

Home Education Policy

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Contents

Section	Content	Page Number
Section 1	Introduction	3
Section 2	Legislative position	4
Section 3	Withdrawing a child from school	9
Section 4	Contact between home educating families and the Highland Council	14
Section 5	Good practice for Highland Council	19
Section 6	Efficient and suitable education	20
Section 7	Information for parents	22
Section 8	Children with additional support needs	25
Section 9	Useful contacts	26



Section 1 - Introduction

This guidance is issued under Section 14 of the Standards in Scotland's Schools etc. Act 2000 and must be read in conjunction with that Act and the Education (Scotland) Act 1980. (Section 37(1) Education (Scotland) Act 1980). Relevant legislation is set out in section 2.

This guidance applies to home education provided by parents, not to education being provided out with school by the Highland Council.

The purpose of this guidance is to set out the legislative position, provide advice on the roles and responsibilities of the Highland Council and parents in relation to children who are home educated, and to encourage the authority and home educating parents to work together to develop trust, mutual respect and a positive relationship that functions in the best educational interests of the child.

Guidance was first published in 2004 and again in 2017. This is the third revision of the guidance and has been developed in line with the Scottish Government Guidance for Home Education, updated in January 2025 - [Home education guidance - gov.scot](https://www.gov.scot/publications/home-education-guidance/pages/introduction.aspx)

These guidelines are rooted in a philosophical framework which recognises that:-

- Every child has a right to an education, and it is the duty of the parent of every school age child to provide that education, either by sending the child to school, or by other means.
- Home education is a key aspect of parental choice, and is an equally valid choice alongside the option to send a child to school. However, it is a choice which only a minority of parents make.
- Each individual enquiry about home education, request to withdraw a child from school, or contact between the Highland Council and a home educating family, should be dealt with as fairly, consistently, timeously, and accurately as possible.
- As well as the parent/carer, the child/young person has a right to have their views listened to and taken into account in any request for home education.

The right to be educated in a safe environment, offering a broad and general education, suited to the needs, aptitudes and ability of the child will be the measure for assessing the quality of education offered to the child, regardless of the environment in which they are educated.



Highland Council Contact:

For any Home education enquiries please email: Home.Education@highland.gov.uk

Section 2 – Legislative Position

This section sets out the legislation relevant to home education. It covers:

- 2.1** the statutory nature of this guidance
- 2.2** child's right to an education a
- 2.3** the parent's responsibility for providing that education
- 2.4** efficient and suitable education

This section also provides references to case law and international law that are of relevance to home education. Most of the topics covered are expanded upon in later sections of this guidance.

2.1 The statutory nature of this guidance**Standards in Scotland's Schools etc. Act (2000) - Section 14**

Section 14 provides guidance to education authorities as to home education. 'The Scottish Ministers may issue guidance as to the circumstances in which parents may choose to educate their children at home; and education authorities shall have regard to any such guidance'.

2.2 A child's right to an education**Standards in Scotland's Schools etc. Act (2000) - Sections 1 and 2**

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

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



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

2.3 the parent's responsibility for providing that education

Education (Scotland) Act (1980) - Section 30

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

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

Children (Scotland) Act 1995, Section 6 (1)

(1) A person shall, in reaching any major decision which involves:

(a) his fulfilling a parental responsibility or the responsibility mentioned in section 5(1) of this Act; or

(b) his exercising a parental right or giving consent by virtue of that section;

have regard so far as practicable to the views (if he wishes to express them) of the child concerned, taking account of the child's age and maturity, and to those of any other person who has parental responsibilities or parental rights in relation to the child (and wishes to express those views); and without prejudice to the generality of this subsection a child twelve years of age or more shall be presumed to be of sufficient age and maturity to form a view.

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

The definition of a parent 'includes guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of Section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or



young person'.

While most parents fulfil their responsibility to provide education by sending their children to school, others choose to provide home-based education. Home education is a right, conditional upon the parents providing an efficient education suitable to the age, ability and aptitude of the child and choosing this option does not in itself require permission. A child is defined as being of school age (i.e. education must be being provided) if he or she has attained the age of 5 years but has not yet attained the age of 16 years. However, the exact rules surrounding school starting and leaving dates are complex and are set out in sections 32 and 33 respectively of the Education (Scotland) Act (1980).

