

HOME TRUTHS

An investigation into local authorities' home education policies, practices and relationships with home educators in Scotland



“Individuality, family and community are, by definition, expressions of singular organization, never of ‘one-right-way’ thinking on the grand scale. Children and families need some relief from government surveillance and intimidation if original expressions belonging to them are to develop. Without these, freedom has no meaning.”

~ John Taylor Gatto



Author: Alison Preuss

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Dedicated to Lisa Jane, Renegade Parent

1979-2018



FOREWORD

My name is Charlene and I am now 31 years old. I have a rare genetic syndrome and learning disabilities. I attended school until I was 10 years old, but the system failed me and nobody seemed to care. My mum Karen did some research on alternatives and found the UK home education mailing list where she met like-minded parents, including Alison Preuss and her family. It was a lifeline.

After yet another bad incident at school, my mum decided it was time for me to be home educated and I was relieved as well as excited. Mum had a very difficult time with the local authority as a single parent, but she fought back and, in the end, we had a great education advisor and my social worker was very supportive. Nobody could believe the change in me after only a short time out of school. I was happy and relaxed, I could learn at my own pace, and I did well. Books were not so good for me, so we found other ways to learn and concentrated on life skills which were much more important. We would meet up with other home educating families and have fun visiting museums, going to parks for picnics and family days. I made new friends from all over Scotland.

In 1999, my mum and Alison started the Scottish home-ed list (now the Scottish Home Education Forum), and members worked hard to get things improved for home educating families. In 2000, the Scottish Parliament could have got rid of the consent clause that had made things so hard for mum and me, but we were badly let down on promises of help and we got fobbed off with statutory guidance. That meant children in Scotland could still be stuck in school for weeks (and sometimes months) while their parents tried to get them out, unlike their peers in England and Wales. We had to campaign hard to stop our rights being trampled on and I wonder if Nicola Sturgeon remembers meeting me as she supported us at the time.

We were sad to read in this new report that nothing much has changed and home educating families are still experiencing discrimination from some local authorities. We hope all the forum's recommendations are accepted and incorporated into the planned new guidance as it is time home educated children and their families were treated equally and fairly, wherever they happen to live in the country.

I will be forever grateful to everyone who helped us more than 20 years ago, and I'm glad the forum is still providing valuable support for a new generation of home educators. I honestly don't know what would have happened to me if mum hadn't taken me out of school. People have no idea how bad it can get and how low it can make you feel. You lose any self-confidence you may have had and it can cause serious harm to your mental and physical health.

The Scottish Government, MSPs, the Children's Commissioner and public services all need to accept there is more to education than schools. Some of us will never fit into their boxes and we can do so much better, and be so much happier, learning in the real world.

Charlene McKinlay (formerly home educated) & Karen Shepherd-Best (her mum)

March 2020

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I EXECUTIVE SUMMARY

Background & Rationale

The Scottish Home Education Forum was established as an online peer support network in 1999, and in recent years has expanded its scope to offer advocacy, training and consultancy services. Its current membership stands at over 3,200, having increased by 1,200 (around 50%) in two years, and it is managed by a steering group of experienced volunteers.

In the absence of reliable statistical and demographic data on home education in Scotland, the forum has published several pieces of research, including the reasons for children being in home education (2018)¹ and home educators' experiences of the health visiting service (2019).²

Home educators have consistently found themselves excluded from policy discussions and adversely affected as a result of failure to acknowledge the existence of 'education by other means' as a lawful and equal alternative to council schooling. The situation was exacerbated by the introduction of the Getting It Right For Every Child (GIRFEC) policy, especially for parents of children with additional support needs (ASNs), who felt their rights had been systematically undermined by the focus on state-dictated outcomes and lack of respect for legitimate parenting choices.



As home educator numbers have grown, driven disproportionately by the cohort of children with ASNs, tensions have increased due to underlying hostility towards parents opting for an alternative to schooling. Forum members have shared myriad concerns about poor treatment by local authorities (LAs) and other services, and some of the most serious examples have been raised directly with the Scottish Government. The same problems have recurred on a regular basis, despite statutory guidance having been in place for two decades and the current version for 12 years.

Since publication of the Scottish Consumer Council's 2007 report on home-based education, which preceded the current guidance, it has been left to the home education community to gather relevant data and report findings. This current piece of research was prompted by the need to produce robust evidence to inform the Scottish Government's planned review of statutory guidance in 2020.

Although the legislation that accords equal status to council schooling and 'education by other means' has remained unchanged since 1980, policy developments and unlawful data sharing 'advice'³ issued in 2013 have created particular problems for home educators, who were among the first to question the legality of Parts 4 and 5 of the Children and Young People (Scotland) Act 2014. Following the 2016 Supreme Court 'named person' judgment⁴ and subsequent abandonment of remedial legislation⁵, the forum submitted a joint parliamentary petition⁶ with Tymes Trust for an independent public inquiry into the human rights impact of GIRFEC policy. It remains under consideration by the Education & Skills Committee.

Methodology

Local authority policies and information for parents

The forum collected wide-ranging statistical, demographic and policy data for the past three years from all 32 local authorities via freedom of information (FOI) requests. All recorded an increase in home educator numbers, but some of the returns were incomplete or ambiguous. Few complaints had been recorded, which lacked

¹ <https://scothomeed.co.uk/reasons-for-school-age-children-being-in-home-education>

² <https://scothomeed.co.uk/wp-content/uploads/2020/05/190623-Home-educators-experience-of-health-visiting-in-Scotland.pdf>

³ https://no2np.org/wp-content/uploads/ICO-statement_2013.pdf

⁴ <https://www.supremecourt.uk/cases/uksc-2015-0216.html>

⁵ <https://www.gov.scot/news/children-and-young-people-information-sharing-bill/>

⁶ <https://external.parliament.scot/GettingInvolved/Petitions/PE01692>

credibility, given the significant number copied to the forum, and only around five school attendance orders (SAOs) were said to have been issued.

Provision of a named contact for home education, mandated by statutory guidance, was patchy and invariably seen as an unimportant add-on to an existing school-related role. Training was limited or non-existent, with work shadowing being the most common approach, and specific confidentiality concerns were raised by the cross-council sharing of examples of parental home education provision.

Local authority policies obtained via FOI varied considerably in quality and accuracy, as did their information for parents, which was not always easily accessible. Website searches were also often unsuccessful as home education information was well concealed or non-existent, despite the guidance requiring accessibility.

Policies and information for families, both provided by councils and obtained via independent search, were analysed and assigned scores to reflect how well they met the assessment criteria based around the legislative framework and current guidance. Scores ranged from 1 to 9 out of a possible 10, and, while there were several examples of good or excellent local policies, some contained fundamental legal inaccuracies and 'wishful thinking' interpretations of national guidance, as well as 'home schooling' mis-terminology and misconstrual of consent for withdrawal from school as 'permission to home educate'.

Many policies failed to correctly apply data protection principles, and the majority of councils appeared to have been conducting unlawful 'background checks' on parents who had decided to exercise a valid, equal choice to educate by other means than schooling. Council policies also routinely confused the threshold test that limits interference with families' Article 8 rights, including data sharing.

Although children with disabilities, chronic conditions and other ASNs, notably autism and severe anxiety, are known to be highly represented in the home education community, some councils also appeared to operate an exclusionary gatekeeping system for services, such as educational psychology, by insisting on access through schools, with few proactively offering no-strings support for home educated children whose parents requested it.

Home educators' perspectives

The forum conducted an online survey of home educators which was completed by 272 individuals from all local authority areas, with a disproportionate number of responses from Highland and Aberdeenshire. Due to the small number of responses from some areas, local authorities were 'clustered' according to their policy scores in order to preserve respondent anonymity.

Reasons given for home education were in line with previous forum research, with ASNs being especially highly represented. There were wide disparities in experiences of initial contact with, and responses from, local authorities, which ranged from "helpful" through "disinterested" to "awful".

The information provided by councils about home education varied according to both area and postholder, with some home educators from less advantaged areas perceiving a socio-economic bias on the part of officials. A minority of councils were said to comply with the guidance, but most still expected home visits or meetings and access to children. Few signposted families to home education support networks and some parents had been made to feel they were the only home educators in their area.

While nearly half of respondents felt their local authority had been supportive and the majority reported prompt attention to their enquiries, the presumption of home visits was common to almost all. A small minority of parents reported threats of school attendance orders and referrals to social work or the children's reporter on 'wellbeing' grounds, often by schools or local authorities who disapproved of home education and parental choice. "GIRFEC gang culture" was said to be especially prevalent in some areas, with services colluding to prevent parents from exercising lawful choices.

Lack of legal representation and independent advocacy had impacted most adversely on children with ASNs and especially those in rural and island areas. Absence of legal aid and the inability to engage expert witnesses on home education to counter multi-agency school-centric professional bias had further exacerbated the inequality of arms.

A postcode and postholder lottery was especially evident when it came to consent for withdrawal from school, with timescales ranging from “immediately” to “more than a year”. A few requests had been refused for declining home visits and access to children, or on other spurious grounds, including undefined “wellbeing concerns” and, perhaps most bizarrely, the council’s alleged duty to ensure education as a “corporate parent”.

Several parents reported serious data protection infringements, mainly due to the retention and application of unlawful GIRFEC guidance, and malicious referrals to social work were also said to be a problem for a small minority. Although most had come to nothing, families had suffered extreme stress and had their home education plans delayed as a result, but a small number had become embroiled in the child protection system. Several had been doggedly pursuing complex complaints, sometimes over years, in the belief they had been victimised due to exercising their rights and/or complaining.

Victims deplored the lack of action from the Information Commissioner (ICO) and Children’s Commissioner (CYPCS)⁷ who were said to have adopted a ‘pick and mix’ approach to upholding the law and United Nations Convention on the Rights of the Child (UNCRC), enabling a hierarchy of rights and rightsholders to become established and abandoning unpopular minorities in favour of preferred ‘partners’ and lobbyists.

Survey responses illustrated how the discriminatory consent anomaly – which applies only to pupils of council schools who must attend until the authority authorises their removal from the roll (unless one of the exceptions applies) – had continued to be exploited by local authorities and/or rogue officials. It had placed some parents in an impossible situation, where children were struggling with school attendance but had received child protection referrals or threats, despite both home education and children’s hearings guidance acknowledging the defence of ‘reasonable excuse’ in such circumstances.

Double standards were highlighted by parents whose children had been coerced into giving their views on home education but not on their schooling experience. Councils were also said to have misrepresented the ‘duty to ensure education’ as theirs rather than the parents’ and failed to apply the legal threshold test for interference with Convention rights, which was seen to be directly attributable to GIRFEC policy and the premature implementation of unlawful named person schemes.

A few parents raised concerns about former partners seeking to use children’s home education to undermine and exert ongoing control over their lives. In one case the parent with day-to-day care remained fearful of a violent ex-partner who had “found a new way to exploit the children”. Local authorities were said to be complicit, which had re-traumatised children and created delays in their withdrawal from school or increased pressure for their return. Parents felt that the lack of respect for home education as an equal choice to schooling had enabled controlling individuals to take advantage of institutionalised pro-school prejudice.

Less than a third of respondents felt that their local authority understood the law relating to home education, but nearly half thought they did not. Experienced home educators had successfully challenged misinformation and poor practice, but improvements were often short-lived due to staff changes, non-existent training and invariable regression to the default pro-school position. Many highlighted the disproportionate impact on vulnerable families and those from less advantaged areas.

Local authority policies were rarely predictive of good or bad practice as experienced by those who completed the survey, although several received consistently positive ‘service user’ reviews that accorded with their policy scores, notably North Lanarkshire, Moray and Edinburgh. Others whose policies had scored highly were poorly (and sometimes extremely poorly) rated by local home educators, notably Aberdeenshire, Highland and Dumfries & Galloway.

A review and analysis of forum discussions relating to local authority contacts was conducted alongside the survey. Being a peer support group, it was expected that negative experiences would outnumber positives, but these shared experiences nevertheless proved a useful barometer of local authority culture and practice. Some exchanges had to be excluded from the analysis due to their sensitivity and to prevent risk of identification that might compromise legal proceedings.

⁷ <https://www.change.org/p/children-and-young-people-s-commissioner-scotland-in-relation-to-named-person-girfec-we-request-you-investigate-breaches-of-children-s-right-uncrc-article-16-interference-in-private-life-and-attacks-on-children-s-reputations>

Findings were similar to those of the online survey, with Moray and North Lanarkshire consistently held up as the most positive examples. At the other end of the scale, Highland was lambasted by dozens of parents as “authoritarian” and a “nightmare” to deal with, despite its published policy being highly rated for quality and accuracy. Illegal data collection and sharing, GIRFEC gang culture and disability discrimination were frequently flagged by parents, many of whom had children with ASNs who had been removed from school due to bullying and safety concerns.

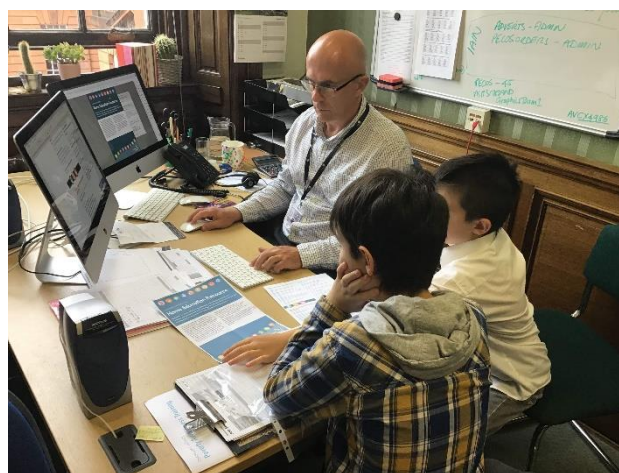
Several parents recounted experiences of referral to the children’s reporter on seemingly spurious grounds, with limited or no access to legal advice or advocacy, and described a culture of home-eduphobia that had spread across services, along with their personal data, and facilitated oppressive practice. Aberdeenshire and Dumfries & Galloway also came in for especially robust criticism, with many of the others not far behind.

Survey respondents and forum members were asked to make and rank a number of suggestions for improvements to the home education guidance, which, along with the analysis of forum discussions, formed the basis of the 16 recommendations set out below. However, it was clear from parents’ reports on their councils’ approaches that the postcode and postholder lottery will not be eliminated by guidance alone, and that home educators must be fully involved and engaged in identifying and implementing solutions if the culture of home-eduphobia is to be successfully tackled and trusting relationships with families rebuilt.

Council case study

Tensions between Dumfries & Galloway Council and home educators had been growing over a number of years, with withdrawals from school and data sharing being especially fraught issues, and the forum had approached the Scottish Government in 2018 in anticipation of making a section 70 complaint⁸ to Ministers.

The council committee’s approval for a revised ‘home schooling’ policy was subsequently delayed due to complaints raised by the forum and local families, and a formal consultation ensued. This led to improved dialogue and the co-production of a new draft policy, although it has not yet been adopted and local home educators have expressed continuing dissatisfaction with current practice.



In January 2020, the forum’s lead researcher met with a senior council officer for a constructive discussion in which more areas of agreement than contention were identified. Many of the more acute difficulties had arisen from the 2013 data sharing ‘advice’, later negated by the 2016 ‘named person’ ruling, which had left local authorities stymied by policies that had not been amended to reflect the lawful intervention threshold.

The council was keen to build on the positive foundations laid during recent engagement with home educators and tentatively supported some of their suggestions, including a proposed reduction in the turnaround time for consent, and welcomed opportunities for participation in ‘conversations’ with home educators at national and local level.

Ongoing work and initiatives

Peer support and advocacy for families has become a feature of the rapidly growing home education movement in Scotland, and parents have become better networked and much more knowledgeable about the law since the current guidance was issued in 2008. New forum members are sometimes surprised to learn that it is parents, not the state, who have the duty to ensure children are educated in the compulsory years and that parents are the arbiters of their children’s best interests and right to education.⁹ They also quickly come to

⁸ <https://www.gov.scot/publications/section-70-education-scotland-act-1980-guidance-document-users-section-9781788515023/>

⁹ <https://www.legislation.gov.uk/ukpga/1980/44/section/28>

appreciate that the local authority role is limited to taking action where it is *not* satisfied with the home education provision¹⁰, on the basis of *evidence* of parental failure.

Home education presentations by community members have been well received and have led to requests from a range of organisations for dedicated information resources and training. An account of one such session, delivered to a national conference in 2019, is included in this report as an example of home educators' collective commitment to debunking myths and combatting home-eduphobia. However, the tide of misinformation and prejudice peddled by vested interests and lobbyists, including self-proclaimed children's rights 'champions', has shown little sign of abating.

In the course of this research, the forum's steering group undertook a review of the efficiency of current support networks and identified the need for an inclusive new body to address escalating challenges facing the community. Following an inaugural meeting in late 2019, Home Education Scotland was formally constituted as a national membership organisation, whose official launch will coincide with the publication of this report.

Summary findings

Although statutory home education guidance has been in place for 20 years and the current version since 2008, home educating families continue to face the same barriers identified in previous research. The inbuilt imbalance of power, whereby local authorities insist on parental adherence to law and guidance without being held to the same standards themselves, has led to intractable problems, especially in relation to withdrawing children from school. Wide disparities in council policies and practice have created both a postcode and postholder lottery, and this research has highlighted significant mismatches between the two in some areas where the treatment reported by families has borne no resemblance to councils' published policies.

Lack of accurate and accessible information for parents has once again been highlighted, along with local authorities' pro-school prejudice and denial of home education having equal legal status to schooling. Mis-terminology, misinformation and the misconstrual of negative duties as proactive powers have had a polluting effect on local policies, many of which have departed significantly from national guidance. Grey areas and ambiguities within the guidance have also been exploited, especially in relation to data sharing and the threshold for interference with Convention rights. "More GDR than GDPR" was one parent's quip.

In addition, the lack of mandatory training has adversely impacted on 'service users'. They have too often been subject to the whims of officials who have had the home education remit foisted onto them with no preparation, and the expectation that they follow non-compliant policy 'orders' has created further tensions. A commitment to consultation and engagement with home educators, and to publishing impact assessments, which might have pre-empted many of the problems, has been similarly absent.

The increase in home education is still being driven mainly by families whose children have disabilities, chronic conditions and other ASNs, notably autism and severe anxiety, but some councils have sought to exclude home educated children from services to which they are entitled and directed all their efforts towards returning them to school rather than supporting alternative provision. Only a few councils offer flexi schooling as an option, and access to resources and exam centres for external candidates was said to be difficult by parents who had requested such assistance.

It remains the case that the consent anomaly directly discriminates against parents who have delegated responsibility to council schools, and that some authorities abuse their power by seeking to impose unlawful conditions or unreasonably withholding consent for children's withdrawal. Too many refusals have simply cited "socialisation", "wellbeing" or "curriculum" concerns, despite parents having provided adequate proposals for their children's home education based on the government's own suggested characteristics. In fact, there are very few circumstances in which consent can legitimately be withheld, and the process, which should be a straightforward administrative exercise, can easily be circumvented by parents with the means to move areas or decamp temporarily to an independent school, from which children can be withdrawn immediately.

The home education guidance expects councils to be sympathetic in cases where children are struggling with attendance due to ASNs, bullying or severe anxiety, rightly recognising that it is the parents' responsibility to

¹⁰ <https://www.legislation.gov.uk/ukpga/1980/44/section/37>

determine fitness to attend and the fact that GPs do not issue medical certificates to school-age children. Parents have also successfully argued that the provision of home education represents 'reasonable excuse' for absence in the waiting period, a position that is also supported in the children's hearings guidelines.

The home education guidance has hitherto been developed in co-operation with home educators to agree a set of reasonable recommendations to help steer local authorities, including the non-binding suggestion of annual contact to request updates and broad 'suggested characteristics' of a suitable education. Families say they should have the right to expect local authority officers to have a more mindful and nuanced appreciation of their professional boundaries if they are to recognise their own prejudices and build trusting and respectful relationships with the home educating community.

Recommendations

The forum's investigation has identified key areas of concern over the relationship between home educators and local authorities, and the Scottish Government is invited to progress the following 16 evidence-based recommendations in its forthcoming review of statutory guidance.

- The Scottish Government should consider convening a working group, inclusive of local authorities and home educators, and preferably chaired by a specialist education lawyer, to formulate a model home education policy and information for parents that are fully reflective of national guidance for adoption across all council areas. Proposed local policy changes should always be preceded by equality and rights impact assessments and formal stakeholder consultations.
- The guidance should mandate dedicated training, with input from home educators, for all staff who deal with home education enquiries, withdrawal requests and updates.
- Since the discriminatory consent anomaly remains open to ongoing abuse, and in the absence of planned changes to primary legislation, the Scottish Government should reduce the recommended timescale in the guidance from six weeks to a maximum of one or two weeks, with a presumption of consent where local authorities fail to comply.
- The guidance should expressly state that the parental provision of home education constitutes 'reasonable excuse' where children are struggling or unable to attend school due to stress-related illness or ASNs during the waiting period for consent, with absences marked as authorised.
- The guidance should re-state the requirement for local authorities to publish information about home education as an equal choice, with correct terminology, details of the relevant council contact and direct links to local policy and national guidance, all of which should be immediately accessible on their websites and otherwise available to parents.
- The guidance should close the identified loopholes that enable the delaying of consent, and clarify grey areas, including the management of cross-council withdrawals, the impact on timescales of holidays and staff absence, and the legal parameters of compulsory education age.
- The guidance should address the issue of former partners 'weaponising' home education in order to re-exert coercive control over parents with whom children ordinarily reside, especially where they have already experienced trauma.
- The guidance should strongly encourage councils to make resources available and facilitate exam access for home educated external candidates where parents have requested such assistance.
- In view of increasing interest and positive experience in some areas, the guidance should expand on how flexi schooling could be made more accessible, and how practicalities might be agreed between parents, schools and councils. However, its status should be recognised as distinct from home education for which parents assume full, not shared, responsibility.

- Since the provision of education is a parental function and parents are the legally recognised arbiters of their children's best interests, the guidance must expressly prohibit councils from routinely gathering and sharing families' personal data for the purpose of processing withdrawal requests. It should similarly prohibit councils from making withdrawal consent conditional upon parents and young people ceding their Article 8 and data protection rights, and the legal intervention threshold should be re-stated as 'risk of significant harm'.
- The guidance should be amended to prevent councils from misleading parents in order to gain entry to the family home, coerce meetings or impose unreasonable conditions, with suitable sanctions for misconduct. Interviewing of children without parental consent should also be proscribed, and children's Article 12 rights to decline to express views or meet with unknown officials must be made explicit.
- The guidance should require councils to promptly provide reasons for unavoidable delays in processing consent, regardless of the time of year or staffing issues. Moreover, any refusal of consent should include detailed reasons, accompanied by evidence of inadequacy of proposed parental provision or risk of significant harm to the child.
- The guidance should require councils to hear appeals by parents and provide details of all available complaint mechanisms, including internal processes, the Scottish Public Services Ombudsman (SPSO), ICO, section 70 complaints and ASN Tribunal applications. Councils should also be required to record complaints from home educating parents and home educated young people about breaches of law and guidance, including allegations of discriminatory treatment in relation to protected characteristics.
- Although beyond the scope of the home education guidance, the government should, in the light of growing numbers of children being withdrawn from school, give early consideration to amending pertinent legislation and guidance so that home educated children and young people with complex ASNs become eligible for co-ordinated support plans (CSPs) on parental application.
- The Scottish Government should commit to a comprehensive policy audit to ensure that the 'orders' being followed by services do not breach overarching human rights and data protection legislation, and that home educators can expect delinquent provisions to be disregarded.
- The Scottish Government should re-affirm its support for home education as an equal lawful choice and commit to meaningful consultation and engagement with home education organisations, including the Scottish Home Education Forum and Home Education Scotland, in order to work towards eliminating prejudice and home-eduphobia.



II INTRODUCTION

The Scottish Home Education Forum

The Scottish Home Education Forum (founded in 1999) is a national support network which offers information, peer support and advocacy to home educating families and those considering the option, as well as conducting research and campaigning on home education and allied issues. Its current membership stands at over 3,000 and has increased by 50% over the past two years.

In common with other grassroots minority groups, the forum receives no public funding and is facilitated by volunteers, who, between them, have decades of home educating experience. Collectively, they undertake necessary work that has been left undone by funded bodies, most of which not only lack awareness and understanding of a diverse and vibrant community, but often appear unwilling to close an ever-widening knowledge and skills gap, thereby exacerbating an unacceptably exclusionary approach by policy-makers and practitioners alike.

The forum remains concerned about widespread misinformation and prejudice across services and the amplification of problems through repeated misuse of language (e.g. 'home schooling') and misrepresentation or misapplication of the law pertaining to home education. Members have repeatedly brought these matters to the attention of the Scottish Government, which has committed to refreshing its statutory guidance on home education in 2020.

Home education



There are no reliable statistics on the number of school-age children who are in home education in Scotland, since schooling is an opt-in service and it is parents, not the state, who are responsible in law for providing suitable education for their own children during the compulsory years.

Contrary to popular belief, elective home education, or 'education by other means', has equal status in law to council schooling in Scotland and is in fact the default model, requiring no permission, registration or notification. Local authority consent is only required (and may not be unreasonably withheld) for the withdrawal of a school-age child from a state (but not independent) school s/he has attended as a pupil on one occasion or more, with several exceptions that are non-exhaustively outlined in statutory guidance.

Local authorities are required to adhere to primary legislation and have regard to statutory guidance, which must also be read to comply with overarching human rights and data protection legislation. However, parents frequently report being misled about their legal rights and responsibilities, deliberately or otherwise.

Historically, home educating families in Scotland have been evenly split between those who have proactively chosen to home educate from the outset and those who have withdrawn their children from school, mostly due to bullying or unmet additional support needs (ASNs). Over the past several years, however, there has been a perceptible shift towards the latter as home educator numbers have increased significantly.

III RATIONALE

Overview

There is a dearth of research into the experiences and motivations of home educating families in Scotland, despite the rise in numbers and demographic changes within the community over the past decade. At the same time, home education support networks have been witnessing increasing tensions between families and local authorities, often due to differing interpretations of the law and statutory guidance that had been intended to help promote positive relationships.

Given the near-universal lack of interest by policy-makers in the circumstances and needs of home educators (despite the aim to get it right for *every* child), it has been left to the community itself to add to the limited body of existing research. The current investigation was prompted by forum members' reporting of widely inconsistent treatment by their local authorities, the lack of response by service providers and regulatory bodies to issues highlighted by our previous research, and the need for reliable evidence to inform the upcoming home education guidance review.



Previous research

'Home Works: Local authorities' approaches to working with home educating parents in Scotland', published in 2000 by the Scottish Consumer Council, identified a range of concerns about local authorities' policies and practices in relation to home education, notably over consent to withdraw a child from school and the accuracy of information for parents.

In 2007, the Scottish Consumer Council published a follow-up report, 'Home-based Education: Towards Positive Partnerships'¹¹, which was timed to coincide with the previous review of home education guidance and made a number of recommendations, including removal of the consent anomaly or, at the very least, a tightening of the timescale.

In 2018, the Scottish Home Education Forum published its 'Reasons for school-aged children being in Home Education' survey report¹², which found that the increase in numbers was predominantly being driven by families whose children had disabilities, chronic conditions and other additional support needs, including autism and severe school anxiety.

