdrawal from school in order to home-educate and considerable anxiety for the family involved.

2.3 Information for parents

The majority of local authorities that responded to our questionnaire had information for parents who wish to home-educate (n = 21, 81%). This was supplemented by information received by Schoolhouse in 2005 which meant that overall, we were aware that twenty-four local authorities that had information for parents and we were able to access eighteen of these (see table 2.3). Of the remaining local authorities, four reported that no such information existed, and four failed to respond to the information request.

The importance of accurate information is illustrated by the experience of one family who were referred to an attendance council following the withdrawal of their children from school without the consent of the local authority:

Removing them without consent was a genuine mistake made when seeking advice on withdrawal procedures. The information I received was inaccurate provided ... under English, not Scottish, law. (Family 2)

2.4 Discussion

We welcome the finding that all local authorities that responded stated that they complied with the Scottish Executive by providing a named contact for issues relating to home-based education. We are concerned that over half of the local authorities that responded to the questionnaire had not provided the member of staff responsible with training on home-based education since the implementation of the Scottish Executive guidance in 2004.

In relation to local authority policies on home-based education, it is encouraging that the majority of local authorities say that they have written policies for staff. We are concerned that three local authorities report that their policies are in draft and a further three policies that were sent to us were marked draft despite being dated 2004. Where policies are in draft form for a considerable amount of time, this may create confusion for both staff and home-educating families.

We welcome the finding that most local authorities that responded said they had information for parents who wish to home-educate. However, we are concerned at the difficulty we had in accessing this information. Four local authorities failed to respond to the initial request for the information within the questionnaire and a further three local authorities indicated that they had information for parents but repeated requests did not result in this information being sent to us.

The request for copies of policies on home-based education and information for parents provided the research with a large amount of written information and examples of both good and poor practice. We will refer to these examples throughout the remainder of this report.

Table 2.3: Number of local authorities with information for parents on home-based education

	Local authority has written information for parents	Local authority does not written information for parents	No response
Aberdeen City		✓	
Aberdeenshire			✓
Angus	✓		
Argyll and Bute	✓		
City of Edinburgh			✓
Clackmannanshire	✓		
Comhairle nan Eilean Siar		✓	
Dumfries and Galloway	✓		
Dundee City	✓		
East Ayrshire	✓*		
East Dunbartonshire	✓		
East Lothian	✓*		
East Renfrewshire			✓
Falkirk			✓
Fife	✓		
Glasgow City	✓		
Highland	✓		
Inverclyde	✓		
Midlothian	✓		
Moray	✓		
North Ayrshire	✓*		
North Lanarkshire	✓*		
Orkney Islands	✓		
Perth and Kinross	✓		
Renfrewshire		✓	
Scottish Borders		✓	
Shetland Islands	✓		
South Ayrshire	✓*		
South Lanarkshire	✓		
Stirling	✓*		
West Dunbartonshire	✓		
West Lothian	✓		
Total (out of 32)	24 (75%)	4 (12.5%)	4 (12.5)

(*) indicates that the information was not sent

3. Withdrawing A Child From School

The Law

Local authorities have two limited duties in relation to withdrawal from school:

- Where a child has attended a public school on one or more occasions, local authority consent is required to remove the child from school. This consent may not be withheld unreasonably.
- Where the local authority is not convinced that the education provided to a home-educated child is 'suitable' or 'efficient', they may ask for information about the education being provided. If, following receipt of this information, the authority feels the education is not 'efficient' or 'suitable', they can then serve an attendance order, requiring the child to attend a particular school.

(taken from Janys M. Scott (2003) *Education Law in Scotland: Pupils, Parents and Schools* Edinburgh: W. Green/Sweet & Maxwell Ltd).

The Guidance

The guidance states that '*procedures for considering parents' requests to withdraw their children from school should be fair, clear, consistent and without delay in order to provide a good foundation for the development of trusting relationships.*'

It goes on to outline a model procedure which includes acknowledging receipt of the request, requesting information on the parents' proposals for providing education, listening to children's views and responding to the request. At no point is a timescale for responding to requests suggested.

3.1 Numbers of requests to withdraw a child from school

In order to assess the system for withdrawing a child from school, we asked local authorities to provide us with the number of requests that they received from 1 April 2005 to 31 March 2006 and the number of those that were either granted or rejected.

Table 3.1 shows that in the vast majority of cases (92%), local authorities grant consent for withdrawal from school. In only four cases (3%), was the request rejected. The following reasons were given:

- child protection concerns;
- referral to the Children's Reporter;
- concerns about suitability of education; and
- a lack of information from parents.

Reasons given for the remaining eleven cases were:

- the family moved out of the area;
- they are awaiting the outcome of a Children's Hearing;
- the case was deferred (no further information given by authority);
- the request was withdrawn; and
- the case is pending.

Table 3.1: Number of requests from parents for consent to withdraw their child from school 1 April 2005–31 March 2006

	Number received	Number granted	Number rejected
Aberdeen City	5	4	0
Aberdeenshire	-	-	-
Angus	1	1	0
Argyll and Bute	14	14	0
City of Edinburgh	-	-	-
Clackmannanshire	1	1	0
Comhairle nan Eilean Siar	5	5	0
Dumfries and Galloway	4	4	0
Dundee City	10	8	2
East Ayrshire	8	3	0
East Dunbartonshire	3	3	0
East Lothian	4	4	0
East Renfrewshire	-	-	-
Falkirk	-	-	-
Fife	-	-	-
Glasgow City	8	8	0
Highland	18	15	2
Inverclyde	3	3	0
Midlothian	0	0	0
Moray	5	5	0
North Ayrshire	7	7	0
North Lanarkshire	11	11	0
Orkney Islands	0	0	0
Perth and Kinross	7	7	0
Renfrewshire	0	0	0
Scottish Borders	6	6	0
Shetland Islands	1	1	0
South Ayrshire	4	3	-
South Lanarkshire	4	4	0
Stirling	6	4	0
West Dunbartonshire	1	0	0
West Lothian	-	-	-
Total	136	121	4

(-) indicates that no information was provided.

The number of requests made to withdraw a child from school (136) is slightly higher than the corresponding figure in 2000 which was 103. The previous survey also found low levels of refusal, with only three requests refused in 2000.

3.2 Timescales for granting consent to withdraw children from school

As highlighted above, the guidance suggests no timescale within which local authorities should grant requests for consent to remove children from school. The law only stipulates that consent should not be unreasonably withheld.

Our review of the local authority policies on home-based education found that only five local authorities included a timescale for making this decision, ranging from four to eight weeks. These were Dundee City Council, Inverclyde Council, Moray Council, Perth and Kinross Council and Shetland Council.

However, the lack of a timescale for granting consent for withdrawal should not be taken necessarily as an indication that delays should be expected. Aberdeen City Council outlined its approach to timescales within its policy for staff:

The Head of Service should consider whether any evidence exists which indicates good reason to refuse consent. If no such evidence exists, and parents have provided some indication of their educational objectives and proposed resources, consent can be granted immediately. (Aberdeen City Council)

In their written submissions, parents often reflected on the length of time it had taken them to obtain consent to withdraw their child from school. All but two (out of 15) reported experiencing delays in the granting of consent:

After [the council] had cancelled their first appointment to see us I withdrew the children from school with a letter given to the school of our intentions. I had a visit from [education officers] 2 months after I had given the information that the law requires to home educate. (Family 15)

I wrote to the Director of Education to inform him that I had made the decision to exercise my legal rights under section 30 of the Education (Scotland) Act 1980 and home-educate my children... I received a reply two weeks later which did not acknowledge my request but only stated he would investigate incidents within the school. For eight months, I received no further communication from [the local authority] regarding my request despite many letters enquiring when a decision would be made and asking for the reasons why consent was being withheld. In taking eight months to inform me of his decision and the reasons, [the authority] clearly did not comply with either the Education (Scotland) Act 1980 or the Scottish Executive guidance. (Family 2)

In one case, delays appeared to be due to the practice of submitting consent requests to the Education Committee of the Council:

We were extremely dissatisfied at the handling of our case as it was now 3 months since our initial letter, our daughter was out of school illegally, we had been misinformed. The situation was causing great distress not only to myself and my wife but to our daughter... I then received a letter [stating that] the officer was satisfied and that their report would go to committee meeting. The council took four months to approve consent which caused us great distress. I am seriously concerned that councillors who have no understanding or experience of home education have the power to approve or withhold consent. (Family 5)

Two parents expressed serious concerns about the practice of requests to withdraw their children from school appearing before committees of the Council as these are held in public, potentially denying the family confidentiality and at odds with the procedure outlined by the guidance.