Duties place on local authorities

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

In the exercise and performance of their powers and duties under this Act, education authorities must have regard to the following:

1. If a child becomes 16 between 1 March and 30 September, compulsory education ends on 31 May in that same year;
2. if a child becomes 16 between 1 October and 28/29 February, compulsory education ends the day before the Christmas holidays between those two dates. Therefore it is possible for a child to have attained the age of 16 and still be of compulsory school age, and consequently require consent to withdraw from school.

Further to this, there is a general principle that, 'so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents'.

The Highland Council will seek to support parents in the choices that they make by offering advice, clear and accurate information and resources where feasible.

Duties placed on parents

Education (Scotland) Act (1980) – Section 35



'Where a child of school age who has attended a public school on one or more occasions fails without reasonable excuse to attend regularly at the said school, then, unless the education authority have consented to the withdrawal of the child from the school (which consent shall not be unreasonably withheld), his parent shall be guilty of an offence against this section'.

Section 35 stipulates therefore that the consent of the authority is required for a child to be withdrawn from a Highland Council school.

Education (Scotland) Act (1980) - Section 37(1)

'Where a child of school age has not attended a public school in the area in which his parent is residing, or has attended such a school and has been withdrawn there from with the consent of, or excluded by, the education authority, then, if the authority are not satisfied that the parent is providing efficient education for him suitable to his age, ability and aptitude, it shall be the duty of the authority to serve a notice on the parent requiring him within such time as may be specified in the notice (not being less than seven or more than fourteen days from the service thereof) either -

(a) To appear (with or without the child) before the authority and give such information as the authority may require regarding the means, if any, he has adopted for providing education, or

(b) In the option of the parent, to give such information to the authority in writing.'

Education (Scotland) Act (1980) - Section 37(2)

'If a parent on whom a notice has been served in pursuance of subsection (1) above fails to satisfy the authority that he is providing efficient education for the child suitable to his age, ability and aptitude or that there is a reasonable excuse for his failure to do so, the authority shall make an attendance order in respect of the child in accordance with the provisions of section 38 of this Act.'

Section 37 requires an local authority to take action where they are not satisfied that an efficient and suitable education is being provided and within Highland this is likely to involve contact with the family from the Care and Learning Manager or the Additional Support Needs Manager/Officer.



2.4 Efficient and suitable education

There is no definition of efficient and suitable education in law, however there are two examples of case law from England and Wales which may be of assistance in the interpretation of this:

Harrison & Harrison v Stevenson. Appeal 1981 Worcester Crown Court (unreported)

The Judge defined the outcomes of a suitable education as:

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

R v Secretary of State for Education, ex parte Talmud Torah Machzikei Hadass School Trust. Judicial review 1985, The Times, 12 April 1985

Mr Justice Woolf said: '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.'

International Law

European Convention on Human Rights - Article 2 of Protocol 1

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

UN Convention on the Rights of the Child - Article 12 and 3

Article 12 places responsibility on others to assure that any child who is capable of forming his or her own views has the right to express those views freely in all matters affecting the child.

Article 3 also requires that any decision made for a child, who may not be capable or in a position to give their own view, is made in the child's best interests.

The Convention is indicative of international standards and it is the policy of the Scottish Government to reflect the provisions of the Convention wherever



possible in the development of policy and legislation.

The views of the child should be given due weight in accordance with their age and maturity.

UN Convention on the Rights of the Child - Article 28

'Parties recognise the right of the child to education'.

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

Section 3 – Withdrawing a child from school

3.1 Why parents choose to home educate

Parents can choose to home educate their children for many different reasons. Parents do not have to give a reason for choosing home education when requesting to withdraw their child from a school. Any reason given should have no bearing on whether or not consent is given, as the Highland Council's interest lies in how the parents intend to educate their children, not their reason for doing so. The following reasons are common, but not exhaustive:

- The wish to follow a particular educational or ideological philosophy.
- Religious or cultural beliefs.
- Dissatisfaction with the system.
- A child's reluctance to go to school.
- A child's problems when at school, e.g. bullying.
- Geographical - due to remoteness, or mobility for work or cultural reasons.
- The wish to deal with a child's additional support needs in a particular way.
- As a short term intervention for a particular reason.