Most recently, the forum's 2019 survey report on 'Home educators' experiences of the health visiting service in Scotland'¹³ highlighted a lack of transparency regarding the voluntary nature of the health visitor/parent relationship, poor quality information and advice based on ignorance of the law, and underlying hostility towards home education as a valid and equal choice.

Review of statutory guidance

Statutory guidance in relation to home education¹⁴ sets out the respective roles and responsibilities of parents and education authorities. The current version, issued in January 2008, is due to be updated in 2020.

The government has confirmed that no changes will be made to primary legislation, which accords equal legal status to home education and council schooling. Revised guidance will also need to comply with the European

¹¹ <https://www2.gov.scot/resource/doc/169693/0047295.pdf>

¹² <https://scothomeed.co.uk/reasons-for-school-age-children-being-in-home-education>

¹³ <https://scothomeed.co.uk/wp-content/uploads/2020/05/190623-Home-educators-experience-of-health-visiting-in-Scotland.pdf>

¹⁴ <https://www.gov.scot/publications/home-education-guidance/>

Convention on Human Rights (ECHR) and General Data Protection Regulation (GDPR), which are given effect across the UK by the Human Rights Act 1998 and the Data Protection Act 2018 respectively.

That the current guidance has served so well for so long is undoubtedly due to the intensive consultation that preceded its introduction. Joint research by the Scottish Consumer Council and home educating families had also served to highlight the need for improvements, many of which were given effect in the 2008 guidance, although several issues, including the contentious consent anomaly, have remained unresolved.



John Taylor Gatto on a visit to Arbroath in 2008, where he signed the Declaration of Freedom in Education

Dialogue with Scottish Government

Forum representatives met with the Scottish Government's Learning Directorate and GIRFEC team leaders on several occasions during 2018 and 2019 to raise concerns over the poor treatment of home educators by some local authorities¹⁵. We also invited a formal response to our research on home educators' experiences of the health visiting service, which prompted a further meeting in August 2019.

Given the escalation in problems faced by families, we invited the government to issue a formal reminder to councils of the need to have regard to the statutory guidance, noting that a precedent existed for such intervention. We also stressed the need for mandatory training for all professionals who may encounter home educating families, which was agreed to in principle but has yet to be progressed.

We welcomed the government's commitment to updating the guidance and submitted a detailed response¹⁶ to its pre-consultation discussion paper, also in August 2019, intimating that we had commenced a new piece of research to further inform the process.

¹⁵ <https://scothomeed.co.uk/scottish-home-education-forum-demands-action-on-council-contempt>

¹⁶ <https://scothomeed.co.uk/wp-content/uploads/2020/04/190830-FINAL-HOME-DISCUSSION-RESPONSE-PDF.pdf>

IV LEGISLATION, GUIDANCE & POLICY



This section sets out the legislative and policy framework that relates to home education in Scotland, along with commentary informed by recent opinions from counsel on the human rights impact of proposed changes across different UK jurisdictions. It has been reviewed by a Scots education lawyer but is intended only as an overview to assist home educators' and others' understanding of home education and the law.

The Education (Scotland) Act 1980 affirms the principle that children should be educated in accordance with the wishes of their parents “so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure.”¹⁷ The ECHR further mandates respect for parents' religious or philosophical convictions in relation to compulsory education.¹⁸

Section 30 of the Act provides 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.”

The phrase “or by other means” signifies the equal status of the options available to parents in the discharge of their legal duty to educate. However, as former home educator and barrister, Ian Dowty, observed in relation to the “or otherwise” clause in the broadly equivalent education legislation for England and Wales:

“...there is without doubt a bias towards school education; a bias which perhaps results from an assumption never challenged in the minds of those responsible for drafting the legislation, and which regrettably pervades officialdom.”¹⁹

Section 35(1) covers what has become known as the ‘consent anomaly’, stating that: “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.”

Some parents have successfully argued that the provision of home education constitutes a ‘reasonable excuse’ for non-attendance in anticipation of a child’s removal from the school roll, or where the authority has unreasonably delayed or withheld consent.

Section 37(1) sets out the powers of an education authority where it is *not* satisfied with the parental provision, namely to “serve a notice on the parent requiring him [...] 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”.

Section 37(2) states that if the parent “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 reasonable excuse for his failure to do so, the authority shall make an attendance order in respect of the child”.

Statutory guidance on home education²⁰, issued under Section 14 of the Standards in Scotland’s Schools (Scotland) Act 2000, aims to assist local authorities in interpreting the primary legislation and to protect parents from over-reach. Now scheduled for its third review, the current version includes ‘suggested characteristics’ of

¹⁷ <http://www.legislation.gov.uk/ukpga/1980/44/section/28>

¹⁸ <https://fra.europa.eu/en/law-reference/1st-additional-protocol-european-convention-human-rights-echr>

¹⁹ Dowty, T and Cowlishaw, K (2001) Home Educating Our Autistic Spectrum Children: Paths are Made by Walking

²⁰ <https://www.gov.scot/publications/home-education-guidance/>

suitable education and a recommended maximum timescale of six weeks for processing consent to remove a child from the school roll. Local authorities are required to have regard to statutory guidance, but it is not law and may be challengeable if not in line with other legal requirements.

Although not binding on Scottish courts, English case law has assisted in defining 'suitable and efficient education'. In the (unreported) appeal case of *Harrison and Harrison v Stevenson* in 1981, it was held that a suitable education should both "prepare children for life for modern civilised society" and "enable them to achieve their full potential", while an efficient education was said to be one that "achieves what it sets out to achieve".

In *R v Secretary of State for Education, ex parte Talmud Torah Machzikei Hadass School Trust* (1985)²¹, education was judged 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".

While the above benchmark rulings assist with the interpretation of 'suitable and efficient education', Article 29 of the UNCRC²² focuses in similar terms on the aims of education, which, it states, should be directed to:

- The development of the child's personality, talents and mental and physical abilities to their fullest potential.
- The development of respect for human rights and fundamental freedoms and the principles enshrined in the Charter of the United Nations.
- The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate and for civilisations different from his or her own.
- The preparation of the child for responsible life in a free society in the spirit of understanding, peace, tolerance, equality of sexes and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.
- The development of respect for the natural environment.

In *R v Surrey Quarter Sessions Appeals Committee, ex parte Tweedie*, QBD 61LGR 464 [1963], it was held that the Education Act "does not provide for or contemplate an intrusion of a parent's privacy by inspectors coming into the home, and that it is quite wrong for a Local Authority to insist on such inspection". Phillips v Brown, Divisional Court (unreported, 1980) subsequently held that "an education authority should not, as a matter of policy, insist on inspection in the home as the only method of satisfying themselves that the children were receiving full time education".

The 2016 Supreme Court 'named person' judgment²³ prohibited actions by public bodies that could arbitrarily interfere with Article 8 of the ECHR, holding that nothing in Article 3 of the UNCRC could extend the state's powers to interfere with the negative rights in Article 8.²⁴ The court also re-affirmed the intervention threshold, already upheld by the 2013 Haringey ruling²⁵, which had found "serious departures from permissible practice [that] were unlawful" in relation to the council's data processing without consent.

In the context of home education withdrawal requests, councils have no powers to trawl or share the personal records of parents seeking to exercise an equally valid educational choice unless there is existing evidence of a child protection (not 'wellbeing') concern. Nor can agreement to a child's removal from the school roll be made conditional upon parents consenting to the processing of their personal and



²¹ <https://swarb.co.uk/regina-v-secretary-of-state-for-education-ex-parte-talmud-torah-machzikei-hadass-12-apr-1985-2/>

²² <https://www.unicef.org.uk/rights-respecting-schools/the-right-to-education/>

²³ <https://www.supremecourt.uk/cases/uksc-2015-0216.html>

²⁴ <https://www.bailii.org/uk/cases/UKSC/2016/51.html#para89>

²⁵ <https://www.bailii.org/ew/cases/EWHC/Admin/2013/416.html>

(especially) sensitive or special category data as defined by data protection law.

Another important judgment by the Court of Justice of the European Union (CJEU), *Smaranda Bara and Others v Casa Națională de Asigurări de Sănătate and Others* (2015)²⁶ precludes the transfer and processing of personal data between public administrative bodies without prior notification in order to ensure foreseeability and accessibility for data subjects.

In September 2019, the Irish Data Protection Supervisor announced her intention to take enforcement action after finding the data of 3.2m citizens had been processed unlawfully²⁷ as part of the government's controversial Public Service Card scheme, which, like the named person service, had been described as "mandatory but not compulsory". CJEU rulings are expected to apply to the UK post-Brexit.

Home education (or 'home schooling' as it is often known outside the UK) is either illegal or heavily regulated in several European countries, but States parties are permitted a wide margin of appreciation in framing domestic education legislation. Education law across the UK specifically includes the 'otherwise' or 'by other means' options, but other jurisdictions do not. Germany, for example, outlawed home education in the 1930s and 'Hitler's law' has never been repealed, despite several challenges, the most recent of which sought (and was denied) an appeal to the Grand Chamber of the European Court of Human Rights²⁸.

Meanwhile, the UK Supreme Court's reference, in its 'named person' judgment, to the need to guarantee respect for individual differences has been welcomed by home educators and other minority groups in the UK, in particular the reminder that: "The first thing that a totalitarian regime tries to do is to get at the children, to distance them from the subversive, varied influences of their families, and indoctrinate them in their rulers' view of the world."²⁹



There are subtle but important differences in the legislation pertaining to home education in the constituent nations of the UK, with 'deregistration' from mainstream state schools available upon written notification in England and Wales but not in Scotland, where council 'consent for withdrawal' applies in most cases. Whereas parents south of the border are required to cause children to *receive* suitable education, Scots law requires parents to *provide* such education; thus, it is the provision that should inform councils' 'satisfaction' or otherwise.

Scottish guidance affirms that there is no legal duty to monitor home education but suggests that local authorities may reasonably request annual updates of provision. They may not insist on access to the home and/or to assess the child, which is a parental responsibility, and refusal to consent to such demands cannot be assumed, in itself, to be a cause for concern regarding the suitability of the home education provision.

The wider legal principles are clear, namely that parents have responsibility for determining their children's best interests unless the relevant threshold test has been met. This is often misunderstood or misrepresented, and has been further muddled by the GIRFEC regime. In the wake of the 'named person' case, the Scottish courts were again found by the UK Supreme Court to have erred in the case of *EV* [2017]³⁰ by applying a test of 'best interests' before establishing whether the test of 'significant detriment' had first been met.

Legal opinions

In Wales, proposed new home education guidance is currently being challenged as "unlawful encroachment on human rights", with counsel's opinion³¹ referencing Convention and data protection rights, which cannot be overridden by primary or secondary legislation, and citing the Scottish 'named person' judgment. Separate QCs'

²⁶ <http://curia.europa.eu/juris/liste.jsf?num=C-201/14>

²⁷ <https://www.dataprotection.ie/en/dpc-statement-matters-pertaining-public-services-card-0>

²⁸ <https://adfinternational.org/news/german-homeschoolers-appeal-to-top-european-court/>

²⁹ <https://www.bailii.org/uk/cases/UKSC/2016/51.html#para73>

³⁰ <https://www.supremecourt.uk/cases/docs/uksc-2016-0220-judgment.pdf>

³¹ <https://drive.google.com/file/d/1v9L55Mb66-cTwhDsuvXtlf55sU8lgDrT/view>

opinions procured in the Isle of Man³² and England (not published in full) have been similarly framed and accord with legal advice obtained in Scotland on the limits of state interference with home educators' rights.

Additional Support Needs

As our research has consistently found, children with additional support needs (ASNs) are increasingly likely to be home educated due to these needs being unmet, or likely to be unmet, in schools. However, those with complex needs and disabilities are expressly excluded from access to co-ordinated support plans (CSPs) under the Additional Support for Learning Act 2004³³, and authorities may refuse parental requests for assessment of home educated children's ASNs. Moreover, the presumption of mainstreaming and 'presenteeism' has become embedded in public policy to such an extent that home educated young people are ignored throughout so-called 'inclusive' guidance³⁴ that is said to apply to *all children* as opposed to *all pupils*.

The exclusionary attitude towards grassroots home education groups, home educating parents and their children was further demonstrated during a discussion of ASNs at a meeting of the Education and Skills Committee³⁵ in February 2019, when the children's commissioner's representative, with whom we had already shared our findings on parental reasons for withdrawing children, suggested duplication of our work by a third party with only a tangential connection to home education.

Furthermore, the commenter's insinuation that home education had lesser status, because more parents are withdrawing children from schools that fail to meet their ASNs, betrayed the same pro-school prejudice that has fuelled an increasingly hostile, home-edophobic environment. Home educators routinely receive less favourable treatment, and there is a lack of recognition that schooling can also be a "negative choice", not only for children with severe anxiety, chronic conditions and disabilities, but also for parents whose circumstances preclude their preferred option to home educate, or who are unaware that school is not compulsory.

This example of a letter from a local authority to a parent withdrawing her child from school illustrates the extent of GIRFEC-fuelled misrepresentation faced by home educators:

Section 35 and Section 37 of the Education (Scotland) Act 1980 are relevant in relation to home education. Section 35 stipulates that the consent of the authority is required for a child to be withdrawn from a public school. Section 37 requires an authority to take action where they are not satisfied that an efficient and suitable education is being provided.

This in conjunction with the principles of GIRFEC where we have a duty to ensure that all children and young people can grow up feeling loved, safe and respected and can realise their full potential at home, in school or the wider community. Therefore before we can approve _____'s home education we must ensure that you are in a position to provide this education and ensure that _____'s social and emotional needs are being met. It is for these reasons that we have stated a home visit is necessary. In order to assist you in this home visit you are welcome to have any representative of your choice at this meeting.

Parliamentary petition

Having been excluded from giving oral evidence to parliament on the adverse impact of proposed remedial legislation in the wake of the 'named person' ruling, the Scottish Home Education Forum and Tymes Trust held parallel 'fringe' events, at their own expense, for 'voiceless' families, before presenting their evidence directly to MSPs.

³² <https://scothomeed.co.uk/wp-content/uploads/2020/08/quinn-legal-opinion-isle-of-man-new-education-bill.pdf>

³³ <http://www.legislation.gov.uk/asp/2004/4/crossheading/coordinated-support-plans>

³⁴ https://www.parliament.scot/S5_Education/Inquiries/20190326Guidance_on_the_presumption_to_mainstreaming.pdf

³⁵ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11971&mode=pdf>

A joint petition was subsequently submitted to the Scottish Parliament³⁶ calling for a public inquiry into the human rights impact of GIRFEC, since the universal, non-consensual data sharing at its core, which was struck down in 2016, remains embedded in public policy and practice, causing ongoing harm to families and a breakdown in their trust in services. The petition has been referred for consideration by the Education and Skills Committee³⁷, whose Members have been furnished with a number of case studies drawn from the petitioners' respective networks and will receive a copy of this report.

An inconvenient minority

Katarina Tomasevski, former UN Special Rapporteur on the right to education, had this to say in 1999:

*“The objective of getting all school-aged children to school and keeping them there till they attain the minimum defined in compulsory education is routinely used in the sector of education, but this objective does not necessarily conform to human rights requirements. In a country where all school-aged children are in school, free of charge, for the full duration of compulsory education, the right to education may be denied or violated. The core human rights standards for education include respect of freedom. The respect of parents' freedom to educate their children according to their vision of what education should be has been part of international human rights standards since their very emergence.”*³⁸

More than 20 years on, home educating families are encountering discrimination on a daily basis due to ongoing misunderstanding, misrepresentation and misapplication of the law. Indeed, the policy 'capture' has been so universally effective that the forum has had to highlight inaccuracies in a recent SPICE briefing³⁹, which (misquoting the 1980 Act) stated that “statutory responsibility for the provision of education rests with individual local authorities”. The error, which was acknowledged by the committee convener, has nevertheless remained uncorrected, and the same briefing cited unreliable “BBC figures” rather than referencing our 2018 published research on the number and changing demography of home educated children in Scotland.



³⁶ <https://www.parliament.scot/GettingInvolved/Petitions/PE01692>

³⁷ https://scothomeed.co.uk/wp-content/uploads/2020/08/20190529ES_Meeting_papers-pages-35-55.pdf

³⁸ <https://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2185>

³⁹ <https://www.parliament.scot/ResearchBriefingsAndFactsheets/Petitions%20briefings%20S5/PB19-1730.pdf>

V METHODOLOGY

Freedom of Information requests to Local Authorities

Our research team submitted freedom of information (FOI) requests to all 32 local authorities (LAs) towards the end of July 2019 (see Appendix A) to gather data on elective home education statistics, policies and practice, including details of any dedicated training undertaken by designated officers. The majority of responses were received within the statutory timescale, but several councils sought clarification of our questions, and a few required several reminders to comply after missing the deadline.

Statistical and demographic data

Statistical data was requested for the past three academic years, but some of the responses were ambiguous, with several local authorities failing to break down the annual numbers that had been requested and a few failing to provide numbers at all.

Given that there is no obligation to declare reasons for electing to home educate, we expected to find that home educated children with ASNs would not be specifically recorded, but we decided to ask after our previous research had found a disproportionate rise in the number of children becoming home educated due to disabilities, chronic conditions and other additional needs.⁴⁰ While many councils told us the information was not held, several were able to provide it as families had volunteered their reasons.

Although we did not enquire about flexi schooling numbers (since flexi schooled children remain on the school roll and are not, by legal definition, home educated), Scottish Borders and Edinburgh helpfully provided these additional statistics in its response, and Aberdeenshire Council made reference to the practice but did not provide numbers.

See Appendix B for the annual statistics returned by local authorities. As can be seen from the latest year's data (2018/19), LAs reported a total of 1486 known home educated children and young people, from 965 families, 92 of whom were recorded as having ASNs and 30 as flexi schooled (25 in Scottish Borders and 5 in Edinburgh).

Although reported numbers have risen significantly over the three year period for which we requested data - from 837 children (522 families), 53 with ASNs, 17 flexi schooled (for 2016/17), and 964 children (582 families), 55 with ASNs, 16 flexi schooled (for 2017/18) - it was impossible for us to reliably chart the percentage increase due to returns being incomplete or ambiguous.

Given that the duty to educate lies with parents, a significant number of children are not known by local authorities to be home educated. Those who have attended and been withdrawn from state schools have become 'known' by default, and others have come to councils' notice by voluntary parental notification or other means. Like their schooled counterparts, home educated children are registered, as NHS or private patients, with GPs and dentists and are seen by relevant specialists. They also interact with services such as childminders and health visitors, take part in home education activities and attend clubs alongside school pupils. They are not, by definition, 'children missing from education' (CME) and are visible members of the community.

Complaints and notes of concern

We asked about complaints and notes of concern raised in relation to home education. Only 12 were recorded across the 32 local authorities over the past three years, which lacked credibility given the copies of complaints the forum has had sight of. Only seven councils said they had recorded any at all over the past three years that pertained to home education, but Fife and Highland did not record details centrally and could not provide the information requested.



⁴⁰ <https://scothomeed.co.uk/reasons-for-school-age-children-being-in-home-education>

Highland did, however, disclose one complaint received in the past year, commenting that “concerns raised by parents are worked through and managed at an area level”. Aberdeen City had received three complaints (one upheld by the council); Dumfries & Galloway had recorded four (one upheld by the SPSO); Midlothian had received two (neither upheld) and Scottish Borders had received two notes of concern with no outcome stated. Shetland reported five notes of concern, all said to have been addressed.

School Attendance Orders

Very few school attendance orders (SAOs) were recorded by local authorities, but three were issued by East Lothian, one by Aberdeen City and at least one (inferred from the invoked exemption) by East Dunbartonshire. No information was provided regarding appeals or revocations.

Falkirk Council said: “School attendance orders are not used in Scotland”, while Edinburgh commented: “We have no statutory role with the parents of children who are given permission by the authority to home educate and therefore we have no Attendance Orders placed on the parent/s of home educated children”.

Shetland reported “one advisory, children left LA” and South Lanarkshire said it “does not issue attendance orders”. Perth & Kinross stated: “This information is obtainable by contacting the Scottish Children’s Reporter Administration direct as all Attendance Orders are decided upon within the Children’s Hearings System.”

Named contacts for home education

Although statutory guidance expects local authorities to provide a named contact for families, three councils withheld the names of their home education contacts (Angus, Falkirk and North Ayrshire), but all directed us to a generic team or head of service.

Midlothian signposted to its interim head of service as the postholder was on maternity leave. Aberdeenshire provided details of 14 named contacts due to its vast geographical area, while Highland indicated that named contact details could be found in its information for parents. Three did not answer the question (Clackmannanshire, Comhairle nan Eilean Siar and East Ayrshire).

The remainder provided details of their named contacts and job titles (Home Education Teacher, QIO, ASN Development Manager and Inclusion Officer), which suggests that the home education brief is invariably an add-on to other roles relating to school education.

Home education training

The majority of councils reported that no training, and certainly no dedicated home education training, had taken place over the past three years.

Argyll & Bute indicated that internal training had been offered but could not provide details. Dumfries & Galloway stated: “No specific training for Principal Officer” but “familiarisation with National Guidance, local Policy, Process and template letters with staff group...will be repeated on adoption of new policy”.

East Dunbartonshire said: “Training is provided to Inclusion Support Officer by members of the additional support needs team when required”. East Lothian had no specific training, “only a requirement to comply with legislation and national guidance”.

Edinburgh and Glasgow had adopted the approach of work shadowing and training by previous postholders, while South Lanarkshire said that training for the role was delivered through “job shadowing, networking and sharing good practice with colleagues from other local authorities”.

Midlothian relied on “professional reading of policies and Scottish Government legislation”. Perth & Kinross had “no specific, dedicated training for officers” but said that “key contacts attend any seminars/sessions organised by Scottish Government”. Renfrewshire mentioned “team meetings”, Scottish Borders said in-house training was “ongoing” but did not provide any details.

Shetland responded: “No specific home education training has been available other than through the previous Home Link teacher in 2014. However, both assigned contacts are familiar with home education literature, and have spent time researching home education practice and philosophies. Time has been spent researching other local authority home education policies.”

Stirling said its officers had been able to “access appropriate advice and information” but gave no details, while

West Dunbartonshire said there had been “no home education specific training undertaken by the assigned contact in the past three years”, but alluded to a “recently established Home Education Network for the West Region” that had been initiated by Glasgow’s home education contact.

Communications, reports and minutes relating to home education

We asked for copies of minutes, reports and internal/external communications (excluding personal data) as we wanted to establish to what extent local authorities were collaborating and exchanging information about home education policy and best practice, as well as examining any press statements and relevant background information.

Two councils did not respond to the question (Comhairle nan Eilean Siar and East Ayrshire) and Dumfries & Galloway said the relevant information, including committee papers and minutes, was publicly available. Thirteen said no records were held for the applicable timeframe (Aberdeen, Argyll & Bute, Clackmannanshire, Edinburgh, Falkirk, Fife, Inverclyde, Midlothian, Moray, North Ayrshire, Orkney, Renfrewshire and Shetland), although cross-referencing FOI responses showed that Inverclyde and Renfrewshire were participants in cross-council networking discussions on home education.

Eight councils invoked statutory exemptions, including excessive cost (Highland, Scottish Borders, South Ayrshire, West Lothian), confidentiality of policy development (East Dunbartonshire) and risk of personal data disclosure (East Lothian, North Lanarkshire, Perth & Kinross), although Perth & Kinross provided some redacted emails and Highland sent an internal briefing note.

The remaining eight councils provided a range of records, including media responses and news releases (Aberdeenshire), committee reports (Angus), template letters and reports (Dundee, East Renfrewshire), FOI requests and responses (South Lanarkshire) and minutes of meetings, email exchanges and/or internal briefings (Glasgow, Stirling and West Dunbartonshire).

Of particular concern was the disclosure that council officers attending meetings of the ‘Home Education Network for the West Region’ (initiated in December 2017 by Glasgow City Council for representatives from East Dunbartonshire, East Renfrewshire, North Lanarkshire, South Lanarkshire, Renfrewshire, Inverclyde and West Dunbartonshire) had shared and discussed examples of parental home education provision without these families’ knowledge or consent. Since home education is a minority practice and the provision of home education is essentially unique to individual children, basic redaction would be woefully inadequate to anonymise such examples and respect confidentiality in accordance with data protection legislation. Equally concerning was the fact that not all the invited/participating councils had released information about this cross-council enterprise in response to our FOI request for relevant reports, minutes and communications.

Perth & Kinross also released a series of emails relating to a planned meeting with a home education charity but provided no notes or minutes of discussions, while at least two other local authorities who are known to have met with the same charity failed to provide any information whatsoever.

Local Authority policies and information for parents

We asked local authorities for copies of their current home education policies and information for parents, including previous versions where available. This should have been a simple request, given the longstanding expectation in statutory guidance that information about home education should be available and easily accessible by parents and the public, but several councils were unable to provide operational policies or basic information, with some being said to be under development and others simply unavailable. Similarly, many of the council website searches we undertook returned no information about home education, or else it was well concealed, minimal and/or inaccurate, with numerous examples of ‘home schooling’ mis-terminology.

Analysis

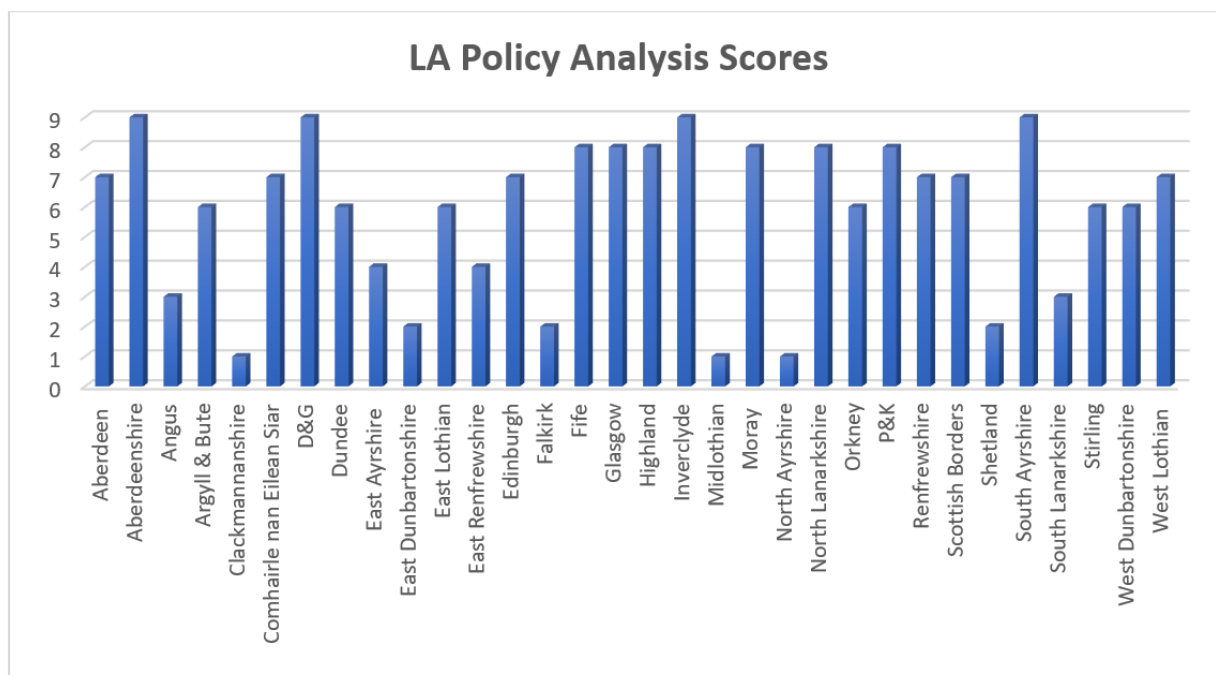
The council home education policies we obtained, via FOI requests and independent online searches, were assessed against criteria informed by the applicable legislation and guidance. See Appendix C for the framework we used.