Many parents felt that the delays in processing requests for consent were unfair to their children:

We wrote stating we would not keep our son in school for another week. Why should he be the one to carry the stress of someone else's incompetence? (Family 8)

Throughout all this my children were forced to stay in school and were becoming increasingly distressed. (Family 10)

It should be noted that not all parents experienced such long delays:

We sent our request by recorded delivery to the Council...As our Educational Psychologist had been very supportive of our daughter and was also supporting our decision to home-educate. We met with her and received 'A Guide for Parents' a 16 page booklet dated December 2005 covering withdrawal procedures, study options for educational qualifications and contacts. Within one month of sending our request, we received consent to withdraw our child at the end of the summer term as per our request. (Family 13)

3.3 Involving parents in granting consent to withdraw children from school

Table 3.2 shows how the local authorities involved parents when deciding on consent to withdraw a child from school in order to home-educate.

Table 3.2: Methods of involving parents when deciding whether or not to grant consent

	Number of local authorities	Percentage of local authorities (out of 26)
We ask parents for information	21	81%
We <u>request</u> meetings between parents and officers	15	58%
We keep them informed with regular correspondence	9	35%
We <u>require</u> meetings between parents and officers	11	42%

The majority of local authorities (n = 21, 81%) simply asked parents for information when making a decision regarding withdrawal from school. This is in line with the suggestion from the guidance. On the other hand, eleven local authorities, 42% of the total who responded, reported that they **required** meetings to be held between parents and officers. One authority (Perth and Kinross) also specifically referred to linking parents with advocacy organisations to support them during the process.

3.4 Involving children in granting consent to withdraw them from school

We also asked local authorities about whether and how they involved children in the decision to grant consent for their withdrawal from school. The guidance suggests that *'the child should also be given the opportunity to express his or her views'* but does not explain further.

When asked about involving children in granting consent for their withdrawal from school, seven local authorities (27%) reported that they **required** meetings with the child and their parents when deciding whether or not to grant the request to remove a child from school. One authority reported that they would **require** meetings with the child without their parents present (table 3.3).

Table 3.3: Methods of involving children when deciding whether or not to grant consent

	Number of local authorities	Percentage of local authorities (out of 26)
Children involved through requested meetings with child and parents	13	50%
Children not really involved	7	27%
Children involved through required meetings with child and parents	7	27%
Children involved through requested meetings with child without parents	1	4%
Children involved through required meetings with child without parents	1	4%

Most local authority policies state that the authority should take into account any view expressed by the child, stopping short of requiring officers to actively seek the views of home-educated children and young people. However, Angus Council states:

It is important that a member of staff meets the child to establish the child's view of the proposed arrangements. (Angus Council)

Perth and Kinross Council makes reference to the Children (Scotland) Act 1995 and states that the duty to listen to the child falls on the parents, not the local authority:

The Children (Scotland) Act 1995 does not place any specific duty on local authorities to take a child's view into account in respect of education at home. However, Section 6 of the Children (Scotland) Act 1995 does place a specific duty on parents when dealing with major decisions to take into account the views of their child depending on the child's age and maturity. A change in schooling would fall into the category of a major decision. There are however no sanctions imposed if the child is not consulted or if a decision is made which does not take into account their views. (Perth and Kinross Council, Education at Home)

Section 6 of the Children (Scotland) Act 1995 does indeed place a specific duty on parents to take the views of the child into account when taking major decisions affecting the child.

Section 2(2) of the Standards in Scotland's Schools etc. Act 2000 requires that local authorities have due regard, so far as is reasonably practicable, to the views of the child in decisions that significantly affect them. In having regard to such views, the authority should take account of the child's age and maturity. This duty only applies if the child wishes to express a view.

Therefore, while a child might be invited to express their views on a proposal to home-educate them, they cannot be required to do so. Similarly, a child may express their views and have them considered even if those views have not been sought.

Where a child has additional support needs,⁵ the terms of the Additional Support for Learning (Changes in School Education) (Scotland) Regulations 2005 apply. This would require that a transition process from school to home-based education, including a duty on the authority to seek and take account of the views of the child. However, the purpose of taking such views would be to assist the authority in preparing the child for transition to home-based education, rather than in their decision as to whether consent to withdrawal from school should be granted.

3.5 Families' experiences of seeking consent to withdraw a child from school

The written submissions from parents often centred around their experience of withdrawing a child from school in order to home-educate. Some parents felt that they were being pressurised into meeting the education officer:

⁵ As defined in Section 1 of the Education (Additional Support for Learning) (Scotland) Act 2004

After handing in my letter of request to the Education Dept. I was given the name of a "Quality Improvement Officer" who they implied I would HAVE to meet with. As it happened I didn't mind meeting with her and, to be fair, she was very nice and seemed supportive of home-ed in general. I did however ensure that the meeting took place on neutral territory. I had already sent in a copy of my education proposal which she was happy with. (Family 3)

The officer explained that it was procedure to: -

- VISIT ONE: Carry out a home visit where I would be expected discuss my request and intentions, also to have my resources inspected. Have my child present that day so that she could speak to him about home education and to also decide whether she felt it necessary to have him assessed by an Educational Psychologist and if SHE decided that my son needed this, that would be another meeting.*
- VISIT TWO: Have a second meeting with a resource officer present to evaluate the resources I have to educate my son.*
- VISIT THREE: An assessment carried out by a Psychologist if the officer felt this necessary.*

I was informed that the parents who do not agree to meetings quite often are the parents who do not receive consent to withdraw their child from school as it may be seen as an unwillingness to co-operate. Under pressure and being a usually compliant person, I agreed to a meeting. (Family 11)

In other cases, parents felt that their understanding of the guidance had meant that they had been effective in controlling whether or not meetings took place and ensuring that they took place in a venue that the family was comfortable with:

A few days after my second letter, an Education Officer phoned me (at work!) insisting on home visits. Having familiarised myself with the guidance, I could confidently state that it contained no mention of compulsory home visits. The Officer said that perhaps there had been a recent change to the guidance, she would have to check with her boss, who would call me the following day. The call came and I received verbal consent and was informed that written consent would follow when the person responsible returned from leave. She tried to push for home visits and I had to firmly tell her that I would need to give it some consideration. (Family 7)

I sent my letter by email, post and faxed it, just to be sure they received it. We then went on vacation and about 2 weeks after we got back I received a letter notifying me that an education officer was coming to do a visit. I then contacted Schoolhouse who reminded me that I did not need to have a visit but it was my choice. I arranged the visit at the community project where I work as I did not want them at my home. The officer was helpful and informed me there would be periodical visits from them which I did not have to consent to and though I felt she was very nice and would be okay meeting elsewhere, I still felt that I would not like them to visit my home. (Family 4)

Negative experiences in withdrawing a child from school in order to home-educate were cited by some parents as having an impact on the ongoing relationship:

It took 21 days to withdraw our son from school and 40 days to receive our consent to withdraw and an end to the dispute. It did sadden me that I had to be so guarded, I felt as though they were out to get me and prevent us from teaching our son at home. I have not heard from anyone since withdrawal was granted and assume their approach to annual contact is non-existent. I have no wish to contact them again as I fear I would only be opening a can of worms. (Family 8)

Several parents also pointed out that the local authority had required them to provide information on why they were removing their child from school, which the guidance suggests is not necessary and should have no relevance to the granting of consent.

3.6 Problems with system of granting consent from the perspective of local authorities

Table 3.4 shows the key problems identified by local authority officers in relation to their role in granting consent to withdraw a child from school.

Table 3.4: Problems with current system of withdrawing children from school from perspective of local authorities

	Number of local authorities	Percentage of local authorities (out of 26)
The guidance is too ambiguous	13	50%
The law is too ambiguous	10	38%
Parents' attitudes	7	27%
Timescale for decision is too short	5	19%
Lack of resources	4	15%
The law is too complicated	3	12%
The guidance is too complicated	3	12%
Timescale for decision is too long	1	4%

The most common cause of difficulty when requesting withdrawal from schooling cited by local authority officers was the ambiguity in the current guidance (n = 13, 50%). A slightly smaller number felt that the law itself was ambiguous (n = 10, 38%). Two further problems identified by local authority officers were that:

- The guidance makes it difficult for local authorities to raise genuine concerns with parents; and
- Children have often been withdrawn before consent has been given, and the children can therefore be vulnerable.