It may be helpful for the Highland Council to know if the reason is dissatisfaction with the school, or issues such as bullying at school, as this may have wider implications and Council staff may wish to follow-up any concerns raised.



3.2 Who needs consent?

Under Section 35 of the Education (Scotland) Act (1980), parents of a child who has been attending a public school must seek the Highland Council's consent before withdrawing their child from that school. The Highland Council must not unreasonably withhold consent. It should be noted that while consent is needed for withdrawal from school, consent is not needed to home educate in itself. Where a parent/carer is considering requesting to withdraw their child from a school roll, it is important to discuss with the local authority what support may be available if their child is withdrawn.

Consent is **not needed** in the following situations:

- The child has never attended a local authority public school
- The child has never attended a school in the Highland Council's area.
- The child is being withdrawn from an independent school.
- The child has finished primary education in one school but has not yet started secondary education in another.
- The school the child has been attending has closed.
- The child is not yet of school age

Although there is no statutory duty upon parents to inform the Highland Council that they are home educating if they do not require consent, the Highland Council would prefer home educators in their area, or moving into their area, to contact them as help and support can be offered and having an initial contact can be helpful if parents require to contact the authority for any reason in the future.

3.2 Withdrawing the child from the school – the process

Procedures for considering a parent's request to withdraw their child from school should be fair, clear, consistently applied and not cause any undue delay. Staff will be aware that home education is a key aspect of parental choice and that consent to withdraw a child from school should not be unreasonably withheld. On the other hand, sufficient time must be allowed for officers to take an informed decision on an important matter which will have an effect on the child's future learning. The following checklists are suggested as good practice:



For parents:

- Establish whether consent is needed in line with the legal framework.
- If consent is needed, write to the Highland Council to request consent - please email: Home.Education@highland.gov.uk
- It is advisable to do this as early as possible and where reasonably practical, well in advance of the date you wish to withdraw your child from school
- Do include initial proposals as to how you intend to provide an efficient and suitable education for your child as this information will be required.
- Please note you are not required to indicate the reasons for your decision but may choose to do so.

Communication received in the generic mailbox (Home.Education@highland.gov.uk) will be the initial point of contact.

On receiving the request the lead officer will advise the parents of their point of contact within the Council.

In making a decision, several issues may need to be considered, for example, is there anything in the child's record to cause concern?

On receipt of a request from a parent, we will consider quickly whether there is any existing evidence, either in the Highland Council's own records or from other services or agencies, indicating that there may be good reason to refuse consent.

Specific instances where consent may not be able to be granted immediately are:

- where a child has been referred to social work, police or health for child protection reasons, and the matter is being investigated;
- where a child is subject to a Child Protection Planning Meeting, has an Interim Safety Plan or a Child Protection Plan;
- where a child is subject to an Interim Compulsory Supervision Order, a Compulsory Supervision Order, or a Child Protection Order;
- where there is a history of domestic abuse in the family home;
- where a child is on the child protection register;
- where a child has been referred to the Children's Reporter on care and protection grounds, whether welfare or offence based, and the referral is being considered.



If information exists that casts doubt on whether an efficient and suitable education can be provided, or if the parent has failed to provide outline proposals on the proposed educational provision, the Highland Council should seek to gather any relevant information that will assist them in reaching a decision. This should include seeking further information from the parents about their plans for educational provision. Parents should be given the opportunity to address any specific concerns that the Highland Council has.

The child should also be given the opportunity to express his or her views and these MUST be taken into account before any final decision is made.

If no evidence exists of reasonable grounds to withhold consent, if the child/young person agreed with the request and parents have provided some indication of their educational objectives and proposed resources, consent can be granted immediately.

Timescales

- The aim should be to issue a decision within 6 weeks of the receipt of the original application.
 - The majority of applications can and will be dealt with well within this timescale.
 - In a small minority of cases, where information has to be sought from various sources, it may not be possible for a decision to be issued within 6 weeks. The parent should be kept informed of the progress of the application, the reason for any delay and the likely timescale to reach a decision. Officers should seek to issue a decision as soon as possible.
 - Highland Council staff should have regard to any problems a child is experiencing at school and should endeavour to issue as quick a response as possible in those cases where a child may be suffering distress or experiencing some kind of problem as a result of continued attendance at school.
 - The Highland Council may not unreasonably withhold consent. The lead officer should notify the parents in writing of their decision, setting out reasons and the grounds for refusal if consent is withheld.
 - If consent is withheld, the parents should be given the
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opportunity, within a reasonably practicable period, to address the grounds for refusal and resubmit their request for reconsideration.