To ensure consistency, the review and analysis of policies and information for parents was conducted by a single researcher with 25 years’ experience as a home educator and independent advocate, who has specialist knowledge of children’s rights and education law, and has had close involvement in the development of the

statutory guidance since its enabling legislation was passed in 2000.

The same criteria were applied to all 32 local authority home education policies and information for parents that we had been able to obtain. Standards of accuracy and accessibility were then weighted to obtain final policy scores for each from the perspective of home educators, who are sometimes involuntary council ‘service users’ but expect to be treated fairly, respectfully and, above all, in accordance with the law.

Scores ranged from 1 to 9 out of a possible 10 (for excellence) and are presented in the chart below. See also Appendix D for our summarised comments, which are based solely on the written policies and information sent by councils in response to our FOI requests and/or found via council website searches.



Key findings

While we found several examples of good or excellent local authority policies, some were found to contain fundamental legal inaccuracies. Pro-school prejudice and ‘wishful thinking’ interpretations of national guidance also pervaded many of the documents we examined. The absence of dedicated compulsory training, the lack of consultation with home educators as service users, cumbersome complaints processes, and the lack of sanctions for misconduct by officials rendered many policies and procedures unfit for purpose.

The mis-termining of elective home education or ‘education by other means’ as ‘home schooling’ (which appears nowhere in legislation or guidance and is an Americanism) persists throughout many home education policies and creates confusion by conflating education and schooling.

Sloppy terminology around ‘consent’ also persists, whereby some councils remain unaware that no consent is required to home educate *per se* due to its entirely equal legal status to schooling and the fact that parents, not the state, have the duty to provide education for children in the compulsory years.

Although consent only applies where a parent decides to withdraw a child of compulsory age from a state school he or she has attended on one occasion or more, with several exceptions, and councils cannot unreasonably withhold it, some of the policies we scrutinised failed to understand the distinction and misrepresented the local authority role as ‘granting permission to home educate’. Too many had sought to exploit the consent anomaly by applying unreasonable and unlawful conditions to delay the process or arbitrarily refuse to remove a child from the roll.

Many policies also failed to correctly apply data protection principles when outlining their dealings with home educators and, according to one data protection expert, would be “unlikely to survive a legal challenge”. The ‘fishing expeditions’ conducted by the majority of councils are patently unlawful, since there is no statutory basis for ‘background checks’ on parents deciding to exercise a valid, equal choice to educate by other means. We also found other examples of cavalier approaches to data processing, as in the case of cross-council sharing of examples of parental home education provision without consent or alternative lawful basis.

There remains confusion in most council policies over the threshold test that applies to information sharing and other interference with Article 8 rights, as well as the (ir)relevance of GIRFEC/CfE outcomes-driven ideology, which has been roundly rejected by many of those who take a children’s rights-based approach to home educating.

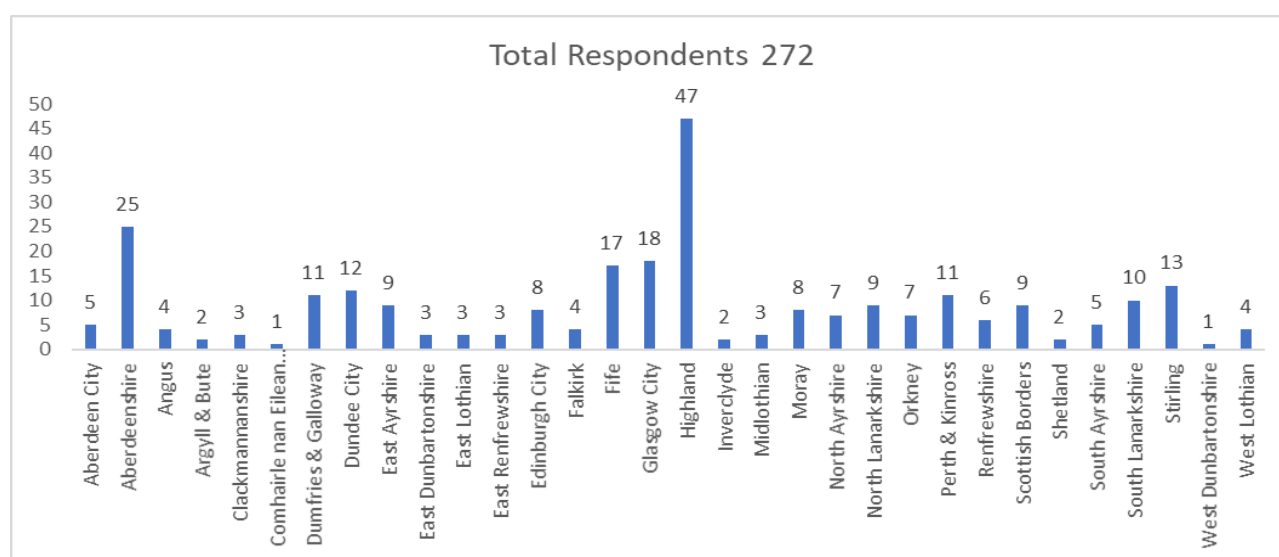
Although children with disabilities, chronic conditions and other ASNs, notably autism and severe anxiety, are known to be disproportionately represented in the home education community, a number of (mostly very outdated) council policies effectively exclude home educated children from services to which they are equally entitled, e.g. educational psychology, SaLT and OT, by insisting on access through schools and asserting that parents who opt to home educate must bear the cost of these additional services or lose them completely. Others do not operate an exclusionary gatekeeping system, but few proactively offer no-strings support to home educated children with ASNs whose parents request it.

Home Educators’ Perspectives

We conducted an online survey of home educators to ascertain and analyse their self-reported experiences of dealing with their local authorities, focusing on specific aspects of their contact. We also collected anecdotal data pertaining to individual local authorities via our members’ forum. Due to the relatively small number of responses from some areas and the niche nature of home education, we ‘clustered’ the data and allocated it to the ‘Top 10’ authorities (those that scored 8 or 9 in our policy analysis), ‘Middle 12’ (scores of 5 to 7) and ‘Bottom 10’ (scores of 1 to 4) in order to prevent the possible identification of individuals.

Online survey

We received 272 responses to our survey⁴¹, which was conducted during August and September 2019, and respondents were drawn from every council area, although some were more highly represented than others.



⁴¹ <https://www.smartsurvey.co.uk/s/homeedsurvey2019/>

Of our respondents, the vast majority (211) were currently home educating parents, 32 were planning to home educate, 20 were former home educators, five were currently home educated young people and four were formerly home educated.

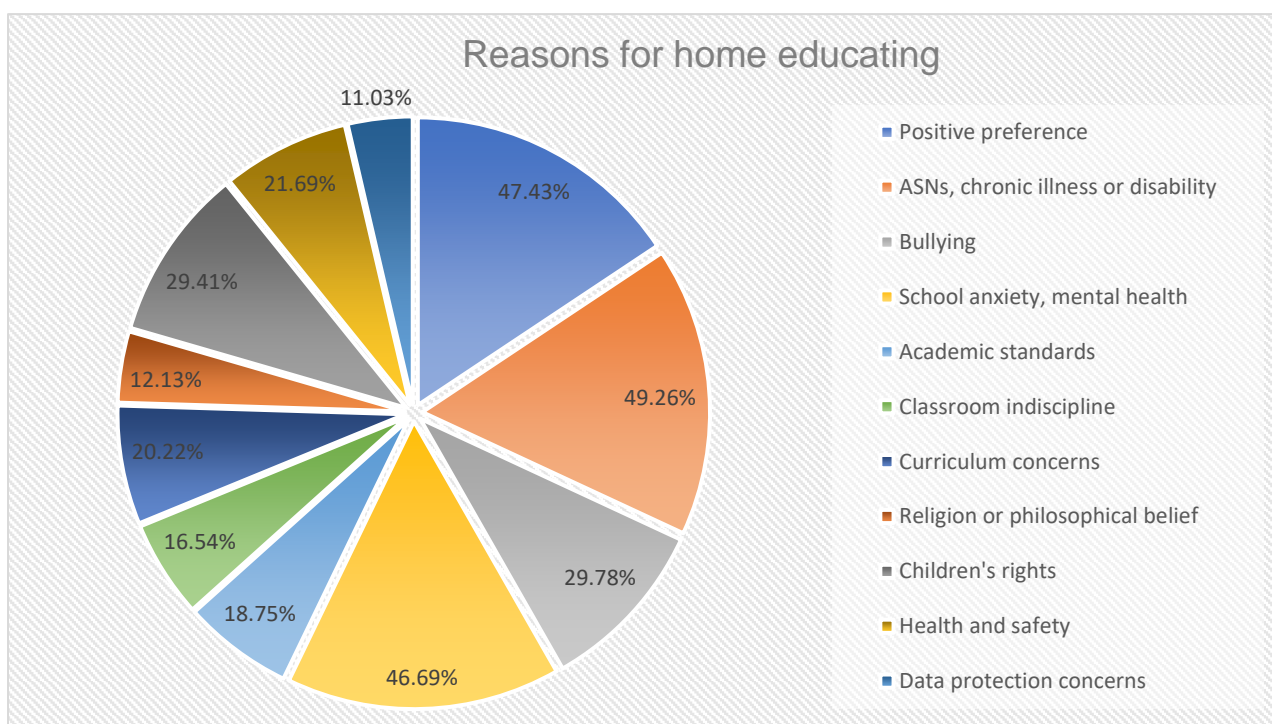
The majority of survey responses (163) related to children of primary school age, 118 related to children of secondary age, 46 referred to children under compulsory education age and 35 to those over compulsory age.

106 said their children had never attended a council school in the area, while 128 had withdrawn children from school with council consent and 34 had done so without consent due to bullying or anxiety. Two had withdrawn from an independent school and 22 had not needed council consent due to one of the exceptions. Eight had been excluded from school, five were awaiting a school placement, 28 were flexi schooled, and nine were attending school after a period of home education.

Reasons for home educating

We decided to ask about reasons for home educating to ascertain whether they would reflect our previous findings and the breakdown was indeed broadly similar, with a high number of respondents citing ASNs and mental health issues as key drivers to home education.

Many parents cited more than one reason for their decision, as can be seen from the chart below. See also Appendix E for examples of expanded commentary.



Young people also commented on their own experiences:

“I was myself home educated and know first-hand many of the positives.” (from a previously home educated parent)

“My parents withdrew me from primary school at my own request, I then returned to school in S2 to satisfy my curiosity, but it was frankly dire in terms of respecting children's rights and I was bored in many of the classes, so I left again. I took the FE route to university (much more learner friendly than school) and am now a senior manager with an international company.”

Local Authority contact

When asked about contact with the local authority, 25% of respondents had had no contact, 68% had made contact by choice or of necessity (to withdraw children), and the remaining 7% had been contacted by the authority.

78 respondents also commented on their experience of engagement with their authorities, which included positives (“helpful and approachable”, “efficient”, “followed protocol” and “prompt with consent”) and neutrals (“inconsistent”, “disinterested” and “dependent on the competence of the officer”). However, the majority of comments highlighted poor experiences and strained relationships, often due to councils misrepresenting the law and the extent of their powers.

In some cases, there had been escalation to social work and the children’s reporter for apparently spurious or prejudicial reasons. As one parent highlighted: “QIO overturned all authorised absences made by head teacher in attempt to discredit family to social work. There was extensive data sharing without consent.”

Describing her family’s experience of withdrawing their child, another respondent said: “It took 19 weeks. They asked for consent to view my and my husband’s medical records in order to proceed. Shared our information illegally. Fished for completely unfounded ‘wellbeing’ concerns. So many other things. They were awful.”

One parent commented: “We didn’t seem middle class enough for it to go completely smoothly” and “they repeatedly used the term ‘permission to home educate’.”

Another disclosed: “Local authority officer delayed permission for months before I eventually got a refusal due to them not believing my child was ill. Then accused me of FII (fabricated or induced illness), which was easily disproved.”

Several well-informed home educators had successfully challenged council misinformation and poor practice:

“I asked for clarification when a letter requesting me to apply for a school place or inform them what education provision we were making. I contacted them anonymously to ask them to clarify where in the act the duty or power they were claiming was stated. They replied a few weeks later saying they were wrong and would amend the letter going out to prospective P1 parents.”

“Despite my child not being of compulsory age as per the legislation, they refused to accept that this was the case. It was not until I complained and involved my MSP that they agreed that my child would not be of age for another school year.”

“For much of the time we were educating the so-called ‘professionals’.”

“The local authority guidance did reflect statutory guidance but the person I was dealing with either had not read it or did not act accordingly.”

“There was lots of misinformation. Initially the school receptionist had messaged me saying I had to enrol my child in order to ‘de-register’. Once I was in front of the right person, I got the right information, but it was very clear that no one else knew anything about home educating.”

Initial contact

We asked home educators to rate how their local authority managed the initial contact and reactions to their decision to home educate. While some reported favourably, others described poor treatment and a pervasive culture of hostility towards home education, along with a lack of understanding of the law and guidance. See Appendix F.1.1 for a full breakdown of responses and Appendix G.1 for sample comments.

Discounting the significant percentage (between 28% and 48%) of ‘don’t know/not applicable’ responses, many of them from parents who had had no contact with their local authority, the majority reported prompt attention to their enquiries and had been provided with a named contact.

However, only a minority of local authorities were said to have used correct terminology or offered accurate information in keeping with the statutory guidance, and home visits or meetings were said to have been required

by the majority. Fewer than 20% of parents had been directed to home education groups for peer support and advice.

Local Authority reaction

We also asked home educators how their local authorities reacted to their plans to home educate. See Appendix F.1.2 for a full breakdown of responses and Appendix G.1 for sample comments.

To summarise, almost half felt their local authority was supportive or somewhat supportive of their choice, but 24% felt the authority had sought to dissuade them and 27% described the authority as obstructive or somewhat obstructive.

Including those who responded 'somewhat' to the survey options, a significant minority (38%) reported requests for home visits and 25% reported delaying tactics over consent. 12% had been threatened with school attendance orders and 18% with referral to the children's reporter, while 20% reported that "wellbeing concerns" had been raised in relation to their decision.

Although the majority of our respondents did not believe their local authority to have exhibited pro-school or anti-home education prejudice, approximately one third felt that had been the case and one quarter did not know or had had no council contact.

Consent - timescales



We asked those who needed to obtain consent about the timescales for withdrawing their children. See Appendix F.2.1 for the breakdown of responses.

Periods ranged from "immediately" for one parent who had 'deregistered' from school in England and an astonishing "8 hours" for one in Aberdeenshire, to "more than a year" for a small number due to what were said by respondents to be inappropriate or malicious referrals to the children's reporter and subsequent enquiries. A significant number of requests exceeded the processing timescale recommended in the guidance, which has long been a key area of concern for the home educating community.

Even in those authorities whose policies had scored highly, parents reported unacceptable delays, often due to unreasonable demands for home visits, access to children and extensive form-filling. Most worryingly, delays and refusals were often the direct result of parents not consenting to the trawling and exchange of their personal data between multiple agencies, including health, police and social work records.

Some withdrawal requests were refused for reasons that also fall outwith the law and home education guidance, including subjectively applied or fabricated "wellbeing concerns", "socialisation", "disability" and "curriculum criteria", despite the relevant tests remaining the receipt of cogent parental plans to provide "suitable and efficient" education and the absence of risk of significant harm to the child.

Consent – home educators' experiences

We asked home educators to rate their experiences of obtaining consent. See Appendix F.2.2 for a full breakdown of responses, and Appendix G.2 for a selection of verbatim comments on this question.

By far the most common responses referred to local authorities' unreasonable demands, most especially insistence on home visits or meetings, access to children to interrogate their views, and unlawful data gathering and sharing.

The 10 LAs with the highest policy scores received mixed reports on their processing of consent for withdrawal, but no issues were flagged for Moray or Fife, while Aberdeenshire, North Lanarkshire and Glasgow only

received a few negatives. However, Dumfries & Galloway, Highland, Inverclyde, Perth & Kinross and South Ayrshire were rated consistently poorly, mainly due to long delays, demands for visits or meetings, and unlawful data trawling.

Of our middle 12 LA policy cohort, Argyll & Bute and Stirling received no adverse comments and Edinburgh was considered good overall with very few negatives. Dundee, Renfrewshire, Scottish Borders, West Dunbartonshire and West Lothian received mixed reports from home educators, but Aberdeen City, Comhairle nan Eilean Siar, East Lothian and Orkney were all rated poorly due to applying unreasonable conditions.

Of the 10 LAs whose policies received the lowest scores, there was very limited survey data for Angus, Midlothian and South Lanarkshire, and no specific issues were raised about East Renfrewshire. Both East Ayrshire and Falkirk received good reviews, but Shetland was said to be poor and Clackmannanshire, East Dunbartonshire and North Ayrshire were strongly criticised for failing to act within the guidance and for making unreasonable and unlawful demands of parents.

It is clear from the fulsome comments from home educators that the inequitable and discriminatory consent anomaly in Scotland remains a major source of anger and frustration as it can be so easily exploited, leaving vulnerable and sick children at risk of being 'held hostage' in schools by intransigent local authorities and placing parents in an impossible situation when statutory guidance is cynically circumvented or disregarded.

Some survey respondents commented that, although the law is clear that parents have the duty to *provide* education and that schooling is not compulsory, most councils wrongly consider themselves to have the "duty to ensure" children *receive* suitable education. Councils were also said to be unaware that parents may legitimately argue "reasonable excuse" for failing to secure attendance in circumstances where their choice had been obstructed.

Although home education has equal status in law, by dint of the word "or" in the 1980 Act, home educators highlighted in our survey that some authorities continue to discriminate by demanding children's views regarding their home education, while ignoring schooled children's views on their schooling, and harshly penalising the growing cohort of those who are trapped on the school roll but unable to attend due to disability, chronic illness or severe anxiety.

There were also several examples cited of non-resident former partners seeking to undermine and manipulate the parent with day-to-day care of children via coercive controlling behaviour, sometimes in collusion with local authorities, which had led to delays and undue pressure on families.

From our survey responses, it was apparent that many authorities did not understand the two-stage test for interference with parental rights and responsibilities, whereby parents are presumed, in both the ECHR (given effect by the Human Rights Act 1998) and UNCRC (not yet incorporated into domestic law), to be acting in the best interests of their children, and that the family enjoys special legal protection to bring up children in accordance with their own beliefs.

A few home educators quoted the UK Supreme Court's landmark 'named person' judgment which held that "families must be left to bring up their children in their own way".⁴² We were also reminded more than once of the seminal statement by Katarina Tomasevski, former UN Special Rapporteur on the Right to Education, which we previously referenced in our overview of the legislative and policy framework.

Law, guidance and good practice

We wanted to explore home educators' views on their local authorities' understanding of the law and statutory guidance, as well as officers' general competence and commitment to good, even-handed practice. See Appendix F.3 for a breakdown of responses to our two questions and Appendix G.3 for sample respondent comments on both.

On the first question of how knowledgeable, supportive and inclusive their local authority was on matters relating to home education, roughly half of our respondents had had no council interaction or did not know how to answer. However, the responses and accompanying comments highlighted a dearth of training and a lack of

⁴² <https://www.bailii.org/uk/cases/UKSC/2016/51.html#para73>

active signposting to home education support networks, sometimes to the point of concealment, as well as a general reluctance to recognise the equal status of home education and schooling. As one parent observed: “The LA may acknowledge home education but I have never seen any reference to it within any service as being understood to be of equal legal status.”

Only 30% of respondents felt their local authorities were always or sometimes conversant with legislation and guidance, while almost half reported that this was rarely or never the case. Just over 8% said their local authority consulted them on policy and practice to foster good relations, while more than a third said such consultation was rare or non-existent.

Comments were once again fulsome, especially from home educators who were well informed about the law and guidance, some strongly criticising the lack of competence and pro-school prejudice of local authority staff and highlighting an unacceptably home-eduphobic culture.

One wrote: “I doubt they know much judging by the appalling mess they’ve been making of requests in the area. Their information was very out of date and the contact worse than useless,” while another commented: “I have had limited annual contact with the local authority and have found them reasonable, professional and helpful.”



One experienced home educating advocate described his recent contact with Perth & Kinross Council: “I contacted them for a copy of their guidance and was told it is 'being redeveloped' with timescale unknown (purpose for asking was re delivering a training session re educational options in our LA) I also queried why they had a link to SQA on the council home education page when SQA exams are so problematic for private candidates. They have agreed to take the link down.”

Despite poor reviews from others, Angus Council received praise from one outlier: “[They] consulted me about their provision of services for home educated families. Also asked if they could pass my details on to other families and more recently Facebook group details. My latest contact was looking at funding and college /apprenticeship options for my son and I was amazed at the effort people from various departments put into making sure he should have the same funding and opportunities as school kids. Very positive.”

A significant number of respondents bemoaned the school-at-home mentality that often accompanied ‘home schooling’ mis-terminology.

One observed: “They still don't understand we do not have to educate our children the same way as school. They need a more open and wider knowledge of different approaches. Every family is different [but] they expect all HE kids to go by the curriculum. The reason some parents home educate is to get away from the school set-up.” Another added: “Local policy makes reference to the Curriculum for Excellence, there is no recognition or value placed on other valid educational philosophies.”

A forthright parent of three disabled children noted: “All the members of the LA I had the misfortune of dealing with suddenly took leave of their jobs when court action was raised. They now have a new woman in charge of home education who sends out forms that are inappropriate for ASNs and unnecessary for updating provision. She has also refused to give me a copy of their home education policy which probably means there is no current policy.”

Some commenters also pointed out that children do not have the right to reject schooling unless their parents agree to assume full-time responsibility for their education. They highlighted that “inconvenient views” of school pupils are ignored with impunity, regardless of the alleged commitment to Article 12 of the UNCRC and “oxymoronic rights respecting school” status. One mentioned middle-class bias in the selection of “tokenistic children’s rights champions appointed to cheerlead government policies”.

In response to our second question about their local authorities’ familiarity with specific aspects of the statutory guidance, the majority of home educators were unsure, but concerns were raised by some about a minority of

officers who had “failed to grasp the basics” and others who had seemingly embraced the “proceed until apprehended” mantra.

One parent disclosed: “They are forcing me to have two home visits a year to show them my education and take photos of work done.” Another also mentioned being “required” to take photos of her children’s work area for the local authority after she declined a home visit.

Local authorities’ consistent lack of recognition of the limits of their negative duties in relation to home education grated on some: “We recently had a letter asking for my provision and update on my son’s education as they had a ‘duty to ensure children are receiving adequate education’ when it is the parents’ responsibility.”

Another commented: “Yearly check-up letter that implies the council still holds the power to ‘allow’ home education. Intended or not, it is intimidating, and even though the contact person is very nice, they are behaving as if home education should be monitored by them.”

Many experienced home educators were at pains to point out that local authorities did not acknowledge, even when pointed out, that the word “or” in primary legislation accords equal status to schooling and home education, and that that schools are regulated and inspected on behalf of parents who opt to delegate their legal responsibility.

Several again referred to the Supreme Court ‘named person’ ruling⁴³, which affirmed universal surveillance of families to have no lawful basis, and others commented that councils appeared unaware that human rights law prohibits them from conducting ‘fishing expeditions’ and sharing data between bodies without lawful justification *and* prior notification.⁴⁴

Malicious referrals to social work were said to be a problem by a small minority, whose verbatim comments we have not reproduced in order to prevent identification. Although most referrals had come to nothing, families had been caused distress by intrusive investigations and had their home education plans delayed or denied as a result. A small number had, however, become embroiled in the child protection system, most often where children had ASNs. Several of those had been doggedly pursuing complex complaints, sometimes over years, in the belief they had been victimised due to exercising their rights and/or complaining.

Lack of legal representation, independent advocacy, especially in rural or island areas, and the patchy provision of legal aid had further exacerbated the inequality of arms and had prevented at least one family from engaging a uniquely qualified expert witness - Dr. Paula Rothermel⁴⁵, who has previously provided evidence to Scottish courts on the suitability and efficiency of home education for individual children - to counter school-centric, multi-agency professional bias.

Ongoing contact with the Local Authority

We wanted to know how frequently local authorities requested updates of home education provision. The guidance suggests annual contact to be reasonable, but concedes there is no statutory duty to monitor home education routinely. Moreover, their powers, like those of social work and the police, are limited to circumstances where there is evidence of failure to discharge the parental duty.







Some parents reported patchy contact with local authorities, many of whom did not appear to have home education contacts in place, or mentioned high postholder turnover. This sometimes led to renewed difficulties and meant that local home educators had to repeatedly re-educate new officers, who may only be fleetingly in post or “always on holiday or sick leave”.

One reported: “The home education officer we were appointed ended up being medically retired at end of last year, no other officer has been appointed.” Another well-liked officer was said to be on maternity leave with her post being covered by a “nasty bully”, and yet another commented: “Letters I have sent in have been ignored due to no staff member being assigned to deal with us.”

⁴³ <https://www.bailii.org/uk/cases/UKSC/2016/51.html#para95>

⁴⁴ <http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-10/cp150110en.pdf>

⁴⁵ https://www.researchgate.net/profile/Paula_Rothermel

How often has your local authority contacted you to request an update of your home education provision? If you are new to home education, please tell us how often the authority has said it will contact you?			Response Percent	Response Total
1	Never		25.40%	48
2	Once a year		32.80%	62
3	Twice a year		2.65%	5
4	Unsure		10.58%	20
5	No contact with local authority		10.58%	20
6	Other		17.99%	34

We went on to ask how well local authorities managed ongoing contact with home educating families. See Appendix F.4 for a breakdown of responses and Appendix G.4 for sample comments on ongoing contact.

Some home educators expressed irritation and frustration with “pushy” professionals, “persistent misrepresentation” and pointed to inconsistencies in local authority approaches:

“They requested a meeting with a local headteacher and improvement officer (ex-head teacher) to assess our provision. We refused.”

“Completely dread this and my child begins to get stressed at the thought he may be forced back to school.”

“It writes to us annually concerning the child we withdrew, but has not contacted us at all about the child that didn’t progress to S1.”

“Their letters up until this recent consultation did not reflect guidance or legislation, but this looks set to change with some excellent templates now in draft form.”

“Only support we need or want comes from the home ed community; the council is just an annual irritation that has stopped being entertaining.”

“My son recently received a disabled person’s bus pass and was given young Scot card. We can only assume they have passed on our data.”.

There were also some positive reviews:

“I am very happy with the level of contact with the local authority and feel the situation as it is satisfactory.”

“I’m opting to meet up in person with my daughter because that’s the option I prefer. I do not wish for people who work for LAs to be seen as ‘other’ or negative, particularly as my daughter’s father works for a LA. Sometimes I feel that some people in the HE community are so frustrated with their own experiences or the LA’s differing approaches that they forget some of us prefer face-to-face meetings. My daughter prefers it too. She loves talking about what she’s been up to.”