Interestingly, the number of local authority officers who felt that the law was too ambiguous in relation to withdrawal had actually increased since 2000 (from seven to ten) despite the guidance issued by the Scottish Executive.

Given the complexity and potential for conflict involved in requiring local authorities to grant consent for a child to be withdrawn from school, we asked whether or not local authorities supported changing the law to state the local authorities must be notified of the removal of a child but no formal consent is required. Only three local authority officers (12%) supported this proposal, with most citing child protection concerns as their reason against this proposal. This is lower than the corresponding figure from the 2000 survey, when nine local authority officers (36%) supported this move. It is likely that the views of local authority staff have been affected by high profile child abuse cases in recent years.

3.7 Information provided to parents who are interested in home-based education

In total, eighteen pieces of information for parents on home-based education were reviewed. Each leaflet or web page was reviewed to see whether it contained information which parents are likely to find helpful (see table 3.5).

Table 3.5: Content of information for parents about home-based education

	Number of local authorities	Percentage of local authorities (out of 18)
Rights to home-educate	18	100%
Information on how to withdraw a child	16	89%
Ongoing contact	14	78%
Advice on curriculum	11	61%
Information on what will be taken into account	10	56%
Support and advice available	10	56%
Support organisations	8	44%
Timescale	2	11%
Appeals	2	11%

All the information leaflets for parents that we were able to review included reference to the right of parents to home-educate. For example, Glasgow City Council's information for parents states:

Responsibility for a child's education rests with their parents. Most parents choose to fulfil this responsibility by sending their children to school, but they can also choose to provide their children with education at home. It is their right to do this as long as they provide an efficient education that is suitable for the age, ability and aptitude of the child. (Glasgow City Council, Children Educated at Home Information for Parents/Carers)

Almost all local authorities included information on how to withdraw a child from school, with most asking parents to put their request for consent in writing, usually to be sent to the Director of Education (or equivalent). Comhairle nan Eilean Siar has a specific form that can be used by parents wishing to withdraw a child from school.

This form asks parents to sign a declaration stating their intention to withdraw their child from school and asks for contact details for the child and parents, the child's date of birth and the school most recently attended. Information provided by Midlothian Council provides the following, comprehensive instruction to parents:

You will be asked to complete an application form and submit proposals giving:

- *Details of the child's name, age, home address;*
- *Details of any additional support or special educational needs that the child may have;*
- *Details of the parents, carers, guardians and any relevant person;*
- *Details of any Social Work, Children's Panel, legal or court proceedings that apply to the child;*
- *An outline of the parents' provision of education at home to include the ... characteristics as outlined in the Scottish Executive guidance (Midlothian Council, Educating Your Child At Home: A guide for parents)*

In relation to the curriculum, we found differences in the information provided to parents. For example, Argyll and Bute Council, Renfrewshire Council and South Lanarkshire Council information leaflets includes the following (almost identical) advice:

For children aged 5 to 14 years the curriculum and assessment 5–14, published by the Scottish Executive Education Department (SEED) provides guidance on an appropriate curriculum... To cover such a curriculum involved carefully organised teaching... It is expected that about 20–25 hours per week for 39 weeks of the year of school tuition is necessary to cover the range of subjects including the setting of independent tasks all of which need to be marked. (version taken from Argyll and Bute Council, Information for Parents)

This information strongly suggests that parents follow a traditional curriculum. Clackmannanshire Council, on the other hand, takes a more flexible approach:

Some parents may find the national 5-14 framework for the curriculum and the associated guidance documents particularly helpful. Other may have located and adopted an alternative curriculum. Others may opt to make more informal provision that aims to be responsive to the environment and emerging and developing interests of their children... For the local authority, it is important to recognise that 'appropriate' education will reflect the diversity of approaches and interests of home educators. (Clackmannanshire Council, Information for Parents)

Few local authorities informed parents about what information should be supplied with their request for consent to withdraw a child from school. Dumfries and Galloway went further than most local authorities by asking for the following:

You will be required to provide written details of your programme for home education. The details should include:

- *Information on the curriculum;*
- *Timetabling details;*

- *A description of the accommodation to be used for teaching purposes;*
- *The names, qualifications and experience of those to be involved in the teaching process.*

It is important that the programme includes details of opportunities for the child's social contact with an appropriate peer group. (Dumfries and Galloway Council, Information for Parents)

Only two local authorities provided information on timescales for granting consent to withdraw a child from school. However, in addition, Dumfries and Galloway Council and East Dunbartonshire Council did indicate that this would happen 'as soon as possible'.

3.8 Discussion

The questionnaire responses, local authority policies, information leaflets for parents and written submissions from parents provide a comprehensive overview of the process of withdrawing a child from school in order to home-educate.

The research found variations in local authority procedures for granting consent to withdraw a child from school in order to home-educate:

- Some local authorities have a timescale in which they will respond to a request while others do not.
- Some local authorities require contact with the child when making a decision about granting permission while others do not.
- Some local authorities are happy to accept written submissions on planned education while others require meetings, sometimes with more than one education officer.
- Some local authorities appear to require requests to withdraw children from school to be considered by committees of the Council while others are handled exclusively by officers.
- Some local authorities appear to expect parents to follow a traditional curriculum while others take a more flexible approach.

Therefore there appears to be confusion about the role of the local authority in granting consent to withdraw a child from school to home-educate, evidenced in the questionnaire responses from officers themselves who report finding the law and guidance ambiguous and confusing.

We are also concerned about the consistency and quality of information provided to parents who are interested in home-based education. We welcome the fact that all the information includes reference to home-based education as a key aspect of parental choice and almost all include information on the process of withdrawing a child from school. However, just over half provide parents with information on what will be taken into account when making the decision (making it difficult for parents to provide the information necessary as part of their initial letter to the authority). Less than half provide parents with information on relevant support agencies and very few include information on timescales and appeal mechanisms.

4. Partnership With Parents

The Law

There is no legal duty on local authorities to provide advice or support to home educating families or to foster a positive relationship with home-educating families.

Scott (2003) states unequivocally that *'Education authorities have no duty to monitor the provision of education by parents'*. Local authorities can only demand information where they have evidence that the education provided to a home-educated child is not *'suitable or efficient'*.

The Guidance

The guidance states that *'It is recommended that the authority should ordinarily make contact on an annual basis. Where there are concerns about the efficiency or suitability of the education being provided for the child, more frequent discussions may be required.'*

4.1 Advice and support for home-educating families

While there is no legal duty to provide ongoing advice and support to home-educating families, the guidance suggests that it may help to build positive relationships to the benefit of both home-educating families and local authorities. Table 4.1 outlines the different types of support that are offered by local authorities across Scotland.

Table 4.1: Support provided to home educating families

	Number of local authorities	Percentage of local authorities (out of 26)
General advice	26	100%
Advice on claiming the Educational Maintenance Allowance (EMA)	17	65%
Assessments for additional support needs	15	58%
Access to learning centre resource	14	54%
Access to school resources	14	54%
Access to examination centres	13	50%
Access to flexi-schooling	11	42%
Access to local authority community and sport facilities on same basis as school children	9	35%
Access to course work	7	27%
Supervision and assessment	6	23%
Access to educational materials at discounted rates	3	12%

All of the local authorities that responded to the questionnaire stated that they would provide general advice to home-educating parents, or those interested in home-based education. West Dunbartonshire Council was the only authority to provide all eleven types of support identified. Highland Council is also providing support to home-educating families in an innovative way by making educational podcasts available. On the other hand, Angus Council's policy on home-based education allows only limited support:

Where parents opt to educate at home the Council will not provide any form of resources or materials although advice may be offered to parents on request.
(Angus Council)

In relation to claiming the Education Maintenance Allowance (EMA), seventeen local authorities (65%) stated that they would provide advice on claiming the EMA. Though we welcome the fact that the majority of local authorities are providing advice on claiming the EMA, it should be noted that home-educated students aged 16–18 are eligible for the EMA in the same way as those attending school or college and guidance on the EMA strongly suggests that local authorities would be expected to provide this advice (EMA, 2006).

The Education (Additional Support for Learning) (Scotland) Act 2004 includes provisions that give local authorities the power to assess whether home-educated children have additional support needs – but local authorities are under no duty to do so. We therefore welcome the fact that fifteen local authorities (58%) responded that they would assess home-educated children for additional support needs. As the Scottish Executive guidance has not yet been updated to include a discussion of the provisions of the Education (Additional Support for Learning) (Scotland) Act 2004, as they relate to home-based education, it is unsurprising that many local authorities have similarly failed to update their policies.