- In reaching a decision Council staff may wish to have regard to the suggested characteristics of an efficient and suitable education set out in Section 6 of this guidance. However, they should bear in mind that in these early stages parents' proposals may not be detailed and they may not yet be in a position to demonstrate all of the characteristics suggested.
- In the period between receipt of an application to withdraw the child and a decision being issued, the Head Teacher should take a reasonable approach to attendance procedures. In most cases it would be inappropriate to initiate or pursue attendance procedures in respect of a child awaiting consent to be withdrawn from school.
- Home educators come from all social, economic, racial, and religious backgrounds, and these factors have no bearing upon the decision. Parents are not required to have any qualifications or training to home educate their children.

Data base

Permission will be sought to keep the contact details of Home Educating families on a data base held in each area office. This enables the Council to make annual contact but also to ensure parents are kept informed of the following:

- Any vaccinations for flu being offered by NHS Highland
- Dental Services
- HPV injections for girls over the age of 12
- Rubella and other injections for pupils
- Skills Development Scotland (careers) Service contacts
- Special activities open to all Highland children

3.2 Appeals by parents against the Highland Council's decision

There is no statutory right of appeal against the Highland Council's decision to withhold consent to withdraw a child from school. However, all decisions



should be reviewed internally by the Highland Council on request. The Highland Council should provide parents with details about their complaints procedure. The Highland Council has a mediation service and the existence of this should be made known to families who intend to home educate. Parents may also choose to pursue the matter with the Scottish Public Services Commissioner (Ombudsman).

Movement between and within local authority areas

Some families may have lifestyles which mean they move or travel, sometimes seasonally, between and within local authority areas, sometimes for work or cultural reasons, for example Gypsy Travellers. The same considerations for consent to withdraw from school and for ongoing contact apply to these families. Some Traveller families have arrangements in place whereby children are on a school roll and attend for part of the year using means other than home education to maintain continuity in learning while travelling. Only when children do not attend any school and where the education is provided predominantly by the parents, should the arrangement be considered to be home education.

3.3 Flexi schooling

The Highland Council may occasionally receive a request to withdraw a child part time from school, e.g. for the child to attend school only on certain days, or for certain subjects. The feasibility of each request should be considered on its own merit, while taking into consideration that under Section 28 of the Education (Scotland) Act (1980), 'so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents'. Ultimately however, it is a decision for the Highland Council and each school as to whether they can support such an arrangement.

Section 4 - Contact between home educating families and the Highland Council

4.1 Legal duty on the Highland Council

It is worth repeating here the relevant legislation which relates to ongoing contact between home educating families and the Highland Council:



Education (Scotland) Act (1980) - Section 37(1)

'Where a child of school age has not attended a public school in the area in which his parent is residing, or has attended such a school and has been withdrawn there from with the consent of, or excluded by, the education authority, then, if the authority are not satisfied that the parent is providing efficient education for him suitable to his age, ability and aptitude, it shall be the duty of the authority to serve a notice on the parent requiring him within such time as may be specified in the notice (not being less than seven or more than fourteen days from the service thereof) either -

- (a) to appear (with or without the child) before the authority and give such information as the authority may require regarding the means, if any, he has adopted for providing education, or
- (b) in the option of the parent, to give such information to the authority in writing.

Education (Scotland) Act (1980) - Section 37(2)

If a parent on whom a notice has been served in relation to the section above, fails to satisfy the authority that the education being provided for the child is efficient and suitable to his age, ability and aptitude or that there is a reasonable excuse for his failure to do so, 'the authority shall make an attendance order in respect of the child in accordance with the provisions of section 38 of this Act.'

There is no statutory duty upon the Highland Council to 'monitor' ongoing home education provision. However, in law Highland Council have a duty to serve a notice on any parent who they are not satisfied is providing efficient education suitable to their child's age, ability and aptitude. The law does not specify how, and to what extent, the Highland Council should actively seek the information that will inform them on whether home educating parents' educational provision is suitable and efficient. Section 4.2 sets out recommendations on this.