Several parents highlighted the near-universal, but erroneous, belief among local authorities that they are required to ensure that all children in their area are appropriately educated, and that parents need to satisfy them of the adequacy of their provision by means of a monitoring regime.

The most experienced home educators among our survey respondents, several of whom had acted in an advocacy capacity, had directly challenged council claims that they have a duty to monitor and a right to access family homes and interview children, reminding them that their role is limited to taking action where they are not satisfied with parental provision⁴⁶ on the basis of objective evidence.

Some had also reminded their local authorities that the law obliges parents to ensure their children are educated during the compulsory years⁴⁷ and allows them a wide margin of appreciation in the discharge of their responsibility as arbiters of their children's best interests and right to education.

Suggestions for improvement

We wanted to canvass home educators' views on what the Scottish Government might include in its upcoming revision of statutory guidance to alleviate some of the ongoing issues experienced by the community. See Appendix F.5 for the breakdown of responses.

The suggestions for improvements were broadly as predicted, since the same or similar issues have been raised repeatedly by our forum members over the years.

From the responses, it is clear that [access to exam centres](#) (favoured by 89%) has become a greater priority as home educating numbers have increased and more secondary age children are learning outside school, so extending access to home educated young people who choose to pursue national qualifications and who request such access would be a welcome improvement.

78% of respondents considered [compulsory training for local authority staff](#) a key priority in order to ensure a basic level of knowledge and competence among officers dealing with home education matters, and to achieve consistency across council areas where families are currently subject to a postcode and postholder lottery, with many facing discriminatory treatment.

Unsurprisingly, a majority of respondents supported [action to stop the "consent anomaly" being used to hold children hostage in schools](#) by local authorities acting unreasonably, although its complete removal (supported by 51%) would require a change in primary legislation. A significant improvement could still be achieved by reducing the timescale via revised guidance from six weeks to one or two weeks, since processing consent is a simple administrative exercise and there are very few circumstances in which it can legitimately be withheld.

Recognising that local authorities are past masters at ignoring or circumventing the rules, sometimes inventing concerns to draw the process out, nearly 70% of survey respondents felt [that parental provision of home education should be expressly recognised as a 'reasonable excuse'](#) in law for non-attendance at school while awaiting consent. 61% favoured the inclusion in guidance of ['presumption of consent' for withdrawal from school](#) where the local authority has delayed the process or sought to impose unreasonable conditions.

In a similar vein, 75% of respondents wanted to see a requirement for the [council to provide evidence of specific grounds for withholding consent](#) as refusals typically cite generic "socialisation", "wellbeing" or "curriculum" concerns despite parents having provided wholly adequate proposals for their children's home education based on the suggested characteristics set out in the guidance.

Allied to the above, 72% of respondents were keen to see a [strengthening of complaints procedures](#) (including accurate recording) and 74% believed parents and young people should have the [right to appeal councils' refusal of consent](#) as an additional safeguard.

65% wanted revised guidance to [reaffirm the equal status of home education](#), while nearly 71% wanted to see [express recognition that parents are the arbiters of their children's best interests](#) (in the absence of evidence of risk of significant harm).

58% believed [equality impact assessments should be mandatory](#) in respect of home education policies, and that all other policies affecting families should be 'home education proofed' to prevent discrimination and to counter home-eduphobia.

⁴⁶ <https://www.legislation.gov.uk/ukpga/1980/44/section/37>

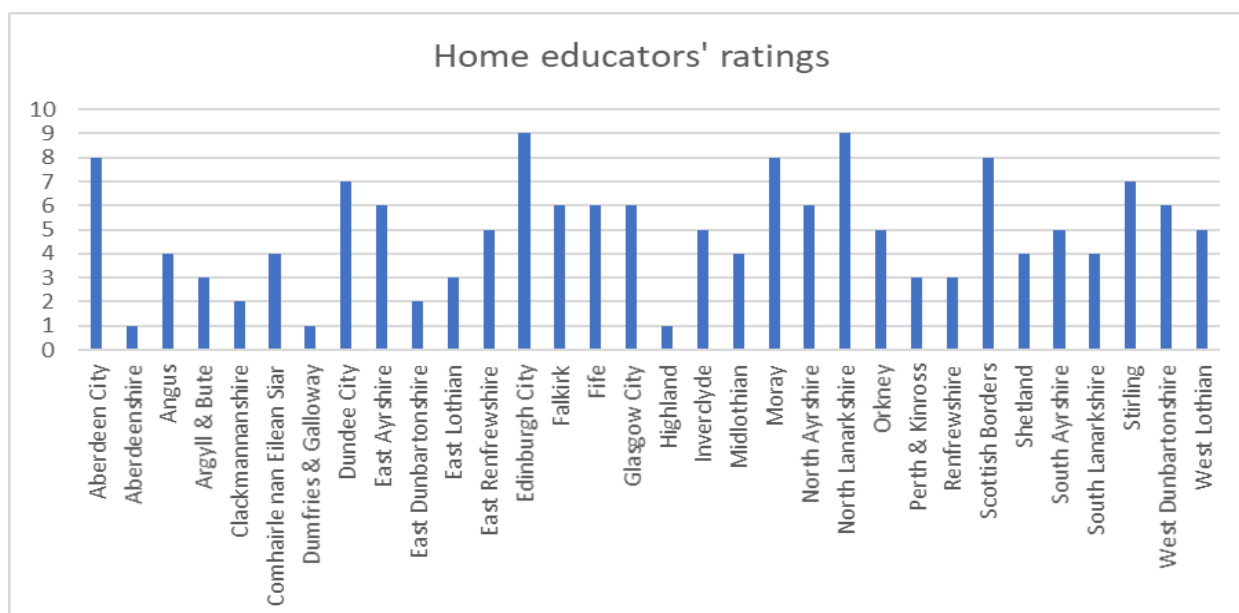
⁴⁷ <https://www.legislation.gov.uk/ukpga/1980/44/section/28>

73% thought [councils should be expressly prohibited from collecting and sharing families' personal data to process withdrawal requests](#) in the absence of consent or strict necessity (risk of significant harm) since parents have the legal responsibility for educating their children and the Supreme Court has re-affirmed the legal threshold for intervention. 69% also favoured [sanctions for professionals found to have infringed the data protection and Article 8 rights of families](#) exercising freedom of choice in children's care and education.

Presumably because the issue has been visited regularly on our forum, 52% of survey respondents believed that [home educated children needed better protection from absent parents seeking to exert coercive control](#) over their former partners with day-to-day care by undermining home education as a valid choice (or, in some cases, necessity) and repeatedly inciting council action to return children to school with no consideration of their best interests.

Summary of findings from online survey

Along with satisfaction ratings from the questionnaire, we analysed respondent comments according to the positive and negative points they highlighted in order to assign each local authority an overall score out of 10.



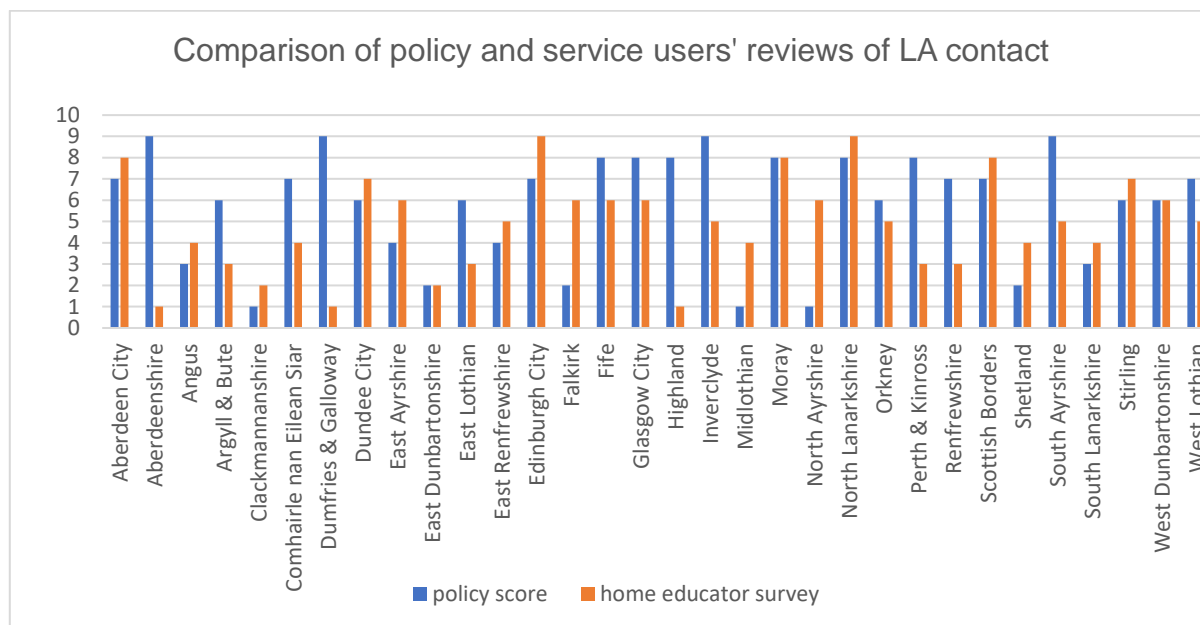
Notably, the areas which had scored highly in our policy analysis did not fare consistently well when it came to the experiences reported by our survey respondents.

Of our top-scoring cohort, Highland came in for especially severe criticism from a high number of respondents, suggesting a profound mismatch between policy and practice. Aberdeenshire had postcode-polarised ratings, probably explained by its geography and organisation into different area offices. However, a 'pot-luck postholder lottery' also applied in other council areas, leaving some families satisfied with the contact and others feeling they had been poorly treated.

Of our middle-scoring cohort, Edinburgh consistently received the most positive comments, including "warmly enthusiastic" and "very positive", while Aberdeen City and Scottish Borders also received praise. Many of the reviews were evenly spread, but limited data is likely to have skewed ratings for councils who received average to poor reviews from our survey respondents.

Our Bottom 10 cohort, whose policies scored below average, attracted the most negative ratings from home educators, with Clackmannanshire and East Dunbartonshire receiving especially censorious comments and none scoring above 6, although data was again limited from some areas.

The chart below illustrates the comparison between policy scores and service users' ratings of their experiences for each LA.



Across all the authorities, interference by school staff was consistently raised as a concern by survey respondents, despite home education being an equal parental choice and schools having no locus in processing consent, which is the exclusive remit of the local authority. Some councils had discussed families' requests with schools without consent and parents were concerned that many head teachers wrongly believed they had the right to block the withdrawal of children from school, with a few having taken it upon themselves to refer families to social work or the reporter if they disapproved of the parental decision.

The use of children as pawns in parental power struggles following separation was raised by several home educators:

"After a steady stream of complaints from my ex, it was a relief for a few months to be free to live our lives, but now we are thrown back into it again as he has found a new way [weaponising home education] to control us."

"My vindictive coercive ex tried to control the withdrawal process and the home ed officer said his 'permission' would be needed. I'm preparing for the fact he might try to retract it to assert control over us."

"The LA colluded with my coercive ex-partner to test the children without consent, ignoring their objections."

Misinformation and underhand tactics were said to be commonly employed by local authorities to deter parents from home educating, and some council officers were described as intimidating and threatening, with references to multi-agency "GIRFEC gangs" being convened to attempt to wear them down.

On the other hand, a number of parents, predominantly from Aberdeenshire and Highland, described illegal exclusions, off-rolling and "abandonment" of children with ASNs, and shared details of their struggles to secure suitable provision before turning to home education as a last resort but often welcome release.

Child and Adolescent Mental Health Services (CAMHS) were heavily criticised for fuelling negativity towards home education as a legal choice for children with autism and severe anxiety, and some services had been withdrawn such as speech and language therapy (SaLT), occupational therapy (OT), physiotherapy and education psychology for no legitimate reason – all contributing to the perceived climate of home-eduphobia.

"I was told I was the only person they knew who was home educating. I was told I would lose all support for my eldest daughter, which I did. Speech and language, OT/Physio, educational psychologist and

CAMHS all said I was no longer eligible for help with my daughter when I took her out. I was told I was ruining her future.”

Review of forum discussions

Alongside our survey of home educators, we undertook a review and analysis of recent forum discussions that related to council policies and practice. Given that it is a busy forum with more than 3200 members and a strong support ethos, the majority of relevant discussions we extracted for analysis tended to focus on problems parents were experiencing, which was bound to adversely affect overall performance scores. Nevertheless, we considered it important to highlight such concerns as even one complaint is one too many for public bodies subscribing to GIRFEC ideology (where E means ‘every’), especially when policy and practice are found to conflict.

We anonymised, and in some cases paraphrased, individual comments before assigning them to the previously used LA ‘clusters’ (Top 10, Middle 12 and Bottom 10 according to policy scores) in order to present the findings without risk of re-identification. We also omitted information deemed especially sensitive, which could re-traumatise victims of crime, malicious reporting or professional misconduct, or which might compromise legal proceedings. Scores were calculated by weighing positive vs. negative points raised by posters and appear in brackets in the narrative below. See Appendix H for sample comments from forum members, organised by LA cluster.

Top 10



Highland ‘shoe’ protest on behalf of ASN children who are being denied schooling

Reported experiences of dealing with our Top 10 LA cluster illustrated that the most promising policies were not a reliable indicator of the treatment home educators could expect to receive, although two councils – Moray (9) and North Lanarkshire (9) – received excellent reviews of their practice that consistently matched policy.

At the other end of the scale, Highland (1) was described as “authoritarian” and “a nightmare to deal with”, where families felt bullied and victimised and ASN children were said to have been abandoned as services had melted down. Personal data had been shared without families’ knowledge or consent, and the overall emotion exhibited by forum commenters was fear. A few families, whose stories we are not yet at liberty to share, said their lives had been “destroyed” by home-edophobic “GIRFEC gang culture” that had left them isolated from support with no access to independent legal advice or advocacy.

None of the remaining councils in this cohort was rated highly by forum members as all had reportedly failed to follow policy or adhere to guidance by making unreasonable demands and imposing unlawful conditions, such as obligatory home visits and access to children, conducting data fishing expeditions and arbitrary refusal of consent for those who did not comply. ASN issues and data misuse remained the key overarching concerns.

Glasgow (2) received mixed reports, and, while there were with no serious concerns raised over procedures, there were trust issues for home educators, especially from disadvantaged areas of the city. There was also concern over a disclosure, via FOI, of the covert co-option of “professional parents” who “work well with the council” for engagement with the Scottish Government, and the more recent creation of a cross-council networking group that had seemingly shared examples of parental provision.

Fife (3) home educators reported “deteriorating experiences”, raising concerns about a council officer interviewing a child in school without parental consent. Perth & Kinross (2) was described as “manipulative” and “prejudiced”, routinely demanding their forms be completed and strongly pushing for home visits.

Aberdeenshire (1) was deemed “one of the worst”, with a negative attitude towards parents, many of whom had been forced into home education due to unmet ASNs, although outlier comments suggested the problems were not universal across all area offices, with one officer being singled out for praise.

The “dark deeds” of Dumfries & Galloway (1) were the subject of much discussion by forum members, most of whom reported an overtly hostile environment. Some had made complaints and a few had felt the need to instruct solicitors due to alleged obstruction and data misuse, but relationships had recently begun to improve after an ‘olive branch’ consultation, and “optimistic” dialogue was ongoing over a new policy draft (which we used, albeit prematurely, to calculate the council’s policy score of 9).

Inverclyde (1) came under fire for referring withdrawal requests to its legal department and claiming consent was conditional upon accepting home visits and access to children, while South Ayrshire (2) was described as “bullying” and criticised for “moving the goalposts” since an experienced postholder was replaced.

To underscore the point that stated policy is no indicator of the treatment families receive, a ‘Quality Improvement Manager’ from one of the above councils saw fit to make the following insulting claims to a parent withdrawing her child from school:

“Thank you for your Home Education application letter. To take your request for the home schooling of [child’s name], the council as corporate parent must be secure with the educational plan you are preparing.”

The council had been sent a withdrawal request, not an ‘application to home educate’; ‘home schooling’ is incorrect terminology; and the council’s ‘corporate parent’ role applies exclusively to looked-after children, not to those who are home educated by their parents.

Middle 12



For the Middle 12 cohort, whose policies attracted average scores, the picture painted by home educators was far from rosy. Even Edinburgh (6), which had received mostly positive survey reviews, was rated relatively poorly, with complaints focusing on the presumption of visits, but the council was applauded for being flexi schooling friendly.

Dundee (5) was seen as an average performer, but the reported ratings for Aberdeen (3), Argyll & Bute (2), CnES (1), Stirling (5), Orkney (5) and Scottish Borders (5) are likely to have been skewed by the limited data available, albeit some of the harshest criticisms coming from parents who had shared substantial evidence to justify their stated concerns.

The remaining councils received largely pejorative reviews, East Lothian (1) being called out for a “culture of home-eduphobia” and harassment, illegal data sharing, failure to fulfil SARs and a reported blanket policy of refusing all requests for withdrawal from school. One parent was planning to make a section 70 complaint to Scottish ministers and another said she had been targeted for years by a specific local authority officer, the circumstances of which we are not at liberty to share at present.

Renfrewshire (1) was strongly criticised for presuming meetings and misleading parents on the law, including the parameters of compulsory education age, and school violence appeared to have prompted several parents to remove their children.

Similarly, West Lothian (2) was said to have dragged its heels over bullying issues, refusing to expedite the withdrawal process for distressed children. The council was also directly challenged by a home educator for publishing misleading information over “school age” and the “duty to ensure” education, as well as allegedly infringing data protection laws by sharing information without consent.

West Dunbartonshire (2) was described as “unobtainable” and “unresponsive” by some parents, with one making the point that the educational psychology service “refused to engage” with home educators. The council

especially angered one family by “abusing power” and speaking to their child in school without parental knowledge or permission.

Bottom 10

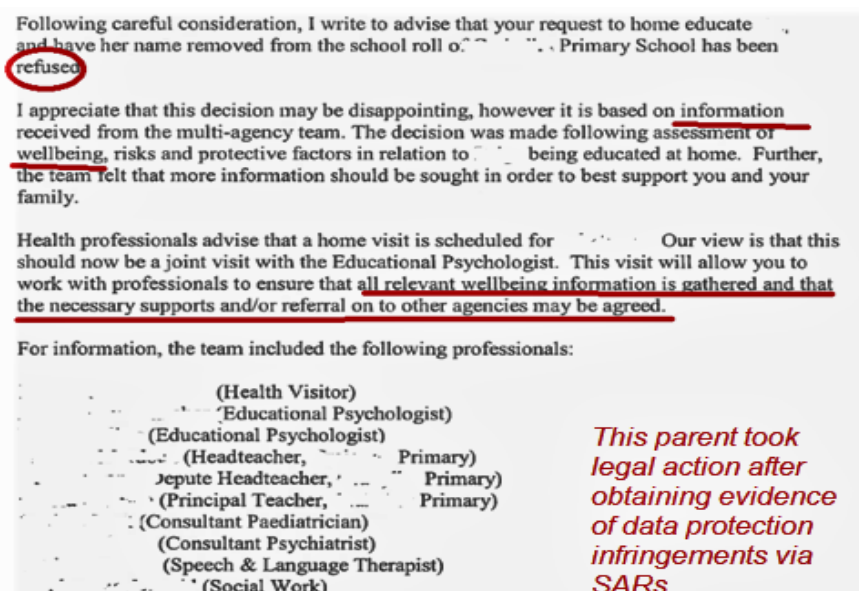
The Bottom 10 LA cohort attracted a significant number of negative comments, with many forum discussions having focused on the conduct of these councils.

However, Falkirk (6) which had enjoyed a longstanding ‘home ed friendly’ track record, was viewed as non-obstructive and only fell down on data sharing and insistence on interrogating the views of children.

Clackmannanshire (4) was also heavily criticised for insisting on interviewing children, “unlimited” data sharing, judgmental attitudes and misleading claims, but these were balanced by a few positive experiences.

South Lanarkshire (4) was said to be pushy over visits and had been using forms “designed to deter” parents, with the situation deteriorating markedly since the retirement of the previous postholder.

While North Ayrshire (2) was said to have caused no issues for some families, others had “no confidence” in the council and commented on misleading information and “coercive undertones” in its communications. The practice of involving schools in the processing of withdrawal requests aroused especially strong disapproval, as did other examples of non-consensual data sharing.



Letter received by a parent from one of our ‘Bottom 10’ Local Authorities

East Ayrshire (2) was berated for its insistence on “form filling” and the “threatening tone” of letters, “screening” meetings with school head teachers, and the presumption of home visits and access to children. Although the council was criticised for its officers’ inexperience in relation to home education, one parent commended the support received over college entry.

East Renfrewshire (2) was rebuked for mis-terminology, misinformation and presuming home visits to “prove” the suitability of home education, with several commenting on “heel dragging” and the “parroting of unlawful demands”, but the home education officer was said by one member to have been “supportive in person”.

Angus (1) came under fire for insisting on face-to-face meetings and involving social work to obtain children’s views on home education. The council had also allegedly misled parents over school age and claims that flexi schooling had never been permitted in the area, despite evidence to the contrary.

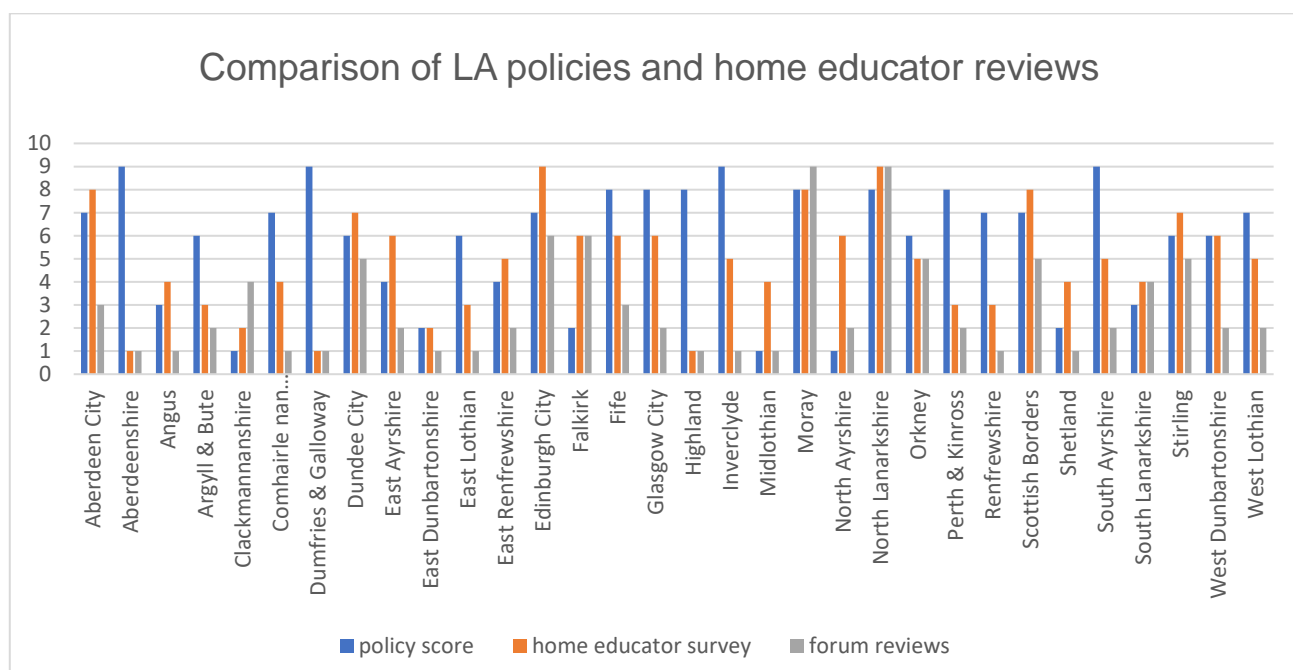
Shetland (1) had alienated several home educating families who reported “extreme defensiveness” on the part of the council and problems obtaining information, including via FOI, when challenged on “making up the law”. Members cited serious instances of overstepping, including the enforcement of visits to “check home conditions”, unlawful data trawling and interrogating children’s views on home education without permission while in school. The ‘home link teacher’ was described as “well-meaning, but overzealous”.

East Dunbartonshire (1) came in for robust criticism from several home educators for negativity towards home education and acting above the law as “its own wee dictatorship”. Examples were given of unlawful information sharing, losing correspondence, issuing a school attendance order for a child over compulsory education age and “general incompetence”, but one outlier reported no difficulties with the council.

Midlothian (1) was said by home educators to be guilty of overstepping boundaries by making consent conditional upon visits and meetings, using inaccurate terminology and peddling misinformation to actively discourage home education. A blanket decision to remove the option of flexi schooling without consultation angered families, who had been instructed to return their children to school full-time without adequate notice. Only one forum member mentioned a positive experience of the council supporting access to qualifications via a local school.

Comparison of policy vs. practice – overall performance

A comparison of each LA’s policy score and data from both the online survey and review of forum discussions, is illustrated in the chart below.



While the data was too limited in some cases to draw firm conclusions, we were able to gain useful insights into the relative performance of councils. Disparities between policy and practice were in some cases quite pronounced, and there were further differences between the data collected via our survey and that from our forum discussions, the latter being typically focused on the more problematic experiences of home educators.

We went on to average the home educator ratings from both data sources and compared these with the local authority policy scores in order to gauge which councils were performing consistently well or badly, and how their policies had translated into practice. See Appendix I for the breakdown.

Our Top 10 LA cluster included the two best-performing councils overall, Moray and North Lanarkshire, whose policy scores (both 8) were surpassed by user ratings (both 9).

In the same cluster we found three councils, Aberdeenshire, Dumfries & Galloway and Highland, whose policies had scored highly (9, 9 and 8 respectively) but user ratings were very poor (all scored 1). The specific circumstances of the 'mismatch' in Dumfries Galloway are discussed in a separate case study below.

Although Fife's service user ratings were lower than its policy scores, the council retained an average ranking, while Inverclyde's performance was significantly poorer than its policy score. Glasgow, Perth & Kinross and South Ayrshire all dropped below average when user ratings were included.

Of our Middle 12 cohort, Edinburgh's performance was rated more highly by home educators than its already respectable policy score, while Dundee, Scottish Borders and Stirling ratings exactly matched their above-average scores.

Aberdeen City and Orkney were rated slightly below their assigned policy scores but remained within the average performing range. Meanwhile, Argyll & Bute, West Dunbartonshire and West Lothian all slipped to below average ranking as a result of service user reviews.

The greatest disparities within this LA cluster were recorded in respect of Comhairle nan Eilean Siar, East Lothian and Renfrewshire, whose policy scores of 7, 6 and 7 translated into poor user ratings of 3, 2 and 2 respectively.

From our Bottom 12 LA cluster, Falkirk's performance received a user rating of 6, which was a vast improvement on its policy score of 2.

Angus, East Ayrshire, East Dunbartonshire and East Renfrewshire all remained below average, scoring 3, 4, 2 and 4 respectively on both policy and service user experience.

Shetland and South Lanarkshire were each rated one point higher by home educators than their assigned policy scores of 2 and 3 respectively but remained below average on both counts.

The policies to which we had assigned the lowest possible score of 1, Clackmannanshire, Midlothian and North Ayrshire, meanwhile attracted marginally higher home educator ratings of 3, 2 and 4 respectively.

Dumfries & Galloway Council: a case study

Background

The 'mismatch' between Dumfries & Galloway Council's (draft) policy score of 9 and its overall service user rating of 1, as noted in our analysis above, has a unique back story which we felt was worth documenting in this report.