Despite offering a range of services, local authorities do not appear to be inundated with requests for advice or support from home-educating families (see table 4.2). The majority of local authorities are dealing with fewer than five enquiries for advice or support a year.

Table 4.2: Number of requests for advice or support on home-based education responded to 1 April 2005–31 March 2006

	Number of local authorities	Percentage of local authorities (out of 26)
No requests	3	12%
One request	3	12%
2–5 requests	8	31%
6–10 requests	7	27%
11–20 requests	3	12%

When asked about trends in the number of requests for advice and support over the last five years, slightly more local authorities felt that the number had increased (n = 14, 54%) compared to those who felt it had stayed the same (n = 11, 42%).

Only one authority (Clackmannanshire Council) reported that they felt the number of requests for advice and support had decreased over the past five years.

Families reported a variety of different experiences of accessing advice and support. Some parents felt that there was little or no ongoing relationship with the local authority:

They [education officers] said they wanted a good relationship to develop with us to help us, but I always felt they believed the children should be at school. The only so-called help we received from them was telling us what we should be teaching the children and what goals and standards we should be aiming for. (Family 15)

I can only conclude from our personal experience of our local education authority, that they have been consistent with their lack of communications and with their lack of support. They obviously have no desire to form a supportive relationship with home-educating families nor do they seem willing to try and build any positive relationship between local authorities and home-educating parents. (Family 9)

However, this was not the experience of all families who submitted their written experiences:

Expecting seven shades of grief I was surprised to find that [the education officer] was in fact very supportive and readily considered the situation surrounding our decision without comment or implication. She had a very open and yet understanding way of dealing with us, that left you in no doubt that if you did need help from the local education authority then she would do her best within the resources available to help overcome any problems with a bias that was in the best interest of the child and not simply dogma and policy handed down through the internal political system of the local education authority. (Family 12)

4.2 Methods of improving partnership with home-educating families

Local authorities were asked what changes they thought would help improve partnership with parents (table 4.3). The method of change which most local authority officers named as improving partnership with parents was clarity in the law about home-based education (n = 21, 81%).

Table 4.3: Methods of improving partnership with parents

	Number of local authorities	Percentage of local authorities (out of 26)
Clarity in the law about home-based education	21	81%
More contact time with home-educating families	14	54%
More resources for local authorities	12	46%
Better information about home-based education for the local authority	10	38%
Better information about home-based education for parents	9	35%
More emphasis by parents on children's needs	8	31%
More resources for parents	8	31%
Better information for parents about schools	6	23%
If parents were more understanding of the local authority	6	23%
More emphasis by the local authority on children's needs	3	12%
Other	7	27%

Other methods of improving partnership that were favoured by local authority officers were allowing for more contact time with home-educating families (n = 14, 54%) and more resources for local authorities (n = 12, 46%).

Local authority officers cited their own desire for more information on home-based education as a factor in improving partnership (n = 10, 38%) slightly more than they cited a need for information for parents (n = 9, 35%). Around a third of local authority officers that responded (n = 8, 31%) felt that parents should have more awareness of their children's needs.

The other factors mentioned by local authority officers included:

- concern about lack of contact with families where the child has not ever been registered with a school (two local authority officers) and;
- concern about the funding situation. In particular the situation whereby local authorities lose their GAE funding for home-educated children but believe they are still expected to play a role in their education (three local authority officers).

4.3 Ongoing contact with home-educating families

As table 4.4 shows, not all parents of children known to be home-educated are subject to periodic requests for information about their education provision. The number of those who withdrew from school and are contacted regularly is slightly less than the overall number known to have withdrawn (319 compared to 380). The majority of children known to the authority but who never attended school are not contacted: only 42 out of the 115 children identified (37%) are periodically contacted by the local authority. The total number of children whose parents are contacted is 361, which is an increase of just over a quarter since 2000.

Five local authorities (Argyll and Bute, Clackmannanshire, Highland, Perth and Kinross, and South Ayrshire) appeared not to contact families where children were known to be home-educated but where they had never attended schools. On the other hand, ten local authorities did make periodic requests. The remaining eight local authorities did not know of any children being home-educated who had never attended school.

Table 4.4: Number of children subject to periodic requests from the authority for information about their education

	Children withdrawn from school ⁶	Children who never attended school	Total
Aberdeen City	6	2	8
Aberdeenshire	-	-	-
Angus	10	1	11
Argyll and Bute	40	0	40
City of Edinburgh	-	-	-
Clackmannanshire	5	0	5
Comhairle nan Eilean Siar	13	0	13
Dumfries and Galloway	12	0	12
Dundee City	18	0	18
East Ayrshire	-	-	0
East Dunbartonshire	5	0	5
East Lothian	13	1	14
East Renfrewshire	-	-	-
Falkirk	-	-	-
Fife	-	-	-
Glasgow City	-	-	0
Highland	18	10	28
Inverclyde	1	1	2
Midlothian	0	0	0
Moray	10	0	10
North Ayrshire	11	4	15
North Lanarkshire	18	0	18
Orkney Islands	2	5	7
Perth and Kinross	65	0	65
Renfrewshire	1	8	9
Scottish Borders	12	2	14
Shetland Islands	10	1	11
South Ayrshire	14	0	14
South Lanarkshire	24	5	29
Stirling	10	2	12
West Dunbartonshire	1	0	1
West Lothian	-	-	-
Total	319	42	361

(-) indicates no information provided.

⁶ We have included in this figure three children who attended primary school but did not enrol for secondary school

In the majority of local authorities, these periodic requests are made once a year (n = 20, 77%). In a further five local authorities they occur about twice a year. A number of local authority officers noted that the amount of contact may differ depending on the individual situation of the child and family.

Information from local authority policies also suggests considerable variation in how the legislation is interpreted in relation to ongoing contact. For example, Aberdeen City Council states:

There is no express requirement in the 1980 Act for Education Authorities to investigate actively whether or not parents are complying with their Section 30 duty. (Aberdeen City Council)

Similarly, Orkney Island Council's policy on home-based education states:

The education authority has no right to monitor the provision of education by parents. (Orkney Islands Council)

In contrast, other local authorities see their role as one of monitoring education provision. Angus Council policy on home-based education states:

Children at home will be visited regularly (usually once per year) by a Quality Improvement Officer and a Family Support Worker to ensure that appropriate arrangements are in place. (Angus Council)

Similarly, East Dunbartonshire's policy on home-based education states:

The Education Service has a requirement to monitor the quality of the education provided for a child not attending school, to ensure that it is efficient and take necessary steps if it considers it not to be. (East Dunbartonshire Council)

Methods for contact with parents varied (see table 4.5). Most arranged meetings or visits to the family home (n = 23, 88%). Other methods included written responses from parents.

Table 4.5: Methods for contacting parents

	Number of local authorities	Percentage of local authorities (out of 26)
We visit the family home	23	88%
We arrange meetings with parents	22	85%
We ask to see samples of the children's work	19	73%
We telephone parents to discuss	13	50%

While most information from local authorities implied that visits would be voluntary and prearranged, information provided to parents by West Lothian Council indicates that 'on the spot' visits might take place:

You will be visited from time to time by Officers of the Authority for the purposes of:

- determining that the curriculum offered confirms to your proposals;
- determining that your child is making reasonable progress;
- assessing the continuing suitability of the curriculum in the light of your child's development.

These visits will normally be by prior arrangement, but may at the discretion of the authority, take place without prior arrangement. (West Lothian Council, Educating Your Child At Home: A guide for parents)

As noted, many local authorities took the opposite view to West Lothian Council, suggesting that contact would be voluntary and supportive and that written submissions were acceptable if parents were unhappy with the local authority visiting their home. For example, Glasgow City Council's information for parents states:

The Advisor in Parent Partnership will make contact with the family on at least an annual basis to review progress and offer advice if requested. Parents can choose whether to provide a written update or have a meeting. (Glasgow City Council, Children Educated at Home: Information for Parents/Carers)

In addition to asking about how parents are contacted about the home-based education provided, we also asked local authorities about how they involved children (see table 4.6).