If the Highland Council has reason to believe that an efficient education is not being provided for a home educated child, they have a duty to intervene. This duty applies equally in relation to all children, regardless of whether or not they have previously attended a Highland Council school in the area.



4.2 Contact

The Highland Council will ordinarily make contact on an annual basis with those families they know to be home educating in their area. This annual contact is not a statutory requirement. However in this way the Highland Council may reasonably inform them of any information that could be a support to them in educating their child(ren) and also in order to fulfil the duty to serve a notice on any parent who is not providing efficient and suitable education.

Contact will be made in writing initially to the family, seeking a meeting or requesting an updated report. It is important to include the child, if the child wishes. This is in line with Article 12 of the UNCRC, which protects respect for the views of the child regarding matters which affect them. The Highland Council can satisfy themselves that suitable and efficient education is being provided either through a meeting, at a mutually agreed location, or through other means, e.g. the submission by the family of written, recorded, or electronic material. The Highland Council will not be prescriptive about the format in which information can be submitted. The important factor is whether the information can demonstrate that 'suitable and efficient' education is being provided.

Following this contact, the Highland Council officers should write to the family letting them know if the education being provided is considered appropriate to the child. If there is no problem with the educational provision, there will be no need for further contact until the following year. Where there are concerns about the efficiency or suitability of the education being provided, a Council officer will make the exact nature of these concerns clear to the parent.

If, from whatever source, the Highland Council becomes aware of concerns about the home education of any child, out with the normal contact time, they will need to gather the necessary information in order to form a view on whether those concerns are justified or whether the parents are providing an efficient education suitable to the age, ability and aptitude of the child.

4.3 Access to the child and home

It is important to acknowledge that learning takes place in a wide variety of environments and not simply in the home.



Where the education is taking place in the home, it may be thought desirable for the Highland Council to have the opportunity to see the child in that learning environment, to enable them to see the provision at first hand and thus determine whether suitable and efficient education is being provided. The Highland Council does not however have a right of access to the home and the child. Trusting relationships may need time to develop before a parent is willing to invite an officer to visit. Where a parent elects not to allow access to their home or their child, this does not of itself constitute grounds for concern about the educational provision or the wellbeing of the child. Depending upon the circumstances, there may however be occasions when a denial of access raises child protection concerns, in which case the general principal set out in section 4.6 should apply.

Although it is recognised that the learning environment can have a bearing on the effectiveness of learning, the Highland Council should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. Parents might prefer, for example, to write a report, provide samples of work, either in hard copy or electronically, or provide evidence in some other appropriate form. In all circumstances, it is always helpful to gather the views of the child about their experience of the education they are receiving.

4.4 Exceptional circumstances

Where the Highland Council has concerns about the education provision which are not allayed by the presentation of written or alternative forms of evidence and ongoing dialogue and the only way the Highland Council can clarify whether suitable and efficient education is being provided is to seek access to the home environment, then they may request to do so. However, the Highland Council must have demonstrable grounds for concern and must outline those grounds to the parent when requesting access to the home. If in these circumstances the parent refuses to allow access to the home, the Highland Council might reasonably conclude that they have insufficient information to satisfy themselves as to the efficiency and suitability of educational provision and serve a notice on the parent under Section 37 of the 1980 Act. They may also have concerns about the general wellbeing of the child and in such circumstances may involve other services within Care and Learning and/or Police Scotland.



4.5 Making an attendance order

A parent's wish to educate a child at home should be respected and where possible, effort should be made to resolve issues about provision by a process of ongoing dialogue before Section 37 is invoked. Only in extreme cases should notice be served, i.e. where

- the education is clearly not efficient and suited to the age, ability and aptitude of the child, and this situation is unlikely to be resolved by further ongoing dialogue, or
- the Highland Council has made every effort to secure the information required to enable it to satisfy itself that the education is efficient and suited to the age, ability and aptitude of the child, and that information has not been provided by the parent.

Under Section 37, notice will allow between 7 and 14 days for the parent to provide the Highland Council with whatever information they require to satisfy themselves about the suitability of the education. The parent may choose to do this by meeting with the Highland Council representative in person, or by supplying the information in writing. The Highland Council should make an attendance order where the parent, on whom notice has been served, fails to satisfy the Highland Council that efficient education is being provided, suitable to the age, ability and aptitude of the child, or that there is reasonable excuse for his or her failure to do so.