Tensions between the council and home educators had been growing over a number of years, but by early 2018 the situation had deteriorated markedly. This prompted the Scottish Home Education Forum to initiate discussions with the Scottish Government and consider submitting a section 70 complaint to Ministers over the council's treatment of parents, especially those withdrawing their children from school. Some had lodged complaints with the council, ICO and SPSO, and a data protection specialist had advised that its home education policy "would be unlikely to survive a legal challenge".⁴⁸ FOI responses later revealed that the authority had also been in touch with the Learning Directorate over the impasse.

In November 2018, home educators discovered by accident, having never been consulted or notified, that councillors were being asked to approve a revised 'home schooling' policy. The forum co-ordinator and local home educators contacted the committee convener in advance of the meeting to raise concerns about the draft policy⁴⁹, as well as emailing MSPs and the Scottish Government. The committee responded by postponing its decision until a stakeholder consultation had taken place.

The ensuing consultation demonstrated the progress that can be achieved through meaningful engagement with those most affected by policy changes. After a series of meetings and email exchanges, a draft revised

⁴⁸ <https://leahurst66.wordpress.com/councils-data-sharing-policy-would-not-survive-a-challenge/>

⁴⁹ <https://homeeducationforums.co.uk/forum/index.php?threads/dumfries-and-galloway-council.17972/#post-68853>

policy was co-produced, albeit with some creases still to be ironed out. A positive spin-off from the process was the cementing of a new, mutually respectful relationship between local home educators and the council, where discourse was welcomed rather than dismissed, but a new policy has not yet been formally adopted and some local home educators have expressed ongoing dissatisfaction with practice.

Discussion with Integration and Inclusion Manager

Our lead researcher met with the Integration and Inclusion Manager in Dumfries in January 2020 in order to share initial findings and gain greater insight into the council's perspective on home education. The researcher's own 'take away' points from that discussion are outlined below and may not fully represent the council's views.



Current guidance was felt to have worked well but to be in need of revision after 12 years. Some sections required more clarity in the light of the changing policy landscape, so that the legal framework was better understood by those expected to work within it. Differing interpretations of legislation and guidance and a lack of dedicated training had led to inconsistencies between local authority policies and widely divergent practice. A common application of national guidance was needed in order to address the postcode *and* postholder lottery that our research had identified.

The introduction of GIRFEC during the lifetime of the guidance had created additional tensions due to the premature implementation of multi-agency data sharing that was subsequently held unlawful by the Supreme Court yet has remained embedded in public policy. This had impacted on the application of home education guidance and the treatment of home educators, whose data was being shared across services without their knowledge or consent and, crucially, no lawful basis as they were simply exercising an equal choice to educate 'by other means'. Meanwhile, home educator numbers were growing rapidly, driven largely by those whose children had disabilities and ASNs, and complaints and tribunal applications were on an upward trajectory, with significant associated costs.

Although many parents make a positive choice to withdraw children, the council wanted to ensure as far as possible that the choice was fully informed. Often, they were unaware of problems until the child was being withdrawn from school and they had concerns over the practice of 'off-rolling' as a means of avoiding the need to make reasonable adjustments.

The extent to which councils may interfere with parental responsibilities remained a sticking point in that many councils have interpreted the duty to intervene in the event of parental failure as a proactive power to police home education. Parents are also largely uninformed that the word "or" in the 1980 Act denotes the equal status of schooling and home education, with the question "why home educate?" being routinely asked but never "why school?". Councils do, uncontroversially, have powers to invoke school attendance or child protection procedures where evidence exists of parental failure to educate or of risk of significant harm to a child, but 'fishing expeditions' are prohibited in the absence of consent or legal necessity.

Even after the Supreme Court upheld the established threshold for interference with Article 8 rights, the council has come under pressure by other agencies questioning the right to choose home education, often due to ignorance of the law or simply the prevailing culture of home-eduphobia. School is portrayed as a 'protective factor' as children are 'seen' on a daily basis, despite growing parental concerns over bullying, discrimination and physical restraint of ASN pupils. Meanwhile, home education is perceived as inherently 'risky', despite there being no evidence to support the premise.⁵⁰ Moreover, research findings have shown more positive outcomes for home educated children, especially those from disadvantaged backgrounds.⁵¹

Home educators who are linked into support networks are especially well informed of their rights and the limits of local authority powers, and it was important to get things right from the outset if trust was to be re-built. Meanwhile, conflicting legal opinions meant that council officers could become caught between two oppositional

⁵⁰ <http://www.home-education.org.uk/articles/article-safeguarding-myth.pdf>

⁵¹ <http://etheses.dur.ac.uk/1005/1/1005.pdf>

forces. The fear of 'accountability without responsibility' was said to weigh heavily on officers, who feel under pressure to 'account for' every home educated child, but although some children may remain 'unknown' to the LA, they are neither 'hidden' nor 'unseen' in the community.

The consent anomaly remained one of the most contentious issues. Although the government has no plans to amend the 1980 Act, revised guidance could recommend a reduction in the timescale for processing consent to one or two weeks and close loopholes that had led to unreasonable delays and refusals. Where parents have provided a cogent outline of their proposed provision and there is no existing evidence of child protection risks, there are no lawful grounds to impede the parental decision. Moreover, the anomaly is discriminatory as it applies only to council school-attending children, while parents with sufficient means are able to exploit available exemptions. Reducing the timescale would remind councils that removal from the roll should not be an onerous process in the vast majority of cases, as well as disabusing schools of the notion that they can interfere with parental choice. The provision of home education could also be recognised as a 'reasonable excuse' for non-attendance at school where consent was delayed.

Use of accurate terminology was discussed, especially the need to refer to 'home education' as opposed to 'home schooling', in order to dispel school-at-home expectations, and the need to address misunderstandings over consent, which is only required to withdraw a child from school and not for home education *per se*.

Basic definitions could also be problematic, since 'suitable and efficient' education can be so broadly interpreted. While the suggested characteristics in the guidance have proved helpful for parents framing provision and councils ticking 'consent' boxes, there is no template provision just as there is no template child, and home education, unlike schooling, is highly personalised. There was broad agreement that literacy and numeracy were key components of an education that would satisfy the case law test of 'preparing children for life in a modern civilised society', but also recognition that some children may never acquire these skills, whether schooled or home educated. The oral tradition of Gypsy Travellers, who are protected under the Equality Act, was noted as they make up a sizeable sub-set of home educators in Scotland, as do those who share other protected characteristics, including disability, religion and philosophical belief.

Points of contact in councils could often be elusive for families seeking information or advice on home education and adherence to a contentious local policy, as opposed to national guidance, had led to intractable problems in Dumfries & Galloway. The home education remit was an 'add-on', with few officers having in-depth knowledge of the pertinent legislation and guidance, whereas a dedicated role within the authority could benefit families, colleagues and other services in need of an informed overview. Home educators had also explored the idea of national forum to facilitate more constructive dialogue.

After home educators had been sidelined and the impact assessment process bypassed to bring in a local draft policy by stealth, the resultant impasse was only broken by entering into meaningful discussion with home educators. Increasing home educator numbers and complaints had lent urgency to addressing concerns early, perhaps through mediation and/or involving schools, the primary aim being to ensure parents are fully informed of all their options. Home education should not be seen as 'anti-school' and the 'ticket' need not be one-way.

The council was concerned about parents opting to home educate for negative reasons, although the same principle should apply equally to the schooling option. It is well known that children with ASNs have always been highly represented in the community, but 'accidental' home educators had often become the most vocal proponents.

The council had no negative view of home education, but the default position had been to offer no support or resources. As reluctant service users, most home educators saw no benefit in contact with the council and often resented strangers seeking access to their homes and especially their children, with Article 12 being routinely misrepresented⁵² in order to coerce children's views on their home (but not school) education. The child's right to education does not confer the right to determine how that education is provided, which is the responsibility of parents. Although councils are expected to demonstrate they have listened to children's views, they have no powers to compel children, whether schooled or home educated, to offer them, and no powers to compel parents to act on them. Interrogating children's views at school without parental permission is therefore viewed as a breach of trust and abuse of power. On the other hand, invitational approaches are successful (and

⁵² <https://www.cypcs.org.uk/rights/uncrcarticles/article-12>

inexpensive), as exemplified by the participation of local home educated children in developing the council's new online resources for home-based learners.

The question of flexi schooling was also discussed, which is referenced in the guidance but is not, by definition, home education. While not being the focus of our research, it is a recurring topic of discussion by forum members and is popular in some areas. Given that flexi schooled children remain on roll, schools and/or local authorities could conduct impact assessments and, where considered feasible, set out expectations in a formal contract.



Conclusion

To summarise, more areas of agreement than contention were identified during a constructive discussion of council and home educator perspectives. It was agreed that revised statutory guidance would benefit from greater clarity, precision and accessibility.

Many of the more acute difficulties had stemmed from data collection and sharing 'advice' introduced during the life of the home education guidance, which had interfered with parental duties as enshrined in legislation. Lack of remedial action by the government in the wake of the 2016 'named person' ruling had left local authorities and other services caught in the cross-fire as flawed policies had not been rolled back to reflect the lawful intervention threshold.

It was recognised that experience to date in Dumfries & Galloway had not been positive for many home educators, but there was now an opportunity to build on the foundations laid during recent engagement, and to take forward some constructive suggestions for improving relationships at local level, as well as contributing to a national conversation.

For example, council support for reducing the turnaround time for consent in revised statutory guidance would be welcomed by home educators as the vast majority of withdrawal requests were said to be straightforward. In the meantime, the council could consider reverting to national guidance until its own policy is finalised, and it might also wish to consult other local authorities where positive relationships have been forged with home educators.

VI ONGOING WORK & INITIATIVES

Direct support for families

Several of our more experienced forum members undertake advocacy work and offer mentoring support to families who are especially vulnerable to pressure from local authorities and other service providers. This work, which is entirely unfunded, has led to increasing strain on a small number of volunteers, most especially in relation to support for children with ASNs. Significant difficulties are being reported over withdrawal from school and malicious referrals to social work services, and it is envisaged that the forum will need to recruit, train and support many more volunteers as demand continues to rise exponentially.

Training and information sessions



Our volunteers' work has been well received, leading to requests from a range of organisations for training and information sessions on home education. By way of example, a report of one such presentation, delivered by two forum members at a national conference, is reproduced below.

"In December 2019, we attended Adoption UK in Scotland's annual conference, which this year had the theme of 'Thinking Differently About Education'. We were there at the invitation of AUK in Scotland to deliver a workshop for delegates – including adoption and fostering professionals, education professionals, and parents – on home education. There was a great deal of interest in home education among the delegates, many of whom admitted that they knew very little about its practice or the law around home education in Scotland. Many told us that they see home education as a viable option for their children or the children that they work with but wouldn't even know where to start or how to advise adopting or fostering parents.

"It is noteworthy that these parents and professionals have in their care some of the most vulnerable children in Scotland, many of whom have additional support needs, and that it was because of these issues that they recognised home education's value as an approach that can give a child the opportunity to receive a personalised, one-to-one education that can help them, in their particular circumstances, to reach their full potential.

"After the workshop, we fielded dozens of questions about home education, and were approached by both social workers and education professionals about the possibility of providing further training in their workplaces and/or information resources for their colleagues both in their own departments and associated departments with which they work. We are now following up on some of those approaches. It is clear to us that while there is an obvious lack of knowledge, understanding, and training, that lack is acknowledged by many professionals, who desire to become better informed about home education."

"In the course of our engagements with organisations serving children and families, several non-education professionals, including social workers, have alluded to double standards of intervention, whereby home educating families are subject to over-referral and excessive intervention due to perceived, but ill-founded, 'risk', whereas those whose children have been excluded from school via illegal exclusion or 'off-rolling' are often abandoned by the system. The problem is especially acute in more disadvantaged areas, where social workers are already overburdened, and the forum's peer support model has attracted interest from services concerned about the lack of provision for parents whose children are involuntarily out of school.

Combating home-eduphobia

Much of the forum's work over the past two decades has involved debunking myths surrounding home education and seeking to ensure that its legitimate and equal status is recognised in policies that affect our minority community. However, as home educator numbers have risen, the tide of home-eduphobia has shown little sign of abating. Indeed, an archived article from 2001, 'Marching for freedom in education'⁵³, might well have been written this year. Quoting from a joint paper by COSLA and ADES, that "the more children educated at home, the less funding for the local authority", it highlighted the powerful vested interests that lie at the heart of the hostility towards home education as an equal choice.

Zahra Bei, co-founder of the US-based 'No More Exclusions'⁵⁴, also identified some of the barriers facing minority groups:

*"We as teachers collude with oppressive systems, language, policies, processes and cultures. We are a product of our own socialisation and societal notions of 'normalcy' after all. I admit we often end up compounding bias, discrimination and negative outcomes suffered by those we are trying to help. Our good intentions are neither here nor there. We can however work to reverse the distortion [by] constantly checking our own biases, working to dismantle our own deficit, majoritarian thinking as well as the wider cultures, structures and barriers that prevent true inclusion for all."*⁵⁵

Recently, we have witnessed increasing attacks on home education in other parts of the UK by local authorities and their representative bodies, other public and state-funded third sector organisations, and primed media outlets. Even the children's commissioners for England and, to a lesser extent, Wales have sought to shift blame from systemic schooling failures by focusing on illegal 'off-rolling' and the plight of children forced out due to unmet ASNs, relishing the opportunity to smear home education in the process.^{56 57} As a direct result of this manufactured hostile environment, children and young people have reported home-eduphobic taunting, and parents have called into question the commissioners' commitment to upholding the UNCRC and respecting the human rights of a law-abiding minority group. Having obtained favourable legal opinions applicable to three separate jurisdictions, home educators have expressed their intention to resist unlawful interference and pursue judicial review if any of the mooted draconian measures are proceeded with.

While Scotland's administration appears to have no plans to amend primary legislation or introduce objectionable measures that would alienate home educators, pressure from vested interests remains intense, and the power imbalance brings with it a real risk of policy capture. Furthermore, in the absence of a comprehensive policy audit to take into account recent court rulings and action to remove inaccurate advice, too many errors have continued to appear in public sector guidance, notably the 2014 child protection guidance⁵⁸ which cites the wrong intervention threshold and still mandates unlawful information sharing on the basis of a threshold declared by the UK's highest court to be incompatible with human rights. With specific reference to home education, the government-sponsored website, mygov.scot⁵⁹, has also resisted repeated requests to amend erroneous content.

Commenting on the lack of respect for home educators, who are rarely, if ever, factored into policy-making and are at best 'token' consultees, one forum member, who had been invited to assist with her council's home education output, described "total ignorance and disrespect for the needs of disabled children" and another reported having their "time wasted over months". Similar sentiments were expressed in relation to engagements with the Scottish Government, whether instigated at their behest or ours, with one of our most experienced team

⁵³ <https://leahurst66.wordpress.com/marching-for-freedom-in-education/>

⁵⁴ <https://nomoreexclusions.com/>

⁵⁵ <https://www.allfie.org.uk/news/inclusion-now/inclusion-now-54/intersectionality-inclusion/>

⁵⁶ <https://www.childrenscommissioner.gov.uk/2019/02/04/huge-increase-in-children-disappearing-from-schools-to-be-educated-at-home-childrens-commissioner-for-england-calls-for-a-compulsory-register-of-off-the-grid-children/>

⁵⁷ <https://www.childcomwales.org.uk/our-work/policy-positions/home-education/>

⁵⁸ <https://www.gov.scot/publications/national-guidance-child-protection-scotland/>

⁵⁹ <https://www.mygov.scot/home-schooling>

members pointing out the geographical, financial and practical challenges of attending meetings in Edinburgh: “I don't think I'll bother again, travelling down with my disabled son (very difficult in itself), arranging an overnight stay and care for him, and covering our fares and food as an unpaid carer. Even the LA paid me petrol expenses and didn't have to be asked”.



Home Education Scotland – a new organisation

The Scottish Home Education Forum is a long-established peer support and advocacy network which also provides a gateway to training and consultancy services for those interested in home education in Scotland. It is managed by a steering group of volunteers and works co-operatively with a number of grassroots groups which support children and families, but it has never sought charitable status or state funding and has no plans to do so. It retains a strong campaigning focus and was represented on the NO2NP group, which spearheaded the ultimately successful legal challenge to delinquent sections of the Children & Young People (Scotland) Act 2014, now to be repealed.

Our previous and ongoing research prompted the forum's steering group to review the effectiveness of support available and discuss ways to tackle the daily discrimination and deep-rooted prejudices faced by home educating families. A series of strategy meetings identified failures within previously proactive, but now moribund and exclusionary, home education organisations, and the need for an inclusive new body to address escalating challenges. Following an inaugural meeting in late 2019, Home Education Scotland was formally constituted as a national membership organisation, whose charitable status is pending.



VII CONCLUSION

In common with the Scottish Consumer Council's findings in 2007, which informed the current statutory guidance, this new piece of research has found many of the same barriers frustrating home educating families in their dealings with local authorities, and the same imbalance of power impacting adversely on those seeking to withdraw their children from council schools.

Home educator numbers have continued to rise, with unmet (or unmeetable) ASNs being a key driver for parents to withdraw children or not to send them to school in the first place. Over the past several years, home education support groups have all reported a surge in membership and requests for direct support as more families have found themselves home educating for many different reasons.

Our findings have revealed as much about the state of the school system as the home education landscape. Children with ASNs have been especially poorly served, yet many are being routinely denied access to allied services, and those with complex needs are ineligible for co-ordinated support plans (CSPs) after being withdrawn for home education. Undue pressure on children in schools is a recurring theme, and although not the focus of our research, and not strictly home education, flexi schooling has become an increasingly popular option where councils have agreed to facilitate it.



Existing home education networks have sought to accommodate the support needs of many more families, a significant proportion of whom have described abandonment and exclusion by the system due to chronic conditions, disabilities, anxiety and bullying. At the same time, home education has come under sustained attack by a hypocritical home-eduphobic lobby that refuses to accept its equal status in law and prioritises school presenteeism, no matter how damaging to children.

Mis-terminology such as 'home schooling', repeatedly used across the public sector and the media despite calls to desist, has further served to perpetuate the conflation of schooling and education, while the discriminatory anomaly of 'consent' to withdraw a child from a council school is routinely misrepresented as 'permission to home educate'.

Despite national statutory guidance being in place for nearly 20 years, and the current version for 12, our investigation found not only vast disparities in local authority policies, but also widely differing approaches by assigned officers, sometimes even within the same authority, resulting in both a postcode and postholder lottery for home educating families. Even where good practice was established, it could be fleeting due to personnel changes, whereas poor practice was more likely to remain embedded in organisational culture.

Concealment, or even denial, of home education as an option was a recurring theme, as was ignorance and/or misrepresentation of the law and guidance by councils and schools when parents had requested information or sought to withdraw children. Too many council websites contained no information, or inaccurate information, about home education (frequently mis-termed), and only the best examples included links to national guidance.

We found a range of 'wishful thinking' local policies in which national guidance and primary legislation had been lost in translation along with the need to comply with overarching human rights and data protection laws. Given the prevalence of 'copy and paste' sections that featured in policies, some councils had clearly shared their creative circumventions, rather than simply adopting national guidance as a few had commendably done.

The inadequacy of local policies, often under-scrutinised by elected members, had led to adverse impacts on home educators in that officers were required to 'follow orders', no matter how seriously flawed. As our comparative analysis has demonstrated, even where policies were sound, some families had received unfavourable treatment as officers failed to 'walk the talk'. Lack of stakeholder consultation, the absence of equality impact assessments and inaccuracies in briefings in respect of local policy changes were also highlighted by parents, who predicted an increasing likelihood of fractured relationships, ASN tribunal applications and court action.

Consent for withdrawal from school remained the most contentious issue due to the inbuilt power imbalance and lack of any effective mechanisms to resolve matters timeously. The consent anomaly itself is considered by home educators to be discriminatory, given that it only applies in circumstances where a child of school age has attended a council school and exemptions can be invoked by those with the means to do so.

Grounds for refusal are strictly limited since the provision of education is a parental responsibility, but parents reported the process had frequently been dragged out beyond the six weeks recommended in the guidance and children had been 'held hostage' where parents refused to accede to unreasonable demands, including home visits, access to children, curricular expectations and data sharing. As one pointed out, "It's like having to ask permission from the butcher's federation to choose a vegan diet, then have them approve your menus on the basis of carnivores' preferred criteria."

Sections of the guidance with ambiguous wording had also been exploited by councils, who wrongly believed it permitted them to conduct 'background checks' and trawl family members' personal data, including social work, health and police records. Several had sought to use 'consent' as the lawful basis for such data processing and refused to progress requests to remove children from school where parents declined, contrary to data protection and human rights law. The situation had been exacerbated for home educators by the government's failure to update information sharing guidance in the wake of the 2016 'named person' judgment, which had left public sector policies, including the 2014 child protection guidance, riddled with inaccuracies based on outdated and unlawful 'advice'.

Lack of legal representation and independent advocacy, especially in rural or island areas, and the absence or severe restriction of legal aid, had led to gross inequality of arms for home educating families. At least one parent, who had become entangled in the child protection system, had been prevented from engaging a uniquely qualified expert witness, who has previously provided evidence to Scottish courts on the adequacy of home education for individual children, to counter school-centric professional bias.

Parents of children who had struggled with school attendance, often due to anxiety, bullying or chronic illness, described feeling trapped, or had even been referred to the children's reporter, during the waiting period for consent, despite the guidance recommending a sympathetic approach in such circumstances. Several parents also reported being unable to obtain medical evidence demanded by schools, since GPs do not issue certificates to school-age children and it is the parents' responsibility to determine a child's fitness to attend. In several cases, parents had successfully argued that the provision of home education constituted 'reasonable excuse' for non-attendance in the interim period, but it remains a risky strategy.

Consent that was made conditional upon future 'monitoring' visits or meetings, access to children and GIRFEC-fuelled demands was a particular bone of contention, with many parents pointing out that such conditions were coercive and unenforceable since there is no legal duty to monitor home education and only a recommendation in the guidance for annual contact to request updates of parental provision.

The problem of former partners leveraging councils' pro-school prejudice was raised by a number of home educators, and several examples were given of the non-resident parent seeking to undermine and manipulate the parent with day-to-day care of children through coercive and controlling behaviour, sometimes in collusion with the local authority.

Some grey areas in the current guidance were identified by home educators, including how consent for withdrawal is managed in the case of cross-council school placements, whether by placing requests or geographical proximity. Holiday periods, staff sickness and postholder vacancies have also become a standard excuse for failing to process consent within the six-week timescale, although the guidance is silent on such situations. Lack of clarity over the commencement date for compulsory education was also seen to be an omission after some parents said they had been misled into believing their P1 child could not be withdrawn from school despite having not attained compulsory age, thereby negating the need for consent.

Finally, home educators identified the need for a new, inclusive national support charity to fully represent the interests of home educators in Scotland and complement the work of the forum. To this end, Home Education Scotland was founded in late 2019, and its formal launch will coincide with the publication of this research.

VIII RECOMMENDATIONS

A number of key themes have emerged from this research, and home educators have contributed constructive suggestions for improvements to the current guidance in the light of their experience of contact with local authorities. It is therefore hoped that the Scottish Government will see fit to progress many or all of our 16 evidence-based recommendations without delay.

- In view of the inconsistencies we have found, the Scottish Government should consider convening a working group, inclusive of local authorities and home educators, and preferably chaired by a specialist education lawyer, to formulate a model home education policy and information for parents that are fully reflective of national guidance for adoption across all council areas. Any proposed local policy changes should be preceded by mandatory equality and rights impact assessments and formal stakeholder consultations.
- In order to address disparate approaches, the revised guidance should mandate dedicated training, with input from home educators, for all personnel who deal with home education enquiries, withdrawal requests and updates.
- If primary legislation is to remain unchanged, thus leaving the discriminatory consent anomaly in place and open to ongoing abuse, the government should reduce the recommended timescale in the guidance from six weeks to a maximum of one or two weeks, with a presumption of consent where local authorities fail to comply.
- The guidance should expressly state that the parental provision of home education constitutes 'reasonable excuse' where children are struggling or unable to attend school due to stress-related illness or ASNs during the waiting period for consent, with absences marked as authorised.
- The guidance should expressly re-state the requirement for local authorities to publish information about home education as an equal choice, with correct terminology, details of the relevant council contact and direct links to local policy and national guidance, all of which should be immediately accessible on their websites and otherwise available to parents.
- The guidance should close the loopholes and clarify the grey areas we have identified, including the management of cross-council withdrawals, the impact on timescales of holidays and staff absence, and the legal parameters of compulsory education age.
- The guidance should address the trend of former partners 'weaponising' home education in order to exert coercive control over parents with whom children ordinarily reside, especially where children have already experienced trauma.
- In the spirit of supporting every child's education, the guidance should strongly encourage councils to make resources available and facilitate exam access for home educated external candidates where parents have requested such assistance.
- In view of increasing interest and positive experiences in some areas, we would recommend that the guidance expand on how flexi schooling might be made more accessible for parents and how practicalities might be agreed with councils and individual schools. However, its status should be recognised as separate from home education, for which parents assume full, not shared, responsibility.
- Since the provision of education is a parental function, and parents are the legally recognised arbiters of their children's best interests, the guidance should expressly prohibit councils from routinely gathering and sharing families' personal data for the purpose of processing withdrawal requests. It should similarly prohibit councils from making consent for withdrawal from school conditional upon parents and young people ceding their Article 8 and data protection rights. 'Fishing expeditions' must be expressly

forbidden and the legal threshold re-stated as 'risk of significant harm', as upheld by UK Supreme Court and CJEU.

- The guidance should be amended to prevent councils from misleading parents in order to gain entry to the family home, coerce meetings or impose unreasonable conditions, with suitable sanctions for misconduct. Access to children without parental consent should also be expressly prohibited, including interrogation in power-over school settings, and children's Article 12 rights to decline to express views or meet with unknown officials must be made explicit.
- The guidance should require councils to promptly provide reasons for unavoidable delays in processing consent, regardless of the time of year or staffing issues. Moreover, any refusal of consent should include detailed reasons, accompanied by evidence of inadequacy of proposed parental provision or risk of significant harm to the child.
- The guidance should require councils to hear appeals by parents and provide details of all available complaint mechanisms. Councils should also be required to record complaints from home educating parents and home educated young people about breaches of the law and guidance, including allegations of discriminatory treatment in relation to protected characteristics.
- Although beyond the scope of the guidance, the government should, in the light of growing numbers of children being withdrawn from school, give early consideration to amending pertinent legislation and guidance so that home educated children and young people with complex ASNs become eligible for co-ordinated support plans (CSPs) on parental application.
- The Scottish Government should commit to a comprehensive policy audit to ensure that the 'orders' being followed by services do not breach overarching human rights and data protection legislation, and that home educators (and others affected by non-compliant policies, as highlighted in our parliamentary petition) can expect delinquent provisions to be disregarded.
- The Scottish Government should re-affirm its support for home education as an equal lawful choice and commit to meaningful consultation and engagement with home education organisations, including the Scottish Home Education Forum and Home Education Scotland, in order to work towards eliminating prejudice and home-eduphobia.



IX APPENDICES

APPENDIX A

Freedom of Information request submitted to 32 Local Authorities (July 2019)

I am making this request under the FOI (Scotland) Act 2002.