Table 4.6: Methods of involving children in periodic contact

	Number of local authorities	Percentage of local authorities (out of 26)
We meet the child when visiting the family home	20	77%
We hold meetings with the child and parents	16	62%
We hold meetings with the child without parents	2	8%

Only one authority responded that they did not really involve children in this activity (Orkney Islands Council). Most local authorities involved children either by holding meetings with them and their parents or visiting the family home (77% and 62% respectively). Two local authorities said that they would hold meetings with the child without parents present (Perth and Kinross Council and Renfrewshire Council).

In their written submissions, a number of parents pointed to confusion and difficulties in their ongoing contact with local authorities:

The education officer wrote and told me that I had to have a home visit and she had to see the children. I knew I didn't have to have a visit when I withdrew the children from school and I thought that I didn't at any time but [the officer] did keep hounding me to come and see me and kept saying she had to see

the kids as well. I was just so afraid they would make the children go back to school that I gave in.... The children were very upset by the visit and are terrified that they will come to the house again ... My children live in fear every day that these officers will appear at the door as they have come to the house without an appointment before. (Family 10)

Others felt that the ongoing contact with the local authority was not supportive:

After home educating for 6 months, we had our first home visit by the Education Officer and Educational Psychologist. By then, my son was educationally well ahead of his peers and had some impressive work ready for the inspection. He even prepared his project in the form of a Power Point Presentation and was proud to show it, but the comments and report only concentrated their concerns on his 'lack of social contact' and unwillingness to talk to the inspectors, both well known autistic problems. I was bitterly disappointed that they failed to comment on how well he had done since leaving the state system and again fail to offer any encouragement, advice or assistance. (Family 14)

4.4 Problems with the ongoing partnership from the perspective of local authorities

Local authority officers were asked to identify problems in relation to ongoing contact with families who are home educating (table 4.7).

Table 4.7: Problems with current system of contacting families about home-based education

	Number of local authorities	Percentage of local authorities (out of 26)
The guidance is too ambiguous	14	52
The law is too ambiguous	11	39
Criteria for ongoing contact not clear	9	30
Lack of information about provision	8	26
Lack of resources	7	26
Lack of ongoing communication with families	7	26
Privacy issues	6	26
The law is too complicated	2	9
The guidance is too complicated	2	9

Again, the cause of problems cited by most local authority officers was the ambiguity of the guidance, followed by ambiguity in the law. The number of local authority officers who felt that the law was too ambiguous had also increased since 2000 (from 7 to 11) despite the guidance issued by the Scottish Executive.

Particular concerns were raised about the lack of definition of 'efficient and suitable education'. As one education officer notes:

It is very difficult for local authorities to 'adhere to the guidance' given the interpretations to which it is open, the contradictory nature of the authorities' responsibilities and a lack of accompanying rights.

When asked about what changes they would do to improve the situation regarding home-based education, most officers also mentioned clarity in guidance and legislation:

A clear and unambiguous definition as to what constitutes 'efficient education'.

Clarity on local authority responsibility for home education of children who have never been taught at school – and better guidance on timeline from application to granting of approval – with clear confirmation of how authority defines 'suitable education'.

Clear, straightforward, easily understood guidelines/legislation for both parents and authorities.

Greater clarity about the duties of the authority for monitoring the education provision. At present we are in a situation where we have little power and a huge responsibility. This would be strengthened by a clear statement about responsibility for child protection.

If we had a clear definition of what an 'adequate curriculum' is, matched by rights of the local authority then we would feel more confident when we identify issues to progress further.

Other changes mentioned by local authority officers include rights of access to the child and family home.

4.5 Complaint mechanisms

Only two local authorities (Dumfries and Galloway Council and South Ayrshire Council) reported receiving complaints about home-based education between 1 April 2005 and 31 March 2006. One of these was reportedly related to the length of time it took to consent to withdraw from school while the second related to privacy issues.

Our review of local authority policies on home-based education found that only two (out of sixteen) mentioned complaints mechanisms: East Dunbartonshire Council and Highland Council.

East Dunbartonshire Council's policy on home-based education states that:

[mediation] services can and should be used in situations of dispute which would include those between the Education Service and home-educated children and young people and their parents/guardians. (East Dunbartonshire Council, Policy Statement and Guidance on the Education of Children at Home in East Dunbartonshire)

Highland Council's policy on home-based education states that all decisions will be reviewed internally on request and refers staff to the generic complaints procedure for the Council.

4.6 Acting where the provision of home-based education may not be satisfactory

Local authorities have an enforcement role to play if they are not satisfied that the parent is providing suitable and efficient education. However, no authority had served an Attendance Order in respect of electively home-educated children between 1 April 2005 and 31 March 2006.

During our analysis of local authority policies on home-based education, we came across evidence suggesting that some local authorities saw attendance orders as a last resort:

In many cases it will be possible to resolve questions of appropriateness of the education provision through a process of ongoing discussions. An open dialogue and provision of information and advice to home-educating families by the Council will in many instances enable parents to make the appropriate improvements to their provision of education at home. (Perth and Kinross Council, Education at Home)

4.7 Discussion

We welcome the finding that all local authorities reported that they would provide general advice to home-educating families. However, the majority of local authorities do not provide the range of services that the guidance suggests they could. Revised guidance may assist local authorities in further developing support for home-educating families.

The analysis presented in this section suggests that there is a lack of clarity in the role of the local authority in relation to ongoing contact with families, with some requiring contact annually while others contact families only when they have evidence that there may be a problem regarding the education provided. Similarly, the difference in the figures for ongoing contact with families where the child has been withdrawn from school, and where the child never attended, suggests that local authorities are not clear about their role. The fact that over half of local authorities reported that the guidance was too ambiguous, and almost a third of local authorities cited a lack of clarity in the criteria for ongoing contact with home-educating families as a problem with the current system, suggests that this should be a key area for development in the revised Scottish Executive guidance.

5. Issues Raised At The Discussion Seminar

This section focuses on the issues raised at a discussion seminar on home-based education held by the Scottish Consumer Council. The seminar marked the final stage of this research project and involved local authority officers, Scottish Executive representatives, home educating families (including a number of young people) and representatives of organisations with an interest in home-based education. In total, over 50 delegates attended the event.

5.1 Seminar programme

The seminar was held in Glasgow on 15 January 2007 and timed to coincide with the Scottish Executive review of the guidance. The purpose of the seminar was to present the interim findings of the Scottish Consumer Council research and provide participants with an opportunity to discuss the questions raised by the research and in the Scottish Executive consultation document on the review of the guidance. The organisations that attended are listed in Appendix C of this report.

The seminar was chaired by Douglas Sinclair, Chair of the Scottish Consumer Council. Jennifer Wallace, SCC Policy Manager for Education, Local Government and Housing gave an overview of the interim findings of the research into local government policies and procedures. This was followed by Kathryn Farrow, Adviser in Parent Partnerships at Glasgow City Council who reflected on the local authority perspective from her experience as officer with responsibility for home-based education. Alison Preuss from Schoolhouse then presented the views and experiences of home-educating families from her experience as both a home-educating parent and co-founder of Schoolhouse. The morning session concluded with group discussions on the key points raised by the presentations.

The final presentation was given by Dr Roland Meighan, previously Senior Lecturer in Education at the University of Birmingham and Special Professor of Education at the University of Nottingham. Dr Meighan began researching home-based education in 1977 and has appeared as a key expert witness in legal hearings. The afternoon concluded with a further group discussion session, focusing primarily on building positive partnerships with parents.

5.2 Overview of presentations

This section provides an overview of the presentations given by Kathryn Farrow, Alison Preuss and Dr Roland Meighan. The presentation by Jennifer Wallace is not discussed as the content has been presented in the previous sections of this report.