4.6 Child Protection concerns

The welfare and protection of all children, both those who attend school and those who are educated by other means is of paramount concern and is the responsibility of the whole community. As with school educated children, child protection issues may arise in relation to home educated children. It should not be assumed that child protection issues are more likely to arise for children who are home educated. If any child protection concerns come to light in the course of engagement with children and families, these concerns should immediately be dealt with following established protocols.



Section 5 – Good practice

5.1 Clear Information

The Highland Council provides clear and accurate written information and website information on home education. Contact details for home education support organisations are also provided. All written information will be made available to parents in community languages and alternative formats on request.

The Highland Council provides parents who are, or who are considering, home educating with a named contact (via the generic email Home.Education@highland.gov.uk) who is familiar with home education policy and practice and has an understanding of a range of educational philosophies. The Highland Council may wish to invite the parents to meet with a named officer to discuss their proposals or provision. Any such meeting should take place at a mutually acceptable location. The child should be given the opportunity to attend that meeting, or otherwise to express their views, but the child's attendance should not be seen as compulsory. Either during such a meeting, or otherwise, the parents and the Highland Council should consider and agree what future contact there will be between them. In some cases, where parents have a clear idea of what home education entails and where there are no other concerns, such a meeting may not be necessary.

The Highland Council will, as far as practicable, ensure that staff who may be the first point of contact for a potential home educating parent, e.g. answering telephone enquiries, understand the right of a parent to choose home education. The Highland Council aims to ensure that parents are provided with accurate information from the outset.

5.2 Record keeping

The Highland Council keeps a written record setting out any discussions, recommendations or agreements made with parents and where relevant, the reasons for them. Any written report is copied to the parents and where appropriate, the child. In exceptional cases, where there is a reasonable concern that a passage in any written record might cause serious harm to the physical or mental health or condition of any person concerned, consideration is given to withholding that part of it. The Highland Council



will always comply with data protection and freedom of information principles.

5.3 Practical support & resources

The Highland Council is not legally obliged to provide any resources for home educated children, however may choose to do so, particularly where there are minimal resource implications.

Some of the ways in which the Highland Council might choose to support home educating families include:

- Providing general advice.
- Allowing access to learning centre resources.
- Allowing access to school resources where feasible.
- Allowing access to examination centres where feasible.
- Facilitating access to any discounted rates for educational materials.
- Providing access to the Highland Council owned community and sports facilities on the same basis as for school children.
- Informing home educating families of any projects or programmes which might reasonably be accessed by home educated children.

5.4 Review

As a matter of good practice, the Highland Council regularly reviews all of their procedures and practices, including in relation to home education. This could focus on whether improvements could be made in the processing of requests to withdraw a child from school, and contact with home educating families, and generally to meet the needs of children and parents. Effective reviews, together with the sensitive handling of any complaints, will help to secure effective partnership.

Section 6 – Efficient and suitable education

6.1 Acknowledging diversity

Parents' educational provision will reflect a diversity of approaches and interests. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to



make more informal provisions that are responsive to the developing interests of their child. One approach is not necessarily any more valid than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, the Highland Council does not specify a curriculum which parents must follow.

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

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

6.2 Suggested characteristics of efficient and suitable education

In their consideration of parents' provision of home education, the Highland Council reasonably expects the provision to include the following characteristics:

- Consistent involvement of parents or other significant carers.
- Presence of a philosophy or ethos (not necessarily a recognised philosophy), with parents showing commitment, enthusiasm, and recognition of the child's needs, attitudes and aspirations.
- The opportunity for the child to be stimulated by their learning experiences.
- Involvement in a broad spectrum of activities appropriate to the child's stage of development.
- Access to appropriate resources and materials.
- The opportunity for an appropriate level of physical activity.
- The opportunity to interact with other children and adults.

Curriculum for Excellence is not primarily about prescriptive curriculum



content or structures. Rather it is about focussing on the outcomes that learning and teaching will achieve for young people. This concurs with the philosophy of many home educating parents and the Highland Council considers the principles which govern Curriculum for Excellence as characteristics of suitable and efficient education.