My queries relate to the council's policy and practices in relation to elective home education (sometimes erroneously described as 'home schooling') for the time period from 1 August 2016 until the date of your acknowledgement of my request, broken down by academic session (16/17, 17/18 and 18/19)

Statistical data

1. How many children of compulsory education age are recorded as home educated? From how many families?
2. How many of these children have additional support needs?
3. How many requests have been received from parents for consent to withdraw children from school for home education?
4. How many such requests have been processed within the 6-week time scale set out in current home education statutory guidance?
5. In respect of any consent requests which exceeded (or are currently exceeding) the 6-week time scale set out in the home education statutory guidance, please provide details of the actual processing period for each request and reasons for the delay.
6. How many complaints and/or notes of concern have been received from (a) parents; (b) lay or legal representatives; and/or (c) elected members, regarding the processing council consent to withdraw their children from school for home education?
7. How many of these complaints were partially or fully upheld by (a) the council, and/or (b) SPSO?
8. How many school attendance orders have been issued in respect of home educated children, how many were appealed and what was the outcome?

Policies, proformas and template letters

9. Please provide a website link and/or electronic copy of your information for parents and the council's current policy relating to home education which is used by staff and is available for parents as required by the home education guidance.
10. Please provide copies of any proformas and template letters (if they are not included in the above policy documents).
11. Please provide copies of all the council's home education policies in use since 2013 (with dates) and the current version.

Home education contacts and training

12. Please provide the name(s) and contact details of the council employee(s) assigned to deal with home education enquiries.
13. Please provide details of all home education specific training undertaken by the assigned contact(s), including dates and training provider(s).

Communications, reports and minutes relating to elective home education

14. Please provide copies of all incoming and outgoing communications, reports, minutes/notes of meetings and media comments or releases which make reference to home education or 'home schooling' (suitably redacted). My request does not include responses to consultations that are already available in the public domain.

Thank you in anticipation of your response within the statutory timescale.

On behalf of the Scottish Home Education Forum

APPENDIX B

Home education statistics returned by Local Authorities

B.1 Home education numbers

How many home educated children, how many with ASNs, from how many home educating families, broken down annually for 2016/17, 2017/18 and 2018/19?

2016/17	Children	Flexi	ASNs	Families
Aberdeen	15	0	not held	not held
Aberdeenshire	not stated	0	not held	not recorded
Angus	36	0	2	30
Argyll & Bute	not stated	0	not stated	not stated
Clackmannanshire	4	0	0	not stated
Comhairle nan Eilean Siar	not stated	0	not stated	not stated
D&G	not stated	0	not stated	not stated
Dundee	8	0	not stated	not stated
East Ayrshire	14	0	0	11
East Dunbartonshire	20	0	6	15
East Lothian	15	0	6	13
East Renfrewshire	7	0	none disclosed	not stated
Edinburgh	not stated	0	not stated	not stated
Falkirk	31	0	none recorded	27
Fife	not stated	0	not held	not recorded
Glasgow	99	0	21	76
Highland	138	0	not held	not stated
Inverclyde	9	0	not held	5
Midlothian	8	0	not recorded	not stated
Moray	24	0	not held	22
North Ayrshire	21	0	0	10
North Lanarkshire	82	0	not held	66
Orkney	15	0	not stated	11
P&K	40	0	12	34
Renfrewshire	17	0	not held	16
Scottish Borders	72	17	not held	78

Shetland	17	0	<5	10
South Ayrshire	27	0	not held	not stated
South Lanarkshire	44	0	6	38
Stirling	20	0	not held	18
West Dunbartonshire	10	0	not held	7
TOTAL	837	17	53	522

2017/18	Children	Flexi	ASNs	Families
Aberdeen	21	0	0	18
Aberdeenshire	not stated	0	not recorded	not held
Angus	31	0	2	22
Argyll & Bute	not stated	0	not stated	not stated
Clackmannanshire	8	0	0	not stated
Comhairle nan Eilean Siar	not stated	0	not stated	not stated
D&G	not stated	0	not stated	not stated
Dundee	14	0	not stated	not stated
East Ayrshire	28	0	1	21
East Dunbartonshire	24	0	8	18
East Lothian	14	0	4	11
East Renfrewshire	18	0	redacted	not stated
Edinburgh	not stated	0	not stated	not stated
Falkirk	30	0	none recorded	26
Fife	not stated	0	not recorded	not held
Glasgow	98	0	20	74
Highland	155	0	not held	not stated
Inverclyde	12	0	not held	7
Midlothian	9	0	not recorded	not stated
Moray	38	0	not held	37
North Ayrshire	24	0	0	10
North Lanarkshire	78	0	not held	57
Orkney	17	0	not stated	12
P&K	66	0	13	53
Renfrewshire	18	0	not held	16
Scottish Borders	86	16	not held	82
Shetland	19	0	<5	11

South Ayrshire	27	0	not held	not stated
South Lanarkshire	42	0	7	38
Stirling	23	0	not held	21
West Dunbartonshire	21	0	not held	15
West Lothian	43	0	not held	33
Total	964	16	55	582

2018/19	Children	Flexi	ASNs	Families
Aberdeen	27	0	1	24
Aberdeenshire	89	0	not recorded	72
Angus	43	0	3	31
Argyll & Bute	33	0	not held	22
Clackmannanshire	2	0	0	not stated
Comhairle nan Eilean Siar	8	0	2	6
D&G	101	0	not held	77
Dundee	12	0	<5	23
East Ayrshire	40	0	2	32
East Dunbartonshire	25	0	6	19
East Lothian	15	0	5	13
East Renfrewshire	21	0	redacted	not stated
Edinburgh	65	5	10	not stated
Falkirk	38	0	none recorded	33
Fife	112	0	<5	95
Glasgow	131	0	14	93
Highland	166	0	not held	not stated
Inverclyde	14	0	not held	8
Midlothian	17	0	not recorded	not stated
Moray	54	0	not held	52
North Ayrshire	39	0	0	10
North Lanarkshire	77	0	not held	56
Orkney	15	0	8	11
P&K	59	0	18	48
Renfrewshire	21	0	not held	19
Scottish Borders	69	25	not held	82
Shetland	18	0	6	16
South Ayrshire	27	0	not held	not stated

South Lanarkshire	63	0	17	57
Stirling	25	0	not held	19
West Dunbartonshire	16	0	not held	12
West Lothian	44	0	not held	35
TOTAL	1486	30	92	965

B.2 Consent

How many consent for withdrawal requests for home education were received and how many were processed within the 6-week timescale, broken down annually?

2016/17	Total rec'd	Under 6 wks	Over 6 wks	Withheld
Aberdeen	not held	all	0	0
Aberdeenshire	30	11	not stated	not stated
Angus	4	all	0	0
Argyll & Bute	not stated	not stated	not stated	not stated
Clackmannanshire	not stated	not stated	not stated	not stated
Comhairle nan Eilean Siar	not stated	not stated	not stated	not stated
D&G	28	not stated	not stated	not stated
Dundee	10	10	0	0
East Ayrshire	not stated	not stated	not stated	not stated
East Dunbartonshire	7	7	0	0
East Lothian	4	not held	not held	not held
East Renfrewshire	redacted	redacted	not stated	not stated
Edinburgh	17	not stated	not stated	not stated
Falkirk	12	11	redacted	not stated
Fife	24	not recorded	not recorded	not stated
Glasgow	17	17	0	0
Highland	108	not held	not held	0
Inverclyde	not held	not held	not held	not held
Midlothian	1	1	0	0
Moray	not stated	not stated	not stated	not stated
North Ayrshire	4	4	0	0
North Lanarkshire	3	3	not stated	not stated
Orkney	2	2	0	0
P&K	40	40	0	0
Renfrewshire	16	16	0	0

Scottish Borders	89	89	0	0
Shetland	<5	<5	2	0
South Ayrshire	6	3	3	0
South Lanarkshire	14	13	1	0
Stirling	8	5	3	0
West Dunbartonshire	0	0	n/a	n/a
West Lothian	9	9	0	0
TOTAL	453	241	9	0

2017/18	Total rec'd	Under 6 wks	Over 6 wks	Withheld
Aberdeen	not held	all	0	0
Aberdeenshire	29	24	not stated	not stated
Angus	5	all	0	0
Argyll & Bute	not stated	not stated	not stated	not stated
Clackmannanshire	not stated	not stated	not stated	not stated
Comhairle nan Eilean Siar	not stated	not stated	not stated	not stated
D&G	34	not stated	not stated	not stated
Dundee	14	14	0	0
East Ayrshire	not stated	not stated	not stated	not stated
East Dunbartonshire	7	7	0	0
East Lothian	8	not held	not held	not held
East Renfrewshire	11	redacted	not stated	not stated
Edinburgh	10	not stated	not stated	not stated
Falkirk	12	redacted	redacted	not stated
Fife	21	info not recorded	info not recorded	not stated
Glasgow	17	17	0	0
Highland	87	not held	not held	0
Inverclyde	<5	<5	not held	not held
Midlothian	3	3	0	0
Moray	not stated	not stated	not stated	not stated
North Ayrshire	5	5	0	0
North Lanarkshire	17	17	not given	not stated
Orkney	6	6	0	0
P&K	66	66	0	0
Renfrewshire	16	16	0	0
Scottish Borders	102	102	0	

Shetland	5	<5	1	0
South Ayrshire	6	2	4	0
South Lanarkshire	13	11	2	0
Stirling	7	4	3	0
West Dunbartonshire	6	6	0	0
West Lothian	8	8	0	0
Total	515	308	10	0

2018/19	Total rec'd	Under 6 wks	Over 6 wks	Withheld
Aberdeen	not held	all	0	0
Aberdeenshire	26	21	not stated	not stated
Angus	9	7	2	0
Argyll & Bute	33	32	1	0
Clackmannanshire	10	10	0	0
Comhairle nan Eilean Siar	0	n/a	n/a	n/a
D&G	18	85	16	not stated
Dundee	12	10	2	
East Ayrshire	49	45	4	0
East Dunbartonshire	10	not stated	not stated	not stated
East Lothian	5	not held	not held	not held
East Renfrewshire	redacted	redacted	6	not stated
Edinburgh	28	not stated	not stated	not stated
Falkirk	10	10	0	0
Fife	32	info not recorded	info not recorded	not stated
Glasgow	36	36	0	0
Highland	33	not held	not held	2
Inverclyde	>5	<5	not held	not held
Midlothian	13	12	1	not stated
Moray	45	not stated	not stated	not stated
North Ayrshire	4	4	0	0
North Lanarkshire	11	9	not given	not stated
Orkney	2	2	0	0
P&K	59	59	0	0
Renfrewshire	21	19	0	2
Scottish Borders	100	99	1	0
Shetland	<5	<5	0	0

South Ayrshire	2	2	0	0
South Lanarkshire	29	23	6	0
Stirling	8	4	4	0
West Dunbartonshire	3	3	0	0
West Lothian	11	9	2	0
TOTAL	619	501	45	4

Local Authority	General comments
Aberdeen	"Unable to provide information on number of requests received from parents for consent to withdraw children from school as it is not held."
Aberdeenshire	Some excessive delays, but numbers do not seem to add up
Angus	2 cases delayed due to letter being lost in post and "need to gather more information"
Argyll & Bute	Total number given for whole 3-year period
Clackmannanshire	Total number given for whole 3-year period
Comhairle nan Eilean Siar	Total number (0) given for whole 3-year period (likely error)
Dumfries & Galloway	Long list of reasons given for excessive delays
Dundee	Year not specified for the 2 delayed cases, entered as 18/19
East Ayrshire	Total number given for whole period
East Dunbartonshire	Numbers <5 so not stated due to exemption
East Renfrewshire	Reasons and timescales not broken down by year
Edinburgh	Aim to complete within 6 weeks, but each case different and some require additional discussion, "parents normally involved"
Falkirk	Exemption applied; some information redacted
Highland	"As far as possible we try to deal with these requests timeously as we are aware that children and young people benefit from continuity in their education. I am not aware of any significant issues dealing with requests within the timescales provided."
Inverclyde	Numbers <5, exemption applied
Moray	"Reasons for delay are specific to each individual child/family and disclosure therefore risks identifying individuals."
North Lanarkshire	Timescales and reasons not stated, exemption applied
South Lanarkshire	Some requests were "paused" whilst the parents/carers and schools worked together to try to find an alternative solution and for some, the request was delayed as parents/carers were "unable to meet with the Council within the agreed timescale".
West Lothian	"Of the 28 requests received only 2 have been processed outwith the 6-week timescale. Both took 14 weeks due to family circumstances and wishes."

APPENDIX C

Assessment criteria applied to local authority home education policies and information for parents

Accessibility of information
Web link accessibility, responsiveness to direct requests
Terminology
Home schooling, deregistration, permission/application to home educate (all wrong)
Legal accuracy
Link to guidance
Equal status to schooling recognised
Representation of legal framework
Presumption/coercion of home visits/meetings
Understanding of negative duties vs. proactive powers
Children's views (mis)representation of Article 12
Data protection
Fishing expeditions?
GIRFEC data sharing/confidentiality
Threshold test/lawful basis for processing / advance notification
Consent
Understanding of consent to withdraw, not to home educate <i>per se</i>
Understanding of who needs consent
Knowledge of compulsory education age parameters (from August after 5 th birthday)
Conditionality (home visits, meetings, unreasonable demands)
Grounds for delay/refusal
School interference with LA admin process and parental responsibility/duty
Suitable and efficient
Understanding of diverse approaches/philosophies, including autonomous learning
Application of suggested characteristics in guidance
Ongoing contact
Monitoring/assessment – use of language to imply compulsion
Frequency
Best practice
Accessible information online and on request
Named contact
Consultation with home education families

Review of policies

Appeals

Referrals to other agencies

Complaints

Additional Support Needs

Recognition of equal rights in law

Gatekeeping/access to services – CAMHS, OT, SaLT etc

Understanding that ed provision need not be endorsed by EP to be suitable, duty remains parental

Access to home 'requirement' where children have ASNs (discriminatory)

Other

Flexi schooling (not strictly home education but is mentioned in guidance)

Attendance expectation due to withdrawal delays

EMA

Access to resources

Exams

Evidence of hostility/home-edophobic culture

Useful contacts

Up to date information

Links/signposting to national/local HE support networks

APPENDIX D

Local Authority policy scores and summaries

Local Authority	Score	Summary/Comments
Aberdeen City	7	Information accessible online and named contact provided. Misconstrual of consent re ongoing contact ('continued permission') and inference that it applies to home education instead of withdrawal from school. Poor understanding of negative duties, but clear link to national guidance.
Aberdeenshire	9	Information clearly set out on website, especially good on threshold for data sharing (no fishing expeditions). Policy is very well written, and flowcharts for QIOs on consent and contact are excellent, just a few slippages of terminology in example letters. Bizarre creation of an artificial divide between home education and home learning, lack of named contacts and some confusion over who is responsible for ensuring suitable education, but overall very positive.
Angus	3	No information whatsoever on council website and the policy statement (dated Sept 2019) appears to have been compiled in (delayed) response to our FOI request. Inconsistencies between policy and info for parents (only obtained via FOI), strong presumption of home visits and access to children and consent being conditional upon routine monitoring.
Argyll & Bute	6	Description of legal framework misrepresents and exceeds the vires outlined in national guidance although it is referenced and linked. Home visits and meetings presented as only option for contact. Correct approach to data handling (just enough to ensure no CPOs etc). Good section on validity of different approaches.
Clackmannanshire	1	Wrong terminology throughout ('home school'), but equal status of home education stated. Ultra vires addition of SHANARRI to criteria for withdrawal from school. Serious misrepresentation of UNCRC (not incorporated and besides affirms parents as arbiters) and failure to recognise limits of negative duties regarding compulsory education. Appears to operate an illegal named person scheme by engaging in proactive data trawling and routine sharing, and presumes visits and direct access to children.
Comhairle nan Eilean Siar	7	Council website search returns no information on home education and policy document only found via online search engine. Mostly correct terminology and largely reflective of national guidance. Suggestion of a duty to notify that does not exist, but understands child's views cannot be compelled. Appears to restrict 'checks' to lawful necessity but could be more explicit as also refers to 'interests'. Refers to contact with families, not visits/meetings. Amenable to flexi schooling and reasonable approach to attendance while processing consent.
Dumfries & Galloway	9	Council policy has been completely revised in consultation with local home educators and is awaiting approval by committee. It represents a huge step forward in building trust and positivity after a long period of challenging relationships and antipathy due to an outdated policy and documentation that were not in accordance with the law. The council has indicated that the new information should be added to the website in the next month, and it is hoped that others will follow this example of difficult but necessary engagement with home educators to ensure policies fully reflect the law and national guidance.
Dundee	6	Information hard to find on council website but named contact is provided in the info for parents, with a link to national guidance, which is the council's stated policy. Visits, meetings and access to child/views presumed and list of negatives to be raised with parents. Negative duty in respect of ensuring efficient education provision is misconstrued as being proactive LA

		responsibility despite having also affirmed it lies with parents. Generally good template letters, but info about home education should be much more easily accessible.
East Ayrshire	4	Authoritarian policy with poor quality information for parents and enforced form-filling, presumed home visits and access to child. Template letters contain errors in terminology, unreasonable demands and conditionality applied to withdrawal consent, reference to non-existent 'continued permission' and misconstrual of negative duties as proactive powers. ASN section has errors and implies non-consensual assessment below intervention threshold.
East Dunbartonshire	2	No information found on council website. Incorrect terminology, negative tenor of communications and serious data protection issues, with unlawful sharing and application of an irrelevant 'risk' framework to make decisions on withdrawal requests. Only accurate sections were those quoting the national guidance verbatim. Obvious hostility towards home education, disregard for the law, lack of understanding of limited powers, school-centric template forms (totally unsuitable for ASN children) and sloppy letters to parents.
East Lothian	6	Information easily found on council website with direct link to national guidance, but limited. Inaccurate representation of legal framework and slippage of terminology into 'home schooling' and 'application to home school', very school-centric. Presumption of meetings, very outdated section on ASNs, nothing on flexi schooling, but EMA eligibility included.
East Renfrewshire	4	Named contact given but link to national guidance should be much more prominent as the website information is sketchy and often misleading. Authoritarian tone, misrepresentation of overarching legal framework (with no mention of education law and focus and selective quoting of non-statutory UNCRC) and respective roles of parents and LA. No understanding of negative duties and limiting provisions of GDPR and human rights law.
Edinburgh	7	Information on website with links to council policy and national guidance, but wording requires more clarity and some slippage of terminology into 'home schooling'. Mostly respectful of choice regarding visits and meetings but implication child's views are required and wrong about requiring notification when consent does not apply. Consideration given to flexi schooling and good explanation of EMA, unclear on data handling and suggestion that parents speak to school in first instance adding an unnecessary extra layer to withdrawal process.
Falkirk	2	Authoritarian and home-edophobic in tone, sloppy terminology including 'home schooling', serious inaccuracies and misrepresentations of national guidance, breaches of GDPR and ECHR. Wrongly implies that Part 4 of 2014 CYP Act came into force and operates named person scheme as if data sharing provisions had not been struck down. Departs from education into wellbeing (both parental responsibilities) by applying wrong tests for limited remit and negative duties in relation to home education.
Fife	8	No link from web page to national guidance, which is said to be used as policy, but mostly correct terminology used. Parents' leaflet good overall but template letters consistently confuse legislation and guidance and strongly push for home visits and meetings. Copying of letters to school is unacceptable practice, and there is little understanding of negative duties or recognition of lack of statutory basis for 'monitoring' and annual plans.
Glasgow	8	Clear, accurate and consistent information, easily accessible on council website, and a positive and respectful tenor to communications. Clarity over consent, annual contact and any reasons for possible delay/refusal, but letters are copied to school unnecessarily and without consent. Named contact provided and confirmation that national guidance is used as policy, but a direct

		link would be useful for parents. Privacy statement needs to be updated as it cites 1998 Data Protection Act.
Highland	8	Policy largely reflects national guidance (albeit with some slips in terminology) and commendably includes a section on seeking consent to database home educators' details. The learners' pack contains an extensive range of resources, home ed diary examples and an excellent book list, but flowchart contains a few inaccuracies. Staff briefing (which preceded Supreme Court judgment) broadly in line with the law but misconstrues home education as a 'conditional' right rather stating the provision of education as a parental duty regardless of means of delivery.
Inverclyde	9	Information easily found on council website (updated June 2019) which provides a brief but accurate overview of home education as a choice along with a prominent link to national guidance and generic contact details for education services. Correct terminology is used and only omission is a named home education contact.
Midlothian	1	Authoritarian, school-centric and home-edophobic policy that misrepresents the law and conceals information from parents. No link to national guidance or pertinent legislation, misuse of terminology and failure to disclose (or recognise) when consent applies and what it applies to (withdrawal from a council school). Sensitive data sharing with school, 'wellbeing' criteria wrongly applied, presumption of meetings, expectation of parental acquiescence and subservience, complaints procedures lacking, threatening in tone and encourages <i>ultra vires</i> practice, inviting a section 70 complaint. Only achieved 1/10 due to section on presentation for SQA exams.
Moray	8	Positive tone in policy and information for parents with minimal slippage into 'home schooling'. Leaflets and FAQs generally accurate and encouraging, with links to home education support networks and stated consultation with home educators on policy reviews, but expectation of adherence to GIRFEC ideology. Training said to be available to officers. Misconstrual of negative duties in the policy (dated after the Supreme Court ruling), leading to unfortunate conflation of child protection with state-defined wellbeing and muddying of legal threshold for intervention.
North Ayrshire	1	No information found on council website, no link to national guidance, misleading information (only obtained via FOI) implies LA has a 'consent' role even where child has not attended a council school. No named contact, no mention of ASNs, inaccurate EMA information on website, concealment of applicable legal framework, two presumed home visits in all cases, officious, CfE and school-centric, coercive and home-edophobic in tone.
North Lanarkshire	8	Council website search only returns one line and no links (possibly an oversight). From FOI responses, good quality information overall, including Polish translation of leaflet, but no link to national guidance. Personal introduction by named contact and clear efforts to engage and consult with families, but no links to established home education support networks. Terminology largely accurate, but some uncertainties over data handling and tends to be CfE and school focused.
Orkney	6	Hard to find any information on council website and no named contact given. Equal status and validity of home education is explicitly stated in policy, but some slippages of terminology. Very outdated and inaccurate section on ASNs. Limits of negative duties acknowledged, sketchy on data handling. Good section on part-time arrangements due to remoteness.
Perth & Kinross	8	Information easily found on website and council follows national guidance while developing local policy. Some inaccuracies evident in relation to 'monitoring' but recognition of limits of negative duties, terminology is accurate, and communications, which include named contact, are respectful and business like in tone. Pro formas may be off-putting to some families,

		leaflet presumes visits and useful contacts are not as relevant as they might be and would benefit from updating.
Renfrewshire	7	Links to national guidance and home education procedures are largely well explained, apart from the disturbing suggestion that schools should be notified of parental choice to home educate without prior agreement (no lawful basis for data sharing) and potential interference with both s30 and Article12 rights by compelling/coercing children's views in power-over school setting.
Scottish Borders	7	Wrong information on website (re withdrawal), terminology inaccurate and evidence of unlawful data processing, but largely reflects national guidance. Strong preference for home visits/access to child but other means acceptable and keen to avoid delays. Considers flexi schooling, consults on policy with local home educators, offers access to resources and exam centres.
Shetland	2	Local policy randomly interspersed with national guidance has not worked well, authoritarian tenor, significant inaccuracies, excessive timescale for consent, ASN provision subject to unlawful discriminatory 'best interests' test, data linkage with no lawful basis. Some positive suggestions for access to resources via schools (but need to work on consent principles). Positive attempts by Home Link teacher to include home educating families via 'get-together' sessions are effectively neutered by the policy itself.
South Ayrshire	9	Clear, succinct information on the website, council uses and links to national guidance, named contacts provided. Only let down by presumption of visits on initial contact form.
South Lanarkshire	3	No mention or link to national guidance, no mention of legal framework, suggestion that parents need to request to home educate as opposed to withdraw. Highly school-centric and very outdated content.
Stirling	6	Good in parts, but the presumption of visits and potentially unlawful data sharing (with school in particular) persists, as well as misunderstanding of Article 12 and suitable/efficient criteria with presumption of BGE as per CfE. Named contact (only the job title) not provided in info for parents. Positive towards flexi schooling.
West Dunbartonshire	6	Positive in parts, but let down by references to 'home schooling' and 'consent to home educate', presumption of unlawful data sharing, compelling the child's view on education (misrepresenting the law), presumption of CfE adherence, very poor template letter to parents.
West Lothian	7	Positive tenor overall, reflects national guidance, but misinterprets a negative duty as a power to trawl data, tactility encouraged by guidance (should be explicitly prohibited following 'named person' ruling).

APPENDIX E

Parental reasons for home educating

Many parents simply stated their reason(s) for home educating (e.g. proactive choice, bullying, unmet ASNs, anxiety), while others provided more detailed commentary. Sample comments below have not been attributed to individual local authorities to preserve respondent anonymity.

Parental Comments
My oldest at time had no proper education in place by the school he attended and was failed by the education system.
Consider that school environment is not conducive to the wellbeing of the majority of children in attendance.
Curriculum for Excellence not fit for purpose
I do not believe it is the state's job to educate my child. I don't wish for my child to be held to what are becoming more and more unattainable standards. Mental health issues are at an all-time high in schools due to sheer pressure from teachers and parents alike for their kids to do well academically; despite the fact that our economy is totally shot and the job market even for those who are well qualified is sparse.
My daughter is in midst of a diagnosis of autism and I believe PDA. She suffers from violent panic attacks when faced with attending school or requested to complete a task. I have therefore decided to reduce the amount of stress and anxiety and hopefully violent outbursts.
We don't believe our child (or children in general) learns best in a school environment.
My child was very behind as there was simply too many children to teachers in the classroom setting. The school lacked discipline and my child often came home with bruises
My 8yo son has autism and he went from mainstream to an LCR. They then moved the LCR to a campus and he was struggling every day. School were adamant they were putting him back into mainstream even against my consent. So I've been home educating my him for 9 months and it's been amazing.
Child suffering with PTSD. School was the cause of severe anxiety, meltdowns. Excluded for having a disability frequently through primary and secondary.
ASD, child with ASN in school means unwarranted and unwanted, under the microscope, surveillance by the state, frequent sharing of data without consent, commonly known as gossip, that grows arms and legs and leads to safeguarding concerns.
My son was being physically assaulted. My son was being discriminated against by his primary head teacher. My son's additional support needs were not being met. My son's education was nowhere near up to standard. He became too anxious to attend school. Our data was unlawfully shared by his ASN teacher (who only met with me once a year).
Mostly curriculum concerns and data/ named person concerns and how it impacts on the rights of my child and their privacy. Creativity in schools is quashed and education is now a tick box process, rather than fostering a love of learning, encouraging exploration and enthusiasm for subjects.
The curriculum is not based on each individual child's needs. Tailoring your teaching to the child is a far better way of enthusing children to learn.
My children are both autistic and have been routinely and systematically failed by everyone in Highland regarding education and their wider well-being.
Lack of discipline in the classroom. Anxiety and bullying are at an all-time high.
My daughter has Aspergers, her needs were not met within school. She was bullied, had panic attacks and sensory issues. The school didn't address any of these. CAMHS recommended she didn't attend as it was causing her too much distress.
My daughter has extreme social anxiety that causes her panic attacks, stress headaches, migraines and depression. She sees a CAMHS psychotherapist. She cannot cope with the classroom setting. She also

has Chronic Fatigue Syndrome, Hypermobility with sore joints and muscles. Her health is fragile and any additional health or pressure makes her conditions worse. I am investigating the option of home tuition at present.