Kathryn Farrow began by outlining the approach taken by Glasgow City Council to developing and fostering positive partnerships with home-educating families. Examples of this positive relationship included her experience of families proactively contacting her for advice and support. She went on to argue, however, that the current guidance is not particularly easy for officers to interpret. Particular areas of difficulty were:

- The definition of efficient and suitable education: As it currently stands the definition is not clear enough for officers who require a stronger framework with a more in-depth look at what 'efficient and suitable' mean in practice.
- Home-based education being seen as a 'last resort' by families: Ms Farrow's experience suggests that many families consider home-based education when there are significant problems with schooling; however they do not always have a clear understanding of what home-based education involves.
- Local authorities have responsibilities without accompanying rights: There is a lack of clarity in what local authorities' rights are in relation to access to families. In particular, it was not clear whether or not written information was enough to 'satisfy' the authority about the suitability of the education provided.
- Issues surrounding who needs consent: Ms Farrow described her concerns that where children are being withdrawn from independent schools, parents are not required to notify or receive consent from the local authority. This has impacts on the initiatives on Children Missing from Education.
- Issues surrounding child protection concerns: Ms Farrow argued that the guidance needs to be reviewed to take into account both the guidance on Children Missing from Education and the document 'It's Everybody's Job to Make Sure I'm Alright'. (Scottish Executive, 2002)

Alison Preuss, currently Secretary and Press Officer of Schoolhouse, then presented the home educators' perspective on the current guidance on home-based education. Ms Preuss began by providing background information on Schoolhouse, which is a Scottish home-education support organisation founded in 1996. The charity is run by volunteers and funded by voluntary donations. They receive approximately 1,500 enquiries per year. After outlining the relevant legislation and key aspects of the Scottish Executive guidance, Ms Preuss went on to highlight the ongoing need for guidance. She argued that:

- There are inconsistent policies, procedures and practices across Scotland.
- There is a lack of knowledge and understanding by local authorities of home-based education.
- Some home-educating families experience hostility and prejudice when approaching local authorities.
- There is an inherent power imbalance between parents and the local authority that can make it difficult for parents to challenge the local authority.
- The issue of granting consent is a particular problem for home-educating families.

Since the guidance was published in 2004, Schoolhouse has carried out a number of activities to gather information on how it has been implemented. These include:

conferences, surveys of local authorities, mystery shopping exercises, gathering case studies across all thirty-two authority areas, logging complaints made against local authorities and working with the Scottish Consumer Council on the current research project. These investigations led Schoolhouse to make the following observations:

- There is a level of ignorance and misunderstanding of the law in relation to home-based education.
- There is a level of ignorance and misunderstanding about the guidance on home-based education.
- Some local authorities have failed to update their policies and procedures to bring them into line with the guidance.
- Local authority policies and procedures are not always followed and instead families experience different procedures in relation to home-based education within the same authority.
- Not all local authorities recognise the validity of different educational philosophies and approaches.
- There is often poor communication from local authorities.
- There appears to be high staff turnover in relation to the local authority officers with responsibility for home-based education.

Each of these issues was seen to create unnecessary barriers to building trusting relationships and partnerships between home educating families and local authorities. Ms Preuss concluded by making a number of recommendations to local authorities and the Scottish Executive:

1. Local authorities should ensure home-based education policies and information are accurate and up to date.
2. Local authorities should ensure that key education personnel are familiar with the law and the guidance relating to home-based education.
3. Home educators need access to a means of redress when things go wrong.
4. A dedicated forum for home educators and local authorities could help to foster positive relationships.
5. For clarity, the terminology should be changed from 'education at home' (which includes children registered but not attending school) to 'home-based education'.
6. Bullying and other school-related problems should constitute a 'reasonable excuse' for a child's failure to attend school while parents await local authority consent to withdraw.
7. Consent to withdraw should be granted upon written notification.

The title of Dr Roland Meighan's presentation was 'Home-based education is part of the solution'. Dr Meighan began his presentation by quoting Graham Hill, former Vice-Chancellor of the University of Strathclyde:

I wish to argue that where once we saw it our duty to impart as much knowledge as possible to our pupils and students, it is now our duty to impart as little knowledge as possible...The influence of the internet is mostly felt by the

regime of explicit knowledge, the know-what. The internet, still in its infancy, is the wonder-child of education. It knows everything that is to be known. It forgets nothing. It is the intellectual equivalent of Aladdin's lamp. It will do anything within reason that you ask it to do and without question. It therefore absolves human beings from spending their lives accumulating knowledge as information. It therefore denies the hitherto accepted purpose of education. (quoted in The Independent, 19 April 2005)

He argued that the fundamentals of education do not remain constant and that what we understand as 'education' is changing, particularly with the introduction of the internet allowing faster and easier access to information than ever before.

Turning to home-based education, Dr Meighan highlighted that there has been a considerable amount of research into home-based education which often challenges myths and preconceptions about home-educating families. In his experience, most of the research points to the positive impacts of home-based education, with negative findings less common and these positive impacts are consistent across studies. The evidence base shows that the myths that often surround home-based education are often not borne out by research findings:

1. socialisation is rarely an issue for home-educated children, instead children who are home-educated appear to avoid some of the common difficulties associated with peer pressure such as smoking or committing petty crimes.
2. most home-based education is carried out in households with below average earnings; home-based education is therefore not confined to the middle or upper classes.
3. rather than causing concern, the educational attainment of home-educated children is often found to be higher than that of children attending school. After a couple of years, children receiving home-based education are on average two years ahead of their schooled counterparts when assessed on school tests.

Dr Meighan went on to discuss a number of case studies of home-based education. Key points were:

- Flexi-schooling can be of as much interest and assistance to school staff as it is to children and young people. The process of negotiating learning programmes for flexi-schooled children requires an ongoing dialogue which strengthens relationships and builds partnerships.
- NotSchoolNet provides an opportunity for children and young people who are excluded from school to take a more active approach to their learning, typified by its description of participants as 'researchers' rather than pupils or students. Researchers are provided with laptops and encouraged to follow their own interests, with support provided if required.
- There are a number of examples of home-educating families joining together in 'learning communities' to provide access to a range of activities and support mechanisms.
- Cyberschools in Canada allow home-educating families to have access to the school, for example by booking appointments with staff or to access school-based resources.

Dr Meighan concluded by suggesting that as the nature of education changes, the experience and evidence from home-based education can assist in the development of new styles of education. As Douglas Alexander and David Miliband noted:

Britain needs to develop a learning culture built around the idea of a personalised curriculum designed to discover individual talent. That requires an education plan that rethinks what is taught, when, to whom and where. (The Guardian, 25 September 2006)

5.3 Key issues raised during group discussion sessions

Two group discussion sessions were built into the programme for the seminar. Groups were selected to provide a mixture of home-educating families, local authorities and other interested parties.

The groups were given ten questions to consider, five in the morning session and five in the afternoon session, and asked to feed back two key points. These key points are presented below.

- i. Do you find section 2 of the guidance clear? Is it obvious what the duties of parents and local authorities are in relation to home-based education? What changes would you make to the section?**

Participants appeared to feel that section 2 of the guidance was not particularly helpful as currently drafted. One suggestion was that the order of the information was the wrong way around, placing more emphasis on the Standards in Scotland's Schools Etc. Act 2000 than on the primary legislation, the Education (Scotland) Act 1980. It was felt that any revised guidance should more clearly outline the responsibilities of both parents who home-educate and local authorities.

- ii. The consultation suggests adding in a section on Gypsy/Travellers. Do you support this change? What should be included within this section?**

Participants appeared to be in agreement that a specific section on Gypsy/Travellers would not be necessary as the law should apply to all families equally. Equalities should be built in to the guidance, including mechanisms to ensure that all parents are treated equally and fairly and not subject to disadvantage due to financial or other circumstances.

- iii. The consultation asks for views on adding in a suggested timescale for responding to requests to withdraw children from school. Do you support this change? What timescale would you suggest?**

Participants agreed that timescales would be a welcome addition to the guidance. Two to four weeks was seen as a reasonable timescale, with an expectation that most requests could be granted within two weeks. It was also felt that it might be helpful to make reference to potential delays during school holidays as there would be difficulties contacting school staff during these times.

It was also argued by one group, and supported by a second, that the guidance should provide information on the use of 'reasonable excuse' to cover the absence of a child while awaiting consent to withdraw from school. Participants were concerned about the situation whereby a child experiencing bullying or unmet additional support needs would be required to attend school. The 'reasonable excuse' clause was seen as a useful interim measure until consent could be granted by the authority.

iv. Do you think Section 3 is clear enough about what local authorities should take into account when making a decision about withdrawing a child?

Again, the prevailing view in discussion groups appeared to be that there was little clarity in this section of the guidance, leading to a lack of consistency in the approach taken between, and even within, local authorities. Participants singled out the definition of 'efficient and suitable' as being too vague.

Several groups referred to the need to build a trusting partnership from the beginning of the relationship between a home-educating family and a local authority. The lack of clarity and existence of different interpretation made the development of this relationship difficult.

v. Do you think that overall the guidance is clear about who is responsible for listening to the voice of the child?

There was recognition that all children have a right to be listened to, but delegates did not find the current guidance clear about who was responsible for listening to the voice of the child. In particular, it did not appear to be clear in what circumstances local authorities could speak to children.

vi. Section 4 of the guidance currently suggests ways of developing partnerships between parents and local authorities. Is it clear that this section is about voluntary partnership? Does it suggest that local authorities have an ongoing 'monitoring' role?