To summarise, these principles are that every child:

- Has the opportunity to develop as a successful learner, effective contributor, confident individual and responsible citizen.
- Knows they are valued and supported.
- Has the opportunity to develop skills for learning, vocational skills and skills for life.
- Has the opportunity to develop a range of knowledge and skills that adds up to a general education.
- Finds learning relevant and meaningful.
- Is challenged and engaged by their learning.

Section 7 – Information for parents

7.1 - Education Maintenance Allowance (EMAs)

Home educated children are eligible for EMAs, subject to the same criteria as set out for school educated children. EMAs are available to eligible young people who are undertaking full-time non-advanced level study by home education. The EMA programme is administered by the Local Authority in which the home education is based. Applications should be made to the Highland Council. Home educated student applying for an EMA must have a history of home education prior to reaching their official school leaving date. The Scottish Government publish updated guidance annually in March. Parents should refer to the latest guidance for more details.

7.2 Examinations for home educated children

There is no legal requirement for children to sit a particular set of examinations. If parents want a child to take a particular qualification, they should investigate thoroughly whether and how easily their child will be able to access examination and assessment arrangements. The internal assessment component of many qualifications such as National



Qualifications, GCSEs and A Levels can restrict the certification of external candidates. For instance, many National Qualifications courses at SQA National 1, 2, 3, 4, 5, Higher (National Level 6) and Advanced Higher, require candidates to pass unit assessments as well as an external assessment to achieve a course award. These are not however the only types of qualification available and parents may wish to investigate alternative options which may be better suited to home education. Some study options are set out below.

The Highland Council is not required to meet any costs associated with home educated candidates taking examinations or other qualifications. The Highland Council will however, where circumstances allow, take a reasonable approach and make available any resources or support that they can offer, and give information about alternative qualifications and the arrangements needed for children to take them, where applicable.

7.3 Study options for educational qualifications

Further Education – home educated young people are eligible to be considered for further education college courses. As with school pupils, it is a matter for the college concerned whether to enrol a home educated young person. Courses are usually part-time, though colleges may in exceptional circumstances enrol young people under the age of 16 on to full-time programmes.

Enrolment at college has the advantage that all the work and entry for qualifications is organised by the college, but it does require at least some attendance at classes which will not appeal to all home educating families. If a student enrolls at a college, their parents will be liable to pay all of the course fees themselves unless they qualify for any available funding within Highland Council. Colleges also have the discretion to waive fees, which they tend to do for low income families in accordance with the Scottish Funding Council's fee-waiver policy.

Self-Study

Many home educating families choose to work independently towards qualifications. Because of compulsory internal assessment components, there are many subjects and qualifications which are not available to external



candidates unless an appropriate arrangement can be made with an approved centre which meets with the examining board's requirements. Some centres and examining boards may be willing to accept coursework which has been marked and authenticated by a private tutor.

Families who study for qualifications from home will need to:

- Contact the relevant examination board to find out about their requirements.
- Register with an approved centre for their child to be presented for the qualification.
- Pay a registration fee for each subject their child will take.

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

Correspondence Courses or On-line Distance Learning Courses

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

7.4 Child protection assurances for parents

Parents may choose to employ other people to educate their child, though they themselves will continue to be responsible for the education provided. They will also be responsible for ensuring that those they engage are suitable persons to have access to children. They will therefore wish to satisfy themselves, for example by taking up appropriate references, or requesting that a Disclosure check is carried out. Further information about Disclosure checks is available from Disclosure Scotland (contact details at end of guidance).



Section 8 – Children with additional support needs

A parent's right to educate a child at home applies equally where that child has additional support needs. The fact that a child has additional support needs should not in itself be a reason to refuse consent to withdraw a child from school. Additional considerations do however apply. It is reasonable for the Highland Council to ask parents to indicate how they propose to cater for their child's additional support needs at home.

When considering a request for consent, or considering whether the education is suitable, taking account of the age, ability, and aptitude of the child, the Highland Council will consider the environment in which a child with additional support needs is to be educated and its appropriateness for the individual child. With the agreement of the parents, an educational psychologist might be involved in assessing the proposed provision for a child with additional support needs.

The Highland Council has no statutory obligation to provide financial or other support for the education of children with additional support needs whose parents elect to home educate.

8.1 The law and children with additional support needs

The Education (Additional Support for Learning) (Scotland) Act (2004), provides a framework for additional support needs. This term applies to any child or young person who, for whatever reason, requires additional support, to benefit from education. The Highland Council is required to identify, meet, and keep under review the additional support needs of all pupils for whose education they are responsible.

While the Highland Council is not responsible for the education of children or young people who are home educated, parents of home educated children have the right to ask the Highland Council to find out whether or not their child has additional support needs and to assess what level of support they might need. A young person also has similar rights. The local authority can choose to agree with the request and provide the necessary support, but it is under no legal duty to do so.



Section 9 - Useful Contacts

Schoolhouse Home Education Association

PO Box 18044, Glenrothes, Fife KY7 9AD Tel: 01307 463 120

Email: info@schoolhouse.org.uk

Website: www.schoolhouse.org.uk

North of Scotland Home Educators

Email: norscothe@hotmail.co.uk

Education Otherwise

PO Box 325, Kings Lynn PE34 3XW Tel: 0845 478 6345

Email: eoemailhelpline@education-otherwise.org

Website: www.education-otherwise.org

Home Education Advisory Service

PO Box 98, Welwyn Garden City, Herts AL8 6AN Tel: 01707 371
854

Email: enquiries@heas.org.uk

Website: www.heas.org.uk

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

Disclosure Scotland

Disclosure Scotland, PO Box 250, Glasgow G51

1YU Tel: 0141 282 5000 Fax: 0141 282 5050

Email:

info@disclosurescotland.co.uk

Website:

www.disclosurescotland.co.uk

[Scottish Qualifications Authority - SQA](#)

[Education Scotland | Education Scotland](#)

[Standards in Scotland's Schools etc. Act 2000 \(legislation.gov.uk\)](#)



[Education \(Scotland\) Act 1980 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1980/30/contents)

<https://www.gov.scot/publications/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/>

[Home - The Promise](#)

[School Nursing- Highland](#)

[United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2024/1/contents)

[United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2024/1/contents)

[STEP - Providing Flexible Learning for Travelling Communities \(ed.ac.uk\)](https://www.ed.ac.uk/step)

[OHCHR | Convention on the Rights of the Child](https://www.ohchr.org/en/instruments-treaties)

[Children's rights in Scotland | Resource Themes | Education Scotland](#)

[Child Rights | The Rights of Children and Young People - CYPCS](#)

[Education \(Scotland\) Act 1980 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1980/30/contents)

[Review of additional support for learning implementation: report - gov.scot \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/publications/review-of-additional-support-for-learning-implementation-report-2023)

[How can I resolve disagreements with the school or local authority? - Enquire](#)

[Reach - understand children's rights to education and support in Scotland](#)

[Additional support for learning: statutory guidance 2017 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/additional-support-for-learning-statutory-guidance-2017/pages/introduction)

[Scottish Mediation – Turning Disagreement into Opportunity](#)

[home-education-asl.pdf \(enquire.org.uk\)](https://www.enquire.org.uk/home-education-asl.pdf)

[Data Protection Act 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2018/12/contents)

[A guide to the data protection principles | ICO](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles)

[A guide to individual rights | ICO](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights)

[Home | SPSO](#)

[My Rights, My Say \(myrightsmysay.scot\)](https://myrightsmysay.scot)

[Resources search | Resources | Education Scotland](#)

[Children's Rights and Wellbeing Impact Assessment guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/childrens-rights-and-wellbeing-impact-assessment-guidance/pages/introduction)



[Getting it right for every child \(GIRFEC\) Practice Guidance 4 - Information sharing - gov.scot \(www.gov.scot\)](#)

[About Curriculum for Excellence | Curriculum for Excellence | Education Scotland](#)

[Home | Scottish Credit and Qualifications Framework \(scqf.org.uk\)](#)

[Publications - Scottish Funding Council \(sfc.ac.uk\)](#)

[Apply for or renew an Education Maintenance Allowance \(EMA\) - mygov.scot](#)

[Best Start Grant and Best Start Foods - mygov.scot](#)

[Scottish Child Payment - mygov.scot](#)

Period Products (Free Provision) (Scotland) Act 2021: guidance – September 2021 - gov.scot (www.gov.scot)