My son required one to one support and the school would have been unable to offer this even before all the cuts to the ASN budget.

We always considered Home Education an option for our children, however the closer they came to enrolment age, and the greater contact we had with the education system, the greater our concern grew with the way discipline is maintained in classroom and the narrow view of education within the system.

We believe in free play-based learning until at least the age of 7.

It was evident from an early age that my child's learning style wouldn't fit with a timetable, i.e. he likes to learn everything he can then move onto another subject, teaching in hourly blocks stifles and frustrates him which leads to oppositional behaviour and then he gives up. Also, he was pretending at nursery he couldn't name his letters when he was reading almost fluently because he felt pressured.

My child has ASN and the mainstream environment is unable to meet his needs.

Late ASN diagnosis, lack of awareness/knowledge/acceptance, only received 1 hr of mainstream education for nearly 4 yrs. Home Education was not an individual choice, it was FORCED on us.

He is autistic. Always is the one that gets blamed and punished after being wound up/picked on until he loses it and lashes out. Been referred to as a spoilt brat and a baby by teachers.

My son is in school but getting him in is a nightmare. The school stall, lie, deceive and do not listen to the parent or importantly the child. All I want for my son is fairness and all I get thrown at me is statistics of why my son is not worth supporting. My son is capable just not at the expected speed the school is pushing on to him. The school's way of dealing with parents is shocking, it only instils fear how they must be treating my son and it can't go on.

My child was struggling to concentrate in class, distracting other children and being punished for it which was leading to a negative self-image.

My daughter has Autism/ADHD. Daughter was pinned/dragged, locked in rooms. My son escaped the school on a number of occasions.

The school environment was too stressful for my ASD child even though they had tried very hard to meet the needs of the child it was not possible due to understaffing and at times a lack of understanding.

Severe Chronic fatigue syndrome. School refused to give education for 6 months as my son had no official diagnosis. School unsuitable for wheelchair as it has steep corridors.

Not been in a classroom in the 4 years he has been in school. Taught in a room on his own.

Both children with level 4 needs (ASD & PDA) were failed by Highland Council. The youngest was withdrawn at the start of P6 when we discovered that her dedicated 1-1 PSA had been removed over the summer without discussion us being informed of the decision, even though this was in the Child's Plan. The significant negative impact on her mental health forced us into home educating her. Her elder brother, who was on a reduced timetable, didn't progress to the local academy as we received no indication that they had any adequate provision to meet his needs. The only concern that the Quality Improvement Manager had was ensuring that the Child's Plan for P7 was signed off. Even though the commitments in that plan had been repeatedly breached by Highland Council.

I don't feel the curriculum for pupils in the Highlands help them to reach their highest potential. It's not well rounded and doesn't include as many life lessons as children need to be self-relying individuals. There's not enough civic duties taught and things to help the young people grow up to be adults that make a positive contribution to society. And then they want to teach things that are for the parents to teach and at an age that is appropriate.

Both my children experienced struggles with curriculum speed and content delivery, bullying and social anxiety.

Despite my concerns being raised with class teacher several times over an academic year, nothing was done to address any of them. My daughters both began to self-harm at which point I withdrew to home educate and restore mental health. After seeking private assessment, both my children have been diagnosed with Autism Spectrum disorder and learning difficulties.

We are awaiting a placing request to an Autism school out of our catchment area as there are no resources close enough within our catchment area to support their ongoing education.

School failed to provide adequate support which caused severe anxiety and school refusal.

Asynchronous child with intense interests. We find we can best facilitate a broad and effective education at home.

Child diagnosed with ASD by CAHMS, but in P4 his challenging behaviour in school was ascribed by the Head Teacher (prematurely identified as his Named Person on GIRFEC forms) to "lack of parental consequences". We would be summoned daily to remove him from the school. The challenging behaviour he showed in school did not occur in any other environments. At school, he would often be coerced into the "calm room" - essentially a walk-in cupboard with a cell-like door having two handles (high up, so effectively locked for a child). When we challenged this, the response from Ed. Psych. was "some children find it helpful". We have reported this to the SHAME campaign, and directly to the Children's Commissioner regarding his Seclusion and Restraint investigation. The situation became intolerable and we removed him from school to home educate while we sought an alternative placement. We became 'accidental home educators'.

We previously lived in a London local authority where our local schools were full and initially, they were unable to offer my son a place. We opted to try home ed and loved it.

Toilet permissions, children's rights routinely infringed.

Political reasons.

Initial reason was child's needs were not being met, then realised home education was superior.

Our concerns started after we made significant progress with our child that school had failed to achieve.

Behaviour in school shocking. My son has been punched in the face 3 times by the same boy, his mother never told, no punishment given, he frequently gets called 'gay' or a 'poof'. No support given to severely dyslexic child; previous support given in P5 by a specialist was withdrawn in P6. We asked to flexi school / reduced timetable to go to a specialist and it was denied on the grounds it wasn't good for his mental health. We eventually got a half day off. This same year a boy in his class trashed his classroom on at least two occasions, threatened his class with scissors causing the class to be evacuated, but the police weren't called until the next day. Six weeks later the same thing happened and the same child was openly aggressive and sexually explicit to girls (who were made to sit next to him in class). In P7 none of the promised support materialised and we removed him.

It is our opinion that our children receive an education far broader than that of a restrictive curriculum. Also, we do not agree with systematic over-testing of children.

Our child's academic needs were not being catered to due to the rigidity of staff to adapt and use alternative resources particularly in regards to learning to read.

Our children were not being educated, they were being schooled - and very badly at that.

Our child's academic needs were not being catered to due to the rigidity of staff to adapt and use alternative resources particularly in regards to learning to read.

The schools in my area are known for high levels of bullying and with many people not taking their children's education seriously, e.g. swearing in front of them leading to the children doing this.

Mind-numbing, outcomes-obsessed, rights-denying curriculum for compliance!

My eldest child has severe and complex learning difficulties and went to 2 different primary schools. Neither school understood her needs or taught her in a way that she was able to learn. It wasn't about money, it was lack of knowledge and an arrogant self-righteous attitude. This led to bullying and then mental health issues. My younger daughter also started being bullied by both pupils and teachers, so I took them both out. And 6 years later my only wish is that I had done it sooner as both have significantly exceeded the expectations the teachers had for them.

I always intended to home ed. When my daughter was born with a disability that leaves her doubly incontinent, I knew that the school playground was never going to be an option.

Child diagnosed with autism, lack of support in school, pressured to comply to curriculum despite being unable to communicate, eventually unable to physically leave house/home, flagged by SW as non-attending.

Juvenile arthritis - many days off for appointments, sore due to illness, or sick due to medication.

We wished our children to learn Spanish. Only Mandarin offered in school.

My autistic child's needs were only ever patchily met throughout primary school, and ironically anything that helped was withdrawn. From P5 onwards I became very concerned for her safety in school as they were relying on the advice of a very old-school Ed Psych who made derogatory comments about our child and told the teacher just to ignore them. The open-plan school was chaotic and acutely uncomfortable for them. We parents were chastised and ignored, and at several points accused of having made our home 'too nice' for our child.

I love the philosophy behind home education and in particular child led learning. Although many schools claim to be following the child's lead, I know from family who teach that in reality this is extremely limited. My children have varied interests and one of the prime motivations for home education for me - and one of its greatest rewards - has been to facilitate them exploring the world and all its riches in their own ways and following their intrinsic motivation. The sky really is the limit when learning this way and people often comment on how engaged my kids are in the thing they are doing. This is a direct result of following their interests!

One child loathed school as it didn't meet his needs (high IQ, going through ASD diagnosis). One child loved primary, but has become very anxious with social anxiety and poor mental health at secondary (ASD diagnosis, currently flexi schooled).

School didn't know how to approach or support my child who has additional needs/ autism/sensory issues.

I don't like early years testing, academic pressure in schools and feel that academic subjects get more attention than the arts to the detriment of all children. Primary teachers are over worked, under paid and lacking in support, most class sizes are too large. I think those factors mean that children suffer as much as the teachers caring for them. Classroom discipline is a concern for me - mostly in that children may face harsh "discipline" in place of help. Children act out as a cry for help - I wouldn't like a child who is anxious to get a demerit. I don't think the teacher has enough time to guide gently and give help to all those who need it. These factors influenced my decision to offer home education to my children, but they would not stop me from engaging with the school system if my children positively elected to do so. I'd just like it to be their choice, rather than the only choice.

My daughter has CFS, no support.

My eldest had a horrific time at nursery which made it quite clear that his needs would never be met in the way that they could at home.

Developmental trauma resulting in developmental delay, attachment and sensory processing issues, anxiety. Have found that traditional teaching methods and curriculum are often ineffective and inaccessible as a result

The education system is not fit for purpose and does nothing to engender Independent thinking. I think the schools are turning out self-indulgent young people who are taught all about their rights but not about the responsibilities that come with those rights. Even the CBI have said these youngsters are not fit for the workplace. Another important factor for me as a parent is sex education. As a Christian, I do not want my primary school child taught about homosexuality. I feel that all this does is add confusion to a child who developing. The school/government has no right to decide what my child should be taught on these matters and the Human Rights Act supports this. And last but not least, I think the government are fascist in their data collection on our children. We pulled our children out of school to give them a better, more rounded education without the prying eyes of government.

Our daughter was diagnosed as autistic, has a developmental co-ordination disorder and is academically gifted.

As a primary teacher myself I see all the pitfalls and flaws in the Scottish education system first hand and do not want this for my own children.

Son was subjected to seclusion and restraint daily due to PSAs with no training in autism and it being the "go to". Son has a severe reaction to school.

The main reason for withdrawing K was bullying. He also has some additional needs that weren't diagnosed / supported in school. I then withdrew M as we realised as a family the advantages of home ed vs his experience at the local high school.

Outcomes-based curriculum is the antithesis of child-centred learning.

Despite assurances that support would be put in place for dyspraxia the school did nothing and he ended up with extreme anxiety and panic attacks. We felt we had no choice but to home educate for the sake of his mental health.

Daughter struggled at school academically, SEN not supported, bullying and severe mental health issues led to us choosing to HE.

APPENDIX F

Online survey responses by home educators

F.1 Initial contact and local authority response

F.1.1 Initial contact

How did the local authority manage the initial contact with you?				
	Yes	No	Don't Know/Not Applicable	Response Total
The local authority responded promptly to my request for information about home education	37.4% (83)	18.5% (41)	44.1% (98)	222
The local authority provided accurate information in accordance with statutory guidance	29.3% (65)	32.9% (73)	37.8% (84)	222
The local authority provided a named contact for home education	42.3% (94)	27.0% (60)	30.6% (68)	222
The local authority used correct terminology (home education, not home schooling; consent to withdraw, not permission to home educate)	29.3% (65)	32.0% (71)	38.7% (86)	222
The local authority stated that a home visit and/or meeting would be required	40.5% (90)	31.1% (69)	28.4% (63)	222
The local authority processed my consent request within the 6-week recommended timescale	35.6% (79)	26.6% (59)	37.8% (84)	222
The local authority unreasonably withheld or delayed consent for my child's withdrawal from school	17.6% (39)	43.7% (97)	38.7% (86)	222
The local authority misrepresented aspects of the law and/or guidance (e.g. curriculum, access to home/child, pro-school bias)	29.3% (65)	33.8% (75)	36.9% (82)	222
The local authority policy fully reflected the statutory guidance	19.8% (44)	33.3% (74)	46.8% (104)	222
The local authority provided details of home education support groups	11.3% (25)	60.4% (134)	28.4% (63)	222




F.1.2 Local authority response

How did your local authority respond to your plans/decision to home educate?					
	Yes	No	Somewhat	Don't Know/Not Applicable	Response Total
The local authority was supportive of my choice	31.5% (70)	23.9% (53)	18.0% (40)	26.6% (59)	222

How did your local authority respond to your plans/decision to home educate?					
	Yes	No	Somewhat	Don't Know/Not Applicable	Response Total
The local authority tried to dissuade me from home educating	23.0% (51)	43.2% (96)	10.8% (24)	23.0% (51)	222
The local authority sought to obstruct my choice to home educate	18.0% (40)	47.3% (105)	9.0% (20)	25.7% (57)	222
The local authority delayed or refused consent to withdraw my child from school	15.8% (35)	40.1% (89)	9.0% (20)	35.1% (78)	222
The local authority threatened or served a school attendance order	9.9% (22)	58.1% (129)	2.3% (5)	29.7% (66)	222
The local authority referred my child to the children's reporter or social work	15.8% (35)	54.5% (121)	2.7% (6)	27.0% (60)	222
The local authority sought access to my home and/or child	28.8% (64)	34.7% (77)	9.5% (21)	27.0% (60)	222
The local authority claimed to have 'wellbeing concerns' about my children (please specify)	16.2% (36)	51.4% (114)	3.6% (8)	28.8% (64)	222
The local authority exhibited pro-school / anti home education prejudice	23.4% (52)	39.2% (87)	10.8% (24)	26.6% (59)	222

F.2 Consent: timescales and management

F.2.1 Timescales

How long did it take your Local Authority to process consent to withdraw from school?			Response Percent
1	Not Applicable		18.03%
2	Less than 2 weeks		11.48%
3	3-5 weeks		13.66%
4	6 weeks		9.29%
5	6-8 weeks		11.48%
6	Other		36.07%

F.2.2 Experience of obtaining consent

Which of the following apply to your experience of obtaining consent to withdraw your child(ren) from school? Please skip this question if it does not apply to your situation.						
	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Response Total
The local authority acknowledged the request and notified a named contact	23.0% (35)	27.0% (41)	25.0% (38)	14.5% (22)	10.5% (16)	152
The local authority proceeded to process the consent on receipt of formal request and outline of provision	22.5% (34)	33.1% (50)	21.2% (32)	10.6% (16)	12.6% (19)	151
The local authority delayed or withheld consent (please specify reasons)	19.1% (29)	11.2% (17)	20.4% (31)	26.3% (40)	23.0% (35)	152
The local authority misconstrued consent to withdraw from school as permission to home educate	16.8% (25)	11.4% (17)	32.2% (48)	25.5% (38)	14.1% (21)	149
The local authority applied unreasonable conditions to the granting of consent (e.g. home visit, meeting, data sharing)	22.7% (34)	11.3% (17)	24.0% (36)	24.0% (36)	18.0% (27)	150

F.3 Law, guidance and good practice

F.3.1 Knowledge, support, inclusiveness

How knowledgeable, supportive and inclusive is your local authority on matters relating to home education? Please select 'Don't Know' if you have had no interaction with the local authority relating to home education.						
	Always	Sometimes	Don't Know	Rarely	Never	Response Total
The local authority is conversant with the legislation and guidance pertaining to home education?	10.3% (20)	19.6% (38)	45.4% (88)	14.4% (28)	10.3% (20)	194

How knowledgeable, supportive and inclusive is your local authority on matters relating to home education? Please select 'Don't Know' if you have had no interaction with the local authority relating to home education.						
	Always	Sometimes	Don't Know	Rarely	Never	Response Total
The local authority is knowledgeable about different philosophies and approaches to home education	7.8% (15)	13.5% (26)	47.2% (91)	15.5% (30)	16.1% (31)	193
The local authority acknowledges that home education has equal legal status to schooling	11.3% (22)	12.4% (24)	47.4% (92)	11.3% (22)	17.5% (34)	194
The local authority named contact for home education has received training for the role	2.6% (5)	1.0% (2)	86.1% (167)	3.1% (6)	7.2% (14)	194
The local authority consults home educators on improving policy and practice in order to foster positive relationships	2.6% (5)	5.7% (11)	56.2% (109)	6.7% (13)	28.9% (56)	194
The local authority provides contact details for home education and other support groups	3.6% (7)	8.2% (16)	39.2% (76)	9.3% (18)	39.7% (77)	194

F.3.2 Familiarity with guidance

How familiar is your local authority with specific aspects of the statutory guidance? Please select 'Not Sure' if you have had no relevant interaction with the local authority on these specific issues.						
	Very Familiar	Quite Familiar	Not Sure	Quite Unfamiliar	Very Unfamiliar	Response Total
The commencement date for compulsory education (August after 5th birthday)	11.4% (22)	4.1% (8)	69.4% (134)	7.3% (14)	7.8% (15)	193
The circumstances where consent for withdrawal from school is required and the exceptions	8.3% (16)	8.9% (17)	67.2% (129)	7.3% (14)	8.3% (16)	192




How familiar is your local authority with specific aspects of the statutory guidance? Please select 'Not Sure' if you have had no relevant interaction with the local authority on these specific issues.						
	Very Familiar	Quite Familiar	Not Sure	Quite Unfamiliar	Very Unfamiliar	Response Total
No requirement to notify or 'register' with the local authority	6.3% (12)	1.6% (3)	70.8% (136)	8.3% (16)	13.0% (25)	192
No requirement to follow CfE or school hours	10.9% (21)	8.3% (16)	57.3% (110)	9.4% (18)	14.1% (27)	192
No power to enter homes or interview children without a court order	6.8% (13)	7.8% (15)	59.4% (114)	7.3% (14)	18.8% (36)	192
No duty to routinely monitor home education provision	5.2% (10)	5.2% (10)	59.4% (114)	10.4% (20)	19.8% (38)	192
Eligibility of home educated young people for EMA	4.2% (8)	2.1% (4)	82.3% (158)	2.6% (5)	8.9% (17)	192
'Children Missing from Education' (CME) guidelines do not apply to home educated children and young people whose home education status is known	3.6% (7)	0.5% (1)	83.3% (160)	2.1% (4)	10.4% (20)	192

F.4 Ongoing contact












How well does your local authority manage ongoing contact? Please select 'Don't Know' if you have no contact with your local authority or this question does not apply to your situation.						
	Always	Sometimes	Don't Know	Rarely	Never	Response Total
The local authority requests an annual update in writing	17.3% (33)	11.0% (21)	47.6% (91)	4.7% (9)	19.4% (37)	191
The local authority requests a home visit or meeting	16.7% (32)	10.4% (20)	40.1% (77)	5.2% (10)	27.6% (53)	192
The local authority notifies me of any change to the named home education contact	3.7% (7)	2.6% (5)	52.9% (101)	2.6% (5)	38.2% (73)	191

How well does your local authority manage ongoing contact? Please select 'Don't Know' if you have no contact with your local authority or this question does not apply to your situation.						
	Always	Sometimes	Don't Know	Rarely	Never	Response Total
The local authority understands that no consent is required for continuing home education	8.3% (16)	1.6% (3)	72.9% (140)	3.1% (6)	14.1% (27)	192
The local authority contacts me when I request support	9.9% (19)	2.6% (5)	62.8% (120)	4.2% (8)	20.4% (39)	191
The local authority's template letters accurately represent the law and guidance	6.3% (12)	7.9% (15)	60.2% (115)	11.5% (22)	14.1% (27)	191
The local authority seeks consent to share my family's personal information with other services	3.7% (7)	3.1% (6)	61.3% (117)	4.7% (9)	27.2% (52)	191
The local authority consults me about revisions to home education policy and best practice	1.6% (3)	3.2% (6)	39.7% (75)	3.7% (7)	51.9% (98)	189



F.5 Suggestions for improvement

What changes would you support in order to help bring about greater clarity, understanding and positive relationships between home educators and local authorities?				
			Response Percent	Response Total
1	No changes required		1.63%	3
2	Withdrawal from school by written notification / removal of the consent anomaly		51.63%	95
3	'Reasonable excuse' for non-attendance at school to expressly include provision of home education while awaiting consent		69.57%	128

What changes would you support in order to help bring about greater clarity, understanding and positive relationships between home educators and local authorities?

			Response Percent	Response Total
4	Presumption of consent for withdrawal from school where the local authority has delayed the process or sought to apply unreasonable conditions		60.87%	112
5	Requirement for local authority to provide evidence of specific grounds for withholding consent		75.00%	138
6	Compulsory training for all named contacts for home education		78.26%	144
7	Re-affirmation in guidance of the equal legal status of (default) home education and (opt-in) schooling		65.22%	120
8	A robust complaints procedure for parents and young people		71.74%	132
9	Sanctions for breaches of guidance, children's and parents' data protection and human rights		69.02%	127
10	Prohibition of data sharing without consent (since parents have the legal responsibility for educating their children)		73.37%	135
11	Access to exam centres for home educated young people		89.13%	164
12	'Home education proofed' policies and equality impact assessments to combat direct and indirect discrimination		58.15%	107
13	Right of appeal against local authority refusal of consent		74.46%	137
14	Recognition of coercive controlling behaviour by non-resident former partners		51.63%	95

What changes would you support in order to help bring about greater clarity, understanding and positive relationships between home educators and local authorities?

			Response Percent	Response Total
15	Re-affirmation in guidance that parents are presumed arbiters of their children's best interests		70.65%	130
16	Other		11.41%	21

APPENDIX G

Home educators' survey comments

In order to preserve anonymity of respondents, comments were assigned to three local authority 'clusters' according to their initial policy scores:

Top 10 Cluster: Aberdeenshire, Dumfries & Galloway, Fife, Glasgow, Highland, Inverclyde, Moray, North Lanarkshire, Perth & Kinross, South Ayrshire

Middle 12 Cluster: Aberdeen City, Argyll & Bute, Comhairle nan Eilean Siar, Dundee, East Lothian, Edinburgh, Orkney, Renfrewshire, Scottish Borders, Stirling, West Dunbartonshire, West Lothian

Bottom 10 Cluster: Angus, Clackmannanshire, East Ayrshire, East Dunbartonshire, East Renfrewshire, Falkirk, Midlothian, North Ayrshire, Shetland, South Lanarkshire

G.1 initial contact and Local Authority reactions to home education

How did the local authority manage the initial contact with you? How did your local authority respond to your plans/decision to home educate?

TOP 10 CLUSTER
The QIO for our area was very helpful and approachable.
Made clear a home visit was necessary to fulfil the request to remove from the school roll. I was then "granted permission to home educate".
There was obstruction and incorrect information regarding home education, including requirement to complete an exemplar timetable covering curriculum. The HE guidance was repeatedly misrepresented to family and other professionals.
QIO overturned all authorised absences made by head teacher in attempt to discredit family to social work. There was extensive data sharing without consent.
No local state school can meet my son's needs. They admitted that they had failed him, home education was only choice available.
Current QIO is amazing, very helpful and supportive and I really appreciate all her assistance and advice. However, the process to home ed involved different individuals who tried to frighten me by saying I could be subjected to a review from Education Scotland. This did not deter me as the education I give my child is far superior and more appropriate for his health needs.
The process of withdrawing my two older children (12 and 9 years old) from school was straightforward and I had two helpful meetings with the LA.
The school informed us that we had to meet before being able to withdraw to home educate.
I was informed I would require a home visit or a meeting at the office. The request was delayed in part due to this. Only upon submitting a "more detailed" education plan and letter stating my rights and the law was permission to remove from school roll granted.
The behaviour of my Local Authority both education and social work in regard to my autistic and chronically ill children has been abysmal. Staff in both education and social work have shown a pitiful knowledge of legislation, guidance and their own council policy or adherence to any rights. The school/LA referred two of my children (one over statutory school age) for non-attendance. Continual wellbeing concerns raised, but once Home Education was granted the MAAP process just ended, no more unproductive, onerous stressful meetings. However, the legacy of misinformation and malpractice and slander is apparent in my (heavily redacted) children's files.
Wanted access to records from other agencies or would not process consent.
Inconsistent and obstructive, quoted their bad practice, not law.

I found the process very easy and the LA understanding of why I wanted to remove my child from school to home educate.

Local Authority took nearly 3 weeks to acknowledge our request, sought meetings, shared data without consent and unreasonably withheld consent for 6 months - complaint upheld by SPSO.

I think it depends on who your case is allocated to. Our officer was aware of the law and only sought to assist.

They tried to visit us and Social Work visited instead when we declined.

Someone from the council contacted our child's paediatrician without consent because they had 'wellbeing' concerns about home education. This was completely unfounded, there had never been any concerns by anyone regarding my child. They cannot be trusted.

LA were obstructive and regularly made up wellbeing concerns to involve SW and children's reporter. We have had attendance officers doorstep us even though we were cooperating with the LA, yet on other occasions they have begged us to home educate two adopted sons who both needed separate and different specialist (costly) residential school placements.

Wellbeing concerns raised by police covering up assault and abuse by school staff – home education deemed detrimental to wellbeing, adults' behaviour (removal from school for their safety) said to restrict them to the family home.

Records trawled and shared illegally to discredit our family.

The school itself was awful but the officer from the education department was fine.

Social services turned up on our doorstep because a "concerned" neighbour had reported us but were immediately happy to hear we were home educating and very supportive.

There was lots of misinformation, told I had to enrol then "deregister" child before getting on to the right person, only one person knew anything.

No support but harassed on a monthly basis (wrong postcode?).

I was contacted after referral from our paediatrician who felt we might benefit from information from the council regarding home education and access to dyslexia testing and educational psychology.

We were forced to disclose to LA due to SW involvement.

I was told if I chose to home educate (no other option as flexi schooling is not allowed in my area) I would be on my own with no help from LA. No mention of the many home ed support groups.

I was deemed inadequate to educate my own children, made to feel like I was being neglectful for not registering my younger children with a mainstream school.

I had a very positive experience with the local authority, the contact person is great.

The council were prompt and respectful however the school weren't. Although they stuck to the timescales, I felt bullied. One teacher called and asked to speak to me informally but ended up seven senior staff and me on my own. I was told I was making the wrong decision and that I was going to make my child a hermit with no chance of a normal life or any form of skills.

Contact with LA came about due to anonymous call to NSPCC which lead to child protection conference, register etc.

They stated at first that I was incompetent to teach, asked me to submit a timetable of what I would do every day.

Although it was all processed within the timeframe, I was threatened via phone calls. Luckily, I know the law and one well-written email illustrating a list of their failures when held up to Girfec and Shanarri shut them down. I think they were scared of being brought to account legally so washed their hands of us.

I wanted to home educate but was told by Social Worker not to. My daughter gets one hour of education per week from a school outreach teacher.

It was straightforward but chased up about the 6-week mark and it all got sorted out within a day.

I have had home education pushed on me many times which allowed them to further dissolve their already poor support.

I simply received a letter consenting to my right to withdraw and commenting that my outline of education was comprehensive and wishing me the best.

I sent my intentions to home ed after I complained about the treatment of my children. I had a response within 8 hours: "OK, we are happy for you to home educate." Never heard from them since.

There was a delay in consent due to a backlog I was told. Had a home visit from a friendly man who said my consent had been granted to withdraw my child from school and a letter would follow to confirm this but it never came.

Local authority officer delayed permission for months before I eventually got a refusal due to them not believing my child was ill. Then accused me of FII, which was rebutted, but still no permission.

Said they had concerns, but wouldn't specify and refused to release the SAR.

Insistent upon meetings.

Local authority pushed us towards home educating by their refusal to support at school.

Health visitor reported child concern to social services, ignorant about home education.

Local authority suggested trying different hours as it looks down on home education.

I have not approached our LA yet about home education but my child has a SW due to health issues who referred her to the children's reporter who thankfully discharged us as she is not a school refuser but ill! All they kept emphasising was attendance figures and the social worker tried to imply parental mental health issues. Constant battle to get my daughter any support or recognition for her complex health needs, expect home ed to be another one.

I was definitely put off going down the route of home education. I was told it had "implications" and so was never followed through.

Fully supportive, from Head Teacher to Head of Education.

We were forced into technically home educating and the LA was happy to leave my son with no schooling or help although still on the register.

Social work has been involved. Initial referral done without parental consent when parent was looking for school to make CAMHS referral. Ended up having to go to doctor to get initiated as school wouldn't help.

After I withdrew the children, everyone left us. Social work lost our child plans, had no file on us until I called them 6 months later and still fighting for help with my daughter.

I was falsely accused of FII. They told my son that if he went into school his mother wouldn't be taken to children panel and then to sheriff. My son said he was too ill (ME) and they still refuse my son's (14) right to a home education.

They tried to get me to do flexi schooling.

The local authority asked that an educational psychologist attend the meeting at my home. The LA officer was supportive of home ed, but the psychologist spent the whole meeting trying to convince my son to go back to school.

For most of my decade plus, the LA has been excellent for home educators, but there was a period of eighteen months when a new postholder reversed the goodwill by imposing visits as council "policy" and undue pressure was placed on families.

There was a named contact given and when an update request was made into our second year it was from a different person.

Before and since a rogue officer's short tenure, my experience has been very positive.

I felt pressured into agreeing to initial access to my child but thankfully have had none since an unpopular authoritarian officer was replaced.

I've had no contact with local authority, however I did have to educate my health visitor on where her remit ended as she was ignorant about education.

I have been lucky enough to live in an area where the authority has been supportive.

The council followed correct home ed protocol but did not deal with the school issues that led to our final decision.

CAMHS referred me to social work when I removed children from school claiming to have "concerns", but the home education officer gave me full support and communicated positively with social work and CAMHS.

Head teacher put in a long letter to social work full of lies after I complained about her and chose to home educate.

The staff I spoke to were supportive, but I am a teacher and know the system. It was an interesting discussion.

Our initial contact was ignored, information given to us was described as 'home schooling' and said we would have to get used to timetabling and 'people coming in and out'!

LA only became aware of us after CAMHS called them, so they contacted us. Understood we were long-term home educators and had no locus to interfere, never heard from again.

Our request took a year to receive a response and only after chasing a number of times. It was a refusal with no right to appeal it and misrepresented facts e.g. describing our child as learning English as an additional language as opposed to being bilingual from birth.

CSO and monitoring, despite LA removing my son from school for 18 months and blaming me.

They wanted to visit the child at home and I informed them it was not necessary.

They requested a home visit but it didn't seem required. We were given "consent for X to be educated at home".

Removal from the roll took more than 6 weeks due to "a clerical error".

LA had no choice but to accept my decision. Son was removed from school due to mental health issues and a GP letter had been provided. I had submitted numerous complaints about the impact of teacher behaviour towards my son because he could not read. Submitted a claim for discrimination with the ASN Tribunal and awaiting a hearing.

MIDDLE 12 CLUSTER

For much of the time we were educating the so called 'professionals'.

When I initially called to say I wanted to withdraw my son they felt it should be a last resort, but once I sent the formal request in writing they only suggested once that I try and meet with the school. When I said I saw nothing to gain from another meeting the matter was not raised again.

I was told I'd have to have a meeting and my husband would have to be present. Without the home ed support groups my son and I would have been lost.

I have actually been very happy with my contact with LA so far. They were very prompt with consent.

The local authority responded by saying that an education officer would visit at my home to assess my education provision for my children including completing an assessment form. They repeatedly used the term 'permission to home educate'. I informed them of the Statutory Guidance and that no visit was necessary. After my e-mail, permission to remove my children from the school roll was granted with a standard letter saying that the Education Officer that visited my house was satisfied with my provision. Obviously, this was inaccurate as no visit ever took place.

I recently received an e-mail with the council's home education policy which had glaring differences to the national guidance, including wrong terminology and referring to required visits from Education Officers to assess provision. It also conflicted with GDPR and was therefore not legal.

LA seemed pleased to get shot of my child and the feeling was mutual.

I did agree to a home visit, but I'm not sure whether I was told it was compulsory. When withdrawing my first child a lot of reference was made to curriculum for excellence. I already knew I didn't have to follow it (although I did read up on it) but it was implied that I should.

Like all things our local authority does, home education seems to be very "half baked". They give the impression they're completely disinterested.

In both cases consent took longer than six weeks to come through. I got the feeling that was more bureaucratic delays than ideological ones. I agreed to a home visit, so I'm not sure if they would have pushed for one if I hadn't.

I had no problem getting the children out of school, but I know of other people who had more hoops to jump. Postcode, maybe?

LA is using home-schooling terminology on their website and state Curriculum for Excellence principles can be considered as characteristics of suitable education which conflicts with the guidance. Information for parents was full of errors.

I requested consent for withdrawal from school but never received consent or refusal before leaving the area.

I was very happy with my home education contact and had no issues.

We were happy with the contact with the local authority. First contact was a flexi request for P1, handled efficiently.

They missed the 6-week deadline, which was irritating, but we were planning a withdrawal in plenty time at the end of the term, so it had no impact on the date we elected to start full time home ed.

They recommended we stay in school even if part-time so we could access support.

The home education contact wanted to meet with me and my child, and I was absolutely fine with that - and I suggested a 'neutral' place, so we met for half an hour in a cafe - this gave everyone (my daughter, me and the LA contact) to meet up and chat over the options together. I found this very helpful and my LA contact was very kind and reassured me that should I later wish to flexi school or put my daughter back into school that home educating would not have any negative impact on it. I very much appreciated my daughter (5 at the time) being given a chance to meet the LA home educating contact, since we will probably be meeting with that person once a year from now on. I look forward to our next meeting and appreciate the positive contact and reassurance this gives me.

They were supportive. The officer was warmly enthusiastic about my proposed provision and specifically remarked about the wonderful opportunities that it would provide.

Initial meeting was very supportive, problems arose after consent was given as some school-based staff disagreed with the decision.

I tried contacting them several times but not much has happened. I am very disappointed as I do take my daughter's education seriously.

Persons feeding into the LA from the school were the main antagonists, reporting us to SW, and seeking to overturn consent. Attempts were made to have my child return to school after one year.

I was misled and am about to take this further.

The LA attempted to meet once permission to withdraw was given but I refused. They weren't happy but left it at that when I said it was my right to refuse.

Was not happy with the correspondence from the LA. I had someone phone me up and make me feel like a bad mum for taking my son out of school due to depression and anxiety. I was basically told I was making it worse, he needed to get back into school or I'd be in extreme trouble. I felt pressurised and in tears. After finding home ed community support I got advice and sent emails from then on and never spoke on the phone to anyone. Whilst waiting for withdrawal I had SW at my house who wasn't any better, but she came onsite once she had the full facts. It was a nightmare and a battle.

I wrote to inform the council of our intent to home educate. They called me to say I didn't need to notify them, I would only get the "odd letter" in future and wished me good luck. I was expecting much more.

ASN manager was brought in to 'chat' but I refused. I was given the impression they would use ASN as leverage. They never helped in school. I didn't want their 'help' out of it.

Didn't say meeting was required, but it was offered.

It has been a while since I withdrew, but had no issues, however having heard nothing from them for two years they now want to know about my provision again.

Due to my son's school refusal and my difficulty getting him to attend, the school contacted the reporter. My son never returned and although still trying to support him to go back to school, I came to the conclusion, after discussion with his dad and private tutor, to Home Educate, to end the trauma and constant failure involved.

Flexi schooling was suggested and a meeting was offered, but I politely refused, in writing.

The contact person was very helpful and informative. Meet-ups were offered but not compulsory. I chose to meet with her and had no problems. She was aware of the different approaches to home educating and did not ask to see any formal work. It was an informal chat only.

The school presented us with a reduced time-table (initially 8 hours a week) so we became home educators for our son for the remainder by default.

In my initial telephone enquiry, I was told that a home visit usually happens and that everyone is happy with them. However, I requested everything to be done in writing and this was respected.

Sought to mislead over school age, had to put them right and got an apology and promise to amend letters.

BOTTOM 10 CLUSTER

No wellbeing concerns when bullied in school, just when removing for home education. Double standards.

I was told I was the only person they knew who was home educating. I was told I would lose all support for my eldest daughter, which I did. Speech and language, OT/Physio, educational psychologist and CAMHS all said I was no longer eligible for help with my daughter when I took her out. I was told I was ruining her future.

SS called my house. I was told that I would not be able to meet my daughter's needs. My whole family felt very bullied by the end of it all. The summer holidays were not allowed to count as part of the 6 weeks so my youngest had to go to school for the first 4 weeks of the next term. One of the council people we met with shouted at us and was very unpleasant and threatening.

Have had nothing but positive support from the staff who carried out the yearly visit, can't speak highly enough of those teachers.

Our LA has asked for meetings, used incorrect terminology (permission to home educate) but overall have been supportive.

Like pulling teeth without the pain relief. We were made to jump through hoops. First child didn't need permission but was referred to the reporter for my decision to home educate. Then with my second child we were made to go to a series of meetings and agree to unreasonable terms before permission would be granted. My eldest has severe disabilities and subject access requests showed the school said I was "lying" and attempted to contact our GP without consent to "confirm" the "story". With the second child, the term "wellbeing" was thrown around more than a dog's frisbee. I asked for clarification on the wellbeing issues and was never provided with it.

Refused to acknowledge I had legally withdrawn in another council. Said I had to withdraw again despite child not attending a local school. Stated they would not put information on website about home education as they did not approve.

Used 'home school' interchangeably with 'home education'. They have a home ed form to complete, but don't demand it, it's fairly basic and does not extend too far.

LA refused consent, insisted our child attend mainstream, referred us to Children's Reporter.

When child reached school age, I was contacted by the disability inclusion officer whose responsibility it would have been to ensure that school made any appropriate adaptations. The person had no idea home

ed was legal and told me I couldn't do it. I explained that I could and that I knew I could and she went away. She did forward on a printed copy of LA's home ed guidance via our physio but did not attempt to contact us.

The Local Authority offered an element of flexi schooling although have not had anything official. We spend a lot of time abroad as it helps with symptoms of arthritis. They have left everything open for us. We have the choice to use school when in the UK and home educate whilst abroad. However, the school are proving difficult to deal with and are making it more difficult for me.

Our situation was different as unbeknown to us, the school tried to manage it without informing the authority. By the time the authority caught up with us there was no chance our child would go back. We said we would get a medical certificate if necessary but the LA 'gave consent' immediately and removed them from school roll.

The words 'wellbeing' and 'resilience' were bandied about a lot, but when we pressed for a definition and measurement criteria, the LA were unable to provide any.

Was made to attend a meeting at school to see whether school would be an option. School were allowed to influence my decision. Made to have two home visits and one with an educational psychologist.

The LA attempted to enforce Statutory Guidance on my family despite my child not being of compulsory school age as per the legislation. They refused to accept that this was the case. It was not until I complained and involved my MSP that they agreed that my child would not be of age for another school year. My complaint was cited in the Supreme Court.

G.2 Consent

How long did it take your local authority to process consent to withdraw your child(ren) from school and what was your experience of obtaining consent?

TOP 10 LA CLUSTER

Almost 5 months, especially as I wrote to several people who were the wrong ones, as they were the only contacts available for our area. It's like the secret service accessing the QIO!

Removed daughter due to anxiety and mental health issues. I refused to put her back due to how school were treating her. She had a breakdown at 6 years old, it was horrific.

I withdrew my older daughter first, which took longer.

For my eldest child, the turn-around was at the conclusion of a long battle with education, including complaint and mediation, so was timeous. For his younger brother six months later, there was an attempt at needless delay, but policy/practice was not compliant with legislation, statutory guidance and rights. It was granted but not before the complaints process had been instigated and it was made very clear to the authority where the issues lay.

I feel there is an unfair difference between me, who has trialled school and found it lacking, requiring to be 'checked' that I am providing an education against those families who have never enrolled in school never being checked. If my child were in school, he would require a large budget to support his significant needs. However, whilst I am happy to provide whatever learning he requires financially, I struggle to understand why I should be officially checked if there is no financial support towards that.

The QIO asked for meetings to discuss both my children's withdrawal from school but I was happy to meet with her and discuss education plans.

Unreasonable to have a meeting with the school when we'd had many due to bullying issues.

They repeatedly said I must follow the curriculum and my son was already missing school due to extreme mental health issues, backed up fully by our GP and referral to CAMHS. Bullying was atrocious and being ignored by the school and QIO who wanted him in school. We had already begun home education and my son's health was improving.

There were attempts to apply conditions (home visit and/or meeting). Being informed enabled me to refuse these and move forward with the request swiftly.

Finding out the process and named contact would have been challenging had I not known who to ask or had previous experience of the process. Acknowledgement of receipt was given but subject access indicated some very interesting, partially disclosed discussions (the joy of having two children with unequally redacted files is that gaps were filled) The use of language by the LA, school and other multi-agency professionals indicated their lack of knowledge, their practice was reflective of this and had to be addressed time and time again. The authority stated they wished a home visit/meeting and that consent was reliant on sharing of information. It would appear if you have a disability, rights are optional! No support or information was given.

Someone had a three-week holiday in January (we applied October) which delayed things, and other departments (?) were slow responding to their 'enquiries' (for which no consent was given).

Too long.

No school placement for my son (additional support needs). I didn't withdraw him, he just had no placement to go to. Was offered nothing from education and had to buy it all myself. No contact from education I had to keep chasing them up.

Consent only granted after SCRA received multiagency referral (all involved deny making referral) and instructed Social Work to carry out investigation into our daily lives, parenting skills and educational resources including socialising.

Told us they needed access to our (the parents) medical records to proceed in initial contact letter. Shared our data illegally. Contacted child's paediatrician without consent. Had meetings with other departments without any reason - no previous concerns from anyone about child. They were trying to invent something because she was ill. Tried to persuade us to flexi school near the end of the process.

Meetings and home visit were denied. Insisted everything in writing as I quickly learned the LA could not be trusted.

Delayed due to multi agency coverup of assault and abuse by school staff, who, along with their professional GIRFEC allies, colluded, created similar concerns to corroborate what was alleged about us, for wellbeing, while applying inapplicable Section 67 grounds and stating they would "change the grounds later" if need be.

Wellbeing cited to obstruct us.

Needed constant emailing from when our request was submitted due to child not being in school (anxiety).

We were referred to social services, child reporter, with weekly harassment from the health visiting team and housing officer was sent to snoop.

Have thankfully not had to include any council in our decision to home educate. I've heard so many sad stories from parents, just trying to help their child to get the best education possible, taking into account the child's mental and emotional well-being as well.

Stated I was incompetent, never having met me or my kids, and that I had to have a home visit which I declined.

The process was stopped in its tracks despite what I wanted. Never progressed.

We were told we had to meet with them before they would withdraw my child from the school roll.

My local authority wanted us out of the system. We have had no contact from them in over 2 years.

I did have a home visit but I just thought that was to see my plans for home educating. It was very friendly, the man couldn't have been nicer. I told him where I'd be going for guidance/support and he was happy and said permission had been granted to remove my child from the school roll.

Still waiting for permission to withdraw my son over a year later. Taken to children's panel because he was too ill to go to school.

Although I had sent an outline of provision, they said they needed more info and needed to meet the child in our home.

Will not consent on grounds of 'socialisation'.

The worker was on holiday the first week and then the Easter holidays were straight after so this held things up.

I had to get my MSP involved, was referred to the children's reporter and had to have a social work visit and finally agree to a meeting with the local authority before they would consent.

I suggested meeting in the home rather than the office as they suggested as I felt it would be easier for my son. I was made to feel that a meeting would be necessary, and went ahead to avoid difficulties with the LA. I was scared to rock the boat.

Tried to say it was done, but never signed off until I forced them to confirm via letter.

Consent was delayed due to social work interference

The refusal was final - no conditions were specified under which we could be allowed to flexi school. When we asked for clarification of this, we did not receive any response.

Settled with 'education at home' (tutor for 2 hrs/week) agreement. Applied to switch schools to better facilitate this and was denied with a letter which incorrectly described the situation and threatened with child protection involvement if child didn't attend school.

When I applied to withdraw, I was given no information about home education groups or supports in the area. Instead, a TAC meeting was called with recommendations to 'educate at home'.

We accepted the offer of a home visit based on the experience of another local home educator. I don't know what would have happened if we'd said no.

MIDDLE 12 LA CLUSTER

I did not want a home visit or to meet, however it was implied that this was required and I felt pressured to do so as I did not want anything to delay consent.

They asked for a home visit and sent many emails to discuss educational provision.

The LA delayed our request to remove our children unreasonably as they insisted that we should meet with them. We declined and from there ended up in mediation, and were still declined. The delay was solely down to the director of children's services, who couldn't seem to grasp that we were not obliged to meet with him, and who delayed and drew out the process for 4-5 months because we would not meet with him.

Just over 6 weeks in one case, 3-4 months in the other.

Approx. 10 weeks

We heard nothing for about 8 weeks but things moved quite quickly once I chased them and reminded them of the 6-week limit.

Marked as authorised absence until written consent obtained. LA suggested this as agreed that it wasn't in my child's best interests to return to school.

Very quick on both occasions. The officers we dealt with were always supportive of my choice.

They said they wanted to carry out a home visit which we were happy to agree to. I'm not sure how they would have reacted if we'd refused.

My experience was fine, others not so much.

We agreed to a meeting at a local school, but only because I felt that we had more chance of success by going along with the request - even though I knew we weren't obligated to do so.

Moved from a different LA, so no consent needed.

I asked that consent to withdraw from the roll be expedited due to my son's racial bullying experiences and lack of support at school. I said that he wouldn't be going to school since it had caused him so much anxiety and we had no intention of sending him into a space that was unsafe. I also stated that we didn't want to be fined for not sending him to school and would appreciate their support. LA tried getting us to meet before

removing our son from the school roll, told us to talk to the Head and tried really hard to get us to meet prior to withdrawal. We were told it was part of the inclusion officer's process and we knew that this wasn't a part of the guidance and we were within our rights to decline a meeting. I stated that my priority was our son's wellbeing and finally consented to meet face-to-face but only after his withdrawal from school roll was expedited.

Requested September, left area in February – heard nothing in those 6 months.

I do not find meeting with the LA contact an 'unreasonable condition' and was more than happy to meet up. This gave the LA contact an opportunity to meet my daughter and me an opportunity to talk face to face - not everyone likes emails and phone calls. Some of us appreciate face to face conversations and the chance for an LA to see my daughter once a year allows them to be reassured that she is healthy and happy.

Consent has not happened. We are entering month 4 soon.

Official written consent was never given, but verbal consent was given quickly.

A visit was required, but they were flexible about venue and did not insist on seeing my child.

I do not know what is happening. Someone is obviously stopping this from going ahead.

It went pretty smoothly and quickly for us, we think, due to bullying issues and trips required to A&E because of it. We had also complained about Head of Education making light of bruising on my child's ribs due to bullying.

As soon as the 6 weeks was coming up, I emailed the LA to ask if the consent was coming and there started to be delays because people were on holiday or days off to finalise withdrawal. And I ended up emailing about 2 or 3 different people from the education dept. It was dragging on more than I'd liked, since a SW was involved and she had to also send them a report on her findings.

11 long weeks.

The first time 3.5 weeks, the second time 3 days.

The first time there was a discussion with social work about my son being home ed (my daughter had social work involvement but not my son), social work tried to block it but they had no significant concerns about my son and he was not under social work so permission was granted. The second time they didn't communicate with social work. I have done SARS.

When I contacted them at 6 weeks they said they had replied after 1 week. I didn't get this, but they promptly sent the reply following my contact.

Although if I had followed the way they set out to do it, I could easily have been misled into having home visits etc.

Two weeks for two children, but when later withdrawing another child there was a delay as they were waiting for a report from one of their (illegal) 'checks'.

I wasn't given an option, I was just told they would come to my house and the time they were coming. I wasn't aware it wasn't compulsory.

BOTTOM 10 LA CLUSTER

Promises to deal with bullying never materialised but were used to try and undermine my decision, enough was enough.

About 3 months delay.

They kept making us have meetings and trying to intimidate us. My daughter had to do lots of tests. We were referred to SS I was told I couldn't home ed because my daughter has special needs. I was also told that the summer holidays didn't count as part of the time allowance.

Was in England, just submitted letter and gave 4 days' notice.

Home visit 'required'.

I can't remember exactly but it took about 4-6 months by the time we jumped through all their hoops and went to all their meetings.

For first child I didn't require consent but was referred to the reporter for my decision to home educate. Second child, I was initially refused consent on the grounds of "wellbeing" then I went through a complaints process that was lengthy but resulted in nothing being done. I applied for all my children's records and then was contacted by the LA saying that if I consented to a meeting then I would be "allowed to home educate". I was subjected to all sorts of inaccurate legal gibberish which was stressful. Consent was eventually granted after we managed to shoot down all their arguments, however it was not easy and our data has been shared illegally. I had to get a court order to get my SARS!

Got an apology for hitting the 6-week limit.

I agreed to them visiting for a meeting, but to be honest I feel they were just desperate to get rid of me as I had been a pain for 5 years trying to get support. That was 4 years ago and I haven't heard a peep from them since, even when I've tried to get in contact.

It's been six months and counting...

In the case of the first child, over three months. In the case of two others, nine weeks. The youngest had never attended school so no permission needed.

In the case of my first HE child, we withdrew after P7 but before S1. Child was never registered for secondary school, but LA still took more than 3 months to acquiesce, demanding access to my home to inspect first aid provision, PE equipment, school approved textbooks etc.

We live on an island, they have not managed to arrange a time to visit but seem happy to let me continue with what we are doing as long as I keep contact with the head teacher.

They delayed withdrawal and demanded we have meetings with the secondary head teacher, council legal team, educational psychologist and others. They demanded access to my home, badgered both myself and my husband, even phoning him at his place of work. They wished to interview my son, inspect my home and dictate our "curriculum".

The local authority demanded annual visits. We let them visit because they had mentioned "legal action" verbally in an early meeting. They did not contact us to arrange their planned final visit when the child was 15. When the child turned 16, I asked for written confirmation that they would have no further involvement, which they provided, informing me that there had been staff changes.

In order to home educate I was told I had to have 2 visits a year at home, otherwise they would apply for a school attendance order.

G.3 Law, guidance and good practice

*How knowledgeable, supportive and inclusive is your local authority on matters relating to home education?
How familiar is your local authority with specific aspects of the statutory guidance?*

TOP 10 LA CLUSTER

I had to do all my own research and found the home education groups invaluable re information, law, guidelines and correct contact details, as well as organised meet ups, links to online learning, relevant educational activities and projects.

The individual I spoke with at the council wanted a meeting to offer advice and grant permission for my request so I am unsure as to the extent of her knowledge or training. No advice was given freely in our email exchanges, it was clear I would require to attend a meeting to access any further advice or support.

The LA may acknowledge home education, but I have never seen any reference to it within any service as being understood to be of equal legal status. Each officer responsible for approval (yes, you read that correctly!) appears to do different things and was asking different questions, stating different hoops to jump through and requirements. No information was given about support groups or resources. Some families are still working under the presumption that they and their children must meet with the QIO who appears to function with some gatekeeping role in terms of accessing local college. (I found this out after a letter with

my details was sent to another home educator, who then contacted me as she wondered if I'd been sent theirs!) Data breach, anyone? Skills Development Scotland also cannot comprehend home education and makes reference to my son still being linked to his previous school. There is no attempt at consultation. let alone co-production in developing policy.

The website states that if your child has additional needs you can access computer hardware and software and access Education Psychology, the reality is completely different. The only thing that happened timeously was the shutting down of my children's GLOW Scotland account, therefore cancelling access to the various resources there. This was done with no notification. For 'every child', just not for those who are home educated...

Our QIO has asked to 'check in' with us once a year to get an update on how our home education is going.

The local authority has no idea of how many children are home educated, particularly as there are no accessible correct figures. I was shocked to find that there is no further support available like in school, e.g. free /reduced priced music tuition and access to after school activities.

Council guidance makes reference to the Curriculum for Excellence, there is no recognition or value placed on other valid educational philosophies.

LA says it will contact the family usually on an annual basis and "where at all possible, it is helpful if the annual contact can take the form of a visit to the home situation". At least it states they are not compulsory. Trying to get EMA was a step too far and has criteria those with chronic health conditions or not following curricular courses would be challenged to meet.

After our first ever consultation with the Local Authority, they should now be conversant in Legislation and Guidance, are now aware of different philosophies, should know equal legal status, have received communication from home educators to 'train' staff, are currently improving policy to develop positive relationships with home educators, and when the policy is approved, will provide details for support groups.

During our request to remove from school, the council was 'very unfamiliar' with the law.

We were never given details of other home educating families or group in our area. We were left in no doubt that the East End of Glasgow was an area where Home Education was seen as a temporary measure and something that was frowned upon.

Just as well info on local home ed groups was not difficult to find independently of the council.

Our family has been subject to breach of trust with data being shared illegally as home ed is a wellbeing risk.

I doubt they know much judging by the appalling mess they've been making of other parents' requests in the area. Their contact info for home ed when I applied was very out of date and worse than useless. I found much better online after a quick search.

Never received any information, under pressure to send him to school, guidance is alien to them.

No support or communication skills when my son has previously been home for large gaps in schooling. It was a full-time job tracking people down, organising meetings, written confirmation etc.

I have as little interaction with them as possible. They seem lacking in most areas, or at least willing to lie without guilt.

Used CME to take me to children panel even though I had asked to home educate and how to apply. They just delayed things so that they could take me to the children's panel to force my child back into school and refused to believe my son was ill as we only had a "likely CFS" diagnosis.

When I moved house, still within the council area, I emailed the education contact our new address and our move date. Two months after we had moved, he knocked on our door and said someone had notified them. He mentioned my eldest daughter would find it very difficult to do exams, but we politely said we already had exam provision in progress and he went away.

A CME referral was generated despite the local authority's knowledge of our situation. Outright bullying.

The LA officer was very supportive and knowledgeable, even of unschooling and radical unschooling, although we are doing curriculum-based home education.

She didn't really go into any details about anything at all. She seemed to just want to make the process as easy and quick as possible. I do know the LA legal dept were asked to look at our provision for education and her details of our meeting, but I felt that the LA were trying to make sure we couldn't sue them after the trauma the school put our son through.

Apart from a short period when an unpleasant officer was in charge and failed to follow statutory guidance, it has been good in this area.

Yearly 'check-up' letter implies that the council still holds the power to 'allow' home education. Intended or not, it is intimidating, and although the contact person is very pleasant, they are behaving as though home education is or should be monitored by them.

The LA don't understand Home Ed and don't want to understand. They have continually put issues in the way.

I recently contacted the LA for a copy of their guidance and was told it is 'being redeveloped' with timescale unknown (purpose for asking was re delivering a training session re educational options in our LA). I also queried why they had a link to SQA on the council home education page when SQA exams are so problematic for private candidates. I felt it misleading to new families who might think they can remove a child from high school and continue with the same qualification choices. They were unaware that home educators generally need to pursue alternative qualifications as private candidates and can't just rock up to a local high school and sit SQA. They agreed to take the link down.

The named officer who responded to our request did not have relevant knowledge about bilingualism. They omitted non-English parts of my own and my child's surnames even though we had included them in all communications