It did not appear clear to participants whether or not annual contacts were to be voluntary in nature or compulsory. There was a suspicion that the annual contact exists for child protection reasons rather than the assessment of educational provision.

In addition, it was felt that some of the language in this section, and section 5, could be viewed as threatening by home-educating families, which goes against the principle of developing positive partnerships. Home-educating parents reflected that home visits were often stressful and intimidating, further reducing the level of trust they have in local authority officers. Instead, they would prefer contact to be focused on providing any advice or support they may want.

vii. Do you think that local authorities and parents have enough information on home-based education? What should the Scottish Executive's role be in providing information on home-based education?

It was felt that there was limited information for local authorities on the approaches home-educating families may take to education, often it feels as though there is an assumption that the school-based model of education should be followed by home-educating families. Participants felt that there was a role for the Scottish Executive in raising awareness about different educational approaches.

Some felt that the Scottish Executive could convene a working group to develop a 'template' of information for both parents and local authorities to help increase the level of consistency between local authorities.

One group felt strongly that the Scottish Executive should be responsible for providing training for local authority officers with responsibility for home-based education. Due to the small numbers of families involved in home-based education, officers are often unable to build up expertise in this field.

viii. Section 5 of the guidance currently deals with situations where there is evidence that a suitable education is not being provided. Do you think this section is clear enough? What changes would you suggest?

Groups did appear to think that this section was clear; however key issues relating to the interpretation of the legislation felt buried in this section rather than up front, for example, while there is a clear statement about the lack of a duty to monitor home-based education many local authorities appear to be acting without regard to this section.

Similarly, some local authorities appeared to be interpreting the section on access to the home as a generally right rather than only in exceptional circumstances.

ix. Overall, do you think that the guidance is clear about the role and responsibilities of parents and local authorities? Can you suggest any changes that would help clarify the situation?

Participants raised a number of concerns about the clarity and accessibility of the guidance. It was felt that the audience for the document is wider than local authorities, with many home-educating families referring to the guidance regularly. Therefore it should be more user-friendly, jargon free and should be in plain English. The involvement of home-educating parents in the development of guidance was seen as a mechanism for improving its accessibility.

Participants also queried whether or not local authorities were inspected on their approach to home-based education. It was felt that monitoring the compliance of local authorities is not high on the agenda but should be included in the Inspections of Education Authorities, carried out by Her Majesty's Inspectorate of Education.

x. How would you suggest the guidance could be altered to help develop positive partnerships?

One group felt that 'partnership' was not the correct term, as it implied an equal relationship rather than one where the balance of power appears to rest with the local authority. Many of the concerns raised about complex procedures to withdraw a child from school and 'compulsory' annual meetings reinforced the sense of an unequal partnership. It was felt that revised guidance should more clearly state the principle that parents are 'innocent until proven guilty', thereby changing the nature of the relationship into a more positive, supportive one.

Access to school resources was seen as a positive way to support home-educating families, for example assisting them by providing continuous assessment for Standard Grades and Highers. However local authority officers were concerned about the resources involved as there is currently no specific funding available to support home-educating families. Questions were raised about what happens to the money not being spent in educating children in school and whether or not it could be ring-fenced to provide some support to home-educating families.

Participants also felt that the guidance could explore the role of flexi-schooling in more detail. Flexi-schooling may be a more appropriate solution for some children than full-time home-based education but there is limited understanding and awareness of this option.

5.4 Discussion

The discussion seminar provided a useful opportunity to explore the interim findings of the research. The discussion reinforced earlier findings and participants contributed to the development of the recommendations by providing suggestions for change based on their own personal experiences.

The discussion seminar also provided one of the few opportunities for home-educating families, local authority representatives and other interested organisations to come together to develop and discuss solutions.

6. Discussion And Recommendations

Where a child is home-educated, the parental responsibility for that education, coupled with the local authority's responsibility to act if the education provided is not suitable, puts parents and local authorities in a relationship with one another. The relationship is an unusual one, and one that is open to difficulty. Where the relationship does not work well, the child's education can suffer. One way of improving the relationship is to encourage a partnership approach between local authorities and parents. However, for the partnership to work positively and for children's benefit, there needs to be at least a shared sense of understanding, mutual respect and a willingness to negotiate with one another. The role of the Scottish Executive should be to encourage that shared sense of understanding and mutual respect, through both legislation and guidance.

Our research suggests a number of changes to both primary legislation and the Scottish Executive guidance which would help to improve relationships between home-educating families and local authorities.

6.1 Granting consent to withdraw a child from school

The case studies from home-educating parents clearly show that the process of granting consent to withdraw a child from school is a source of conflict for some families. While parents are legally required to take decisions that meet their children's needs, local authorities also have a role to play in making sure that the education provision proposed is suitable.

In England and Wales, parents can de-register their children from a state school by writing to the head teacher, who is then obliged to notify the local authority. In Scotland, however, parents need to make sure their children continue to attend school while the local authority processes their request for formal consent to withdraw. At present, local authorities do not have to adhere to any time limits on processing such requests. Given that the most common reason for choosing home-based education is that children are experiencing difficulties at school, many parents feel unable to prolong the difficulties. As either failing to ensure their child attends school or failing to protect them, could be seen as a breach of parental duties, this places parents in an unfair predicament. Our research found evidence that parents often remove their children from school while awaiting consent – either through desperation due to school-related problems or after receiving erroneous advice on the law in Scotland leaving them open to legal action by the local authority.

We do not believe that the current legislative position, where children have to continue to attend school until the local authority makes a decision, is in the best interests of the child and recommend that the Scottish Executive legislate to allow children to be withdrawn upon written notification to the local authority. Written notification would allow local authorities to ensure that they were aware of all

children in this situation. In cases where the authority has child protection concerns or concerns over the suitability of the education provided, there are existing legal powers to allow them to intervene. This legislative change would also tend to define the duties on local authorities as 'negative', acting only when they have evidence of concerns, than a 'positive' power to intervene and investigate without evidence of concern.

Given the likelihood that any change in the Education (Scotland) Act 1980 would take a considerable amount of time, we recommend that as an interim measure, the Scottish Executive guidance is revised to include a maximum timescale of three weeks to grant a request to remove a child from school to home-educate, which has already been achieved by some local authorities. It should also give examples of circumstances, such as in cases of bullying and school-related stress, in which parents may be deemed to have 'reasonable excuse' for failing to ensure their child's attendance at school while awaiting formal consent for withdrawal from the education authority.

Recommendation 1

The Scottish Executive should amend the Education (Scotland) Act 1980 to allow parents to withdraw a child from school to home-educate upon written notification to the local authority.

Recommendation 2

As an interim measure, the Scottish Executive guidance should be revised to include a maximum time limit of three weeks to grant a request to withdraw a child from school in order to home-educate and should further indicate circumstances in which parents may be deemed to have 'reasonable excuse' for failing to ensure their child's attendance at school while awaiting formal consent for withdrawal from the education authority.

6.2 Information and advice to parents

We were disappointed to find cases where local authorities did not provide information to parents, despite the suggestion to do so in the guidance. In total, five of the local authorities that responded stated that they did not provide information to parents on home-based education. Our review of the information provided to parents raises concerns about the consistency of information provided and the extent to which it meets the information needs of parents.

Given the similarities in the information required and the inherent inefficiency of having each local authority develop their own information, consideration should be given to developing a 'template' for this information for use by all local authorities. This would allow for high quality and consistent information to be provided to parents across Scotland. This template should be developed in consultation with the national home-based education support organisation, Schoolhouse, and published in a manner that allows local authorities to include information specific to the local situation, for example Council logos and contact details.

We would also like to draw attention to the large variation in the level of advice and support given to home-educating families by local authorities. The guidance makes reference to the desirability of providing advice and support where it has minimal resource implications. However, the majority of local authorities do not provide the range of services that the guidance suggests they could. We asked for examples of good practice from local authorities; however, few submitted responses to this request. We believe that there should be a mechanism for developing good practice in relation to home-based education in Scotland. We are aware that there is currently an informal network for staff involved in home-based education which could be strengthened and supported.

Recommendation 3

The guidance should restate the need for local authorities to have information for parents on home-based education.

Recommendation 4

The Scottish Executive should develop a 'template' for information for parents for use by all local authorities, in consultation with organisations representing home educators and their families.

Recommendation 5

The Scottish Executive should consider how it can support education officers to develop good practice in relation to home-based education.

6.3 Ongoing contact with families

Our analysis of local authority policies on home-based education suggested that many local authorities interpret the legislation as providing them with a legal duty to monitor the provision of home-based education. It is not clear whether the local authority can claim to be 'not satisfied' that the education provided to a child is suitable and efficient based on a lack of up-to-date evidence to that effect, or whether it can only act where it already has evidence that calls into question the efficiency or suitability of the education provided. The Scottish Executive guidance must clearly state which position is legally correct.

A further complexity identified is that the role in ongoing contact appears to differ depending on the circumstances through which a child comes to be home-educated. The majority of those who have withdrawn from school appear to be contacted regularly, while those whose children have never attended are less likely to be contacted, even though they are known to the local authority. This finding suggests that some local authorities view ongoing contact with home educating families who have withdrawn their child from school as compulsory while contact with families whose children have never attended school is not necessary. We do not believe that this is a correct interpretation of the law. Local authorities' rights and duties with regard to home-based education exist regardless of the child's previous attendance at school. Again, the Scottish Executive guidance must clearly state the legal position.

Recommendation 6

The guidance should clearly state the legal role of local authorities in relation to ongoing contact with home educating families, in particular whether this is voluntary or compulsory.

Recommendation 7

The guidance should clearly state whether there is any legal difference with respect to contact arrangements for families whose children have and have not ever attended a local authority school.

6.4 Child protection

The guidance on home-based education clearly states that:

It is no more likely that child protection issues will arise in relation to home-educated children than school-educated children.

However, throughout this research we found that the issues were interconnected in the minds of education officers. The importance of contact with families appeared to be less about considering the suitability of the education provision, than about reassuring staff that the child was not being subject to abuse.

There is an implied suggestion that making a request to withdraw a child from school is in itself something to be suspicious of. For example, the insistence of a small number of local authorities that they meet the child alone is more akin to a child protection investigation than the granting of a request to withdraw a child from school to home-educate. This is despite the evidence discussed in section 1, which shows that in the majority of cases parents choose to home-educate because of problems that their children experience with the school system.

There were also suggestions that home educating children should be considered as part of developments relating to 'children missing from education'. However, the Scottish Executive notes that home-educated children are not missing from education, in the same way as those attending an independent school would not be considered to be 'missing'.

If child protection concerns are the reason given for refusing a request to withdraw a child from school, parents must be informed immediately and be able to access and query the information on which this judgement has been based.

Recommendation 8

Scottish Executive guidance should include a discussion of child protection and home education and strongly dissuade local authorities from inferring child protection concerns without supporting evidence and from taking a child protection approach to dealing with families who wish to home-educate.

6.5 Listening to children

As discussed in Section 3 (Withdrawal from School) and Section 4 (Partnership with Parents), there are conflicting views as to who is responsible for listening to the voice of the child. Some local authorities insist on meeting children when they are making the decision to grant (or refuse) a request for consent for their withdrawal from school. Similarly, this also appears to occur during ongoing contact with families.

Recommendation 9

Guidance should clearly state that local authorities have no automatic right of access to children who are home-educated or who are being withdrawn from school. Circumstances in which local authorities would be expected to listen to the voice of the child should be clearly stated.

6.6 Complaints mechanisms

As discussed in Section 4, few local authorities provide information to parents or staff on the right of parents to complain about the local authority, for example in relation to the process of granting consent to home-educate or in the arrangements for ongoing contact.

The questionnaire responses from local authorities suggested that they had received almost no complaints about home-based education during the previous year. We found this surprising given the time spent by home-based education organisations helping parents to pursue their complaint, and their own records on complaints made to local authorities. It is not clear to us why these are not logged as complaints in relation to home-based education.

It may be that the nature of the local authority's role in home-based education has led to the view that there is no avenue to progress complaints about their actions. However, the Scottish Public Services Ombudsman (SPSO) would be able to consider this within her remit, providing home-educating families with a source of external review without having to take their case to the Sheriff Court. Guidance should state clearly parents' legal rights to use both the internal local authority complaints procedures and if they are still dissatisfied, to make a complaint to the SPSO.

Developing effective complaints routes, however, are only part of a successful complaints procedure; parents also need to be informed of their rights. Local authorities should be encouraged to include information on parents' rights to complain in their information to parents.

Recommendation 10

Guidance should clearly state the rights of parents to make formal complaints to local authorities and the Scottish Public Services Ombudsman.

Appendix A: References

- EMA (2006) Guidance Document 2006/07 <http://www.emascotland.com>
- Gabb, S. (2004) *Home Schooling: A British Perspective* University of Buckingham (<http://www.seangabb.co.uk/academic/homeschooling.pdf>)
- GROS (2005) Estimated population by age and sex, Scotland 30 June 2004 (<http://www.gro-scotland.gov.uk/files/04mype-cahb-t1.pdf>)
- Lindsay, M. (2002) 'Check on Kitchen Classrooms' *The Aberdeen Press and Journal* 8th February 2002
- McCabe, M. (2006) *Is it best for a child to learn in isolation?* Times Educational Supplement Scotland March 3rd 2006
- Petrie, A. J., Windrass G. and Thomas A. (1999) *The Prevalence of Home Education in England: a feasibility study*. London: Department for Education and Employment.
- Rothermel, P. (2002) *Home education: Rationales, Practices and Outcomes* (<http://www.dur.ac.uk/p.j.rothermel/Research/Researchpaper/BERAworkingpaper.htm>)
- Rothermel, P. (2004a) *Can we classify motives for home education?* (<http://www.dur.ac.uk/p.j.rothermel/Research/ESRC/ClassifyMotives.htm>)
- Rothermel, P. (2004b) *Home-Education: comparison of home and school educated children on PIPS Baseline Assessments* <http://www.dur.ac.uk/p.j.rothermel/>
- Scottish Consumer Council (2000) *Home Works: Local authorities' approaches to working with home educating parents in Scotland* Glasgow: SCC
- Scottish Consumer Council (2004) *A – Z Scots Education Law* Edinburgh: TSO
- Scottish Executive (2002) *It's everyone's job to make sure I'm alright: Report of the Child Protection Audit and Review* Edinburgh: Scottish Executive
- Scottish Executive (2003) *Children Educated Outwith School, 2002/03* Edinburgh, Scottish Executive
- Scottish Executive (2004) *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 Edinburgh: Scottish Executive
- Scottish Executive (2005a) *Pupils in Scotland 2004* Edinburgh: Scottish Executive
- Scottish Executive (2005b) *Results of the annual census of independent schools in Scotland, as at September 2004*. Edinburgh: Scottish Executive
- Scottish Executive (2005c) *Safe and Well A – Z* Edinburgh: Scottish Executive
- Scottish Executive (2006) *Children Educated Outwith School and Pupil Projections 2006* Edinburgh: Scottish Executive

Appendix B: Local Authorities Who Responded To The Questionnaire

The following local authorities responded to the questionnaire on home-education policies and procedures:

Aberdeen City Council
Angus Council
Argyll and Bute Council
Clackmannanshire Council
Comhairle nan Eilean Siar
Dumfries and Galloway Council
Dundee City Council
East Ayrshire Council
East Dunbartonshire Council
East Lothian Council
Glasgow City Council
Highland Council
Inverclyde Council
Midlothian Council
Moray Council
North Ayrshire Council
North Lanarkshire Council
Orkney Islands Council
Perth and Kinross Council
Renfrewshire Council
Scottish Borders Council
Shetland Council
South Ayrshire Council
South Lanarkshire Council
Stirling Council
West Dunbartonshire Council

Appendix C: Seminar Attendees

The following organisations were represented at the discussion seminar on the 15th January 2007:

Argyll and Bute Council
City of Edinburgh Council
Dundee City Council
East Ayrshire Council
East Dunbartonshire Council
Falkirk Council
Fife Council
Glasgow Anti Racist Alliance
Glasgow City Council
Govan Law Centre
Highland Council
Learning and Teaching Scotland
Midlothian Council
National Autistic Society
North Ayrshire Council
North Lanarkshire Council
PlayAlong Maths
Renfrewshire Council
Save the Children in Scotland
Schoolhouse
Scotland's Commissioner for Children and Young People
Scottish Borders Council
Scottish Executive
Scottish School Boards Association
South Lanarkshire Council
West Dunbartonshire Council

In addition, fifteen home educating parents and seven home-educated young people attended the event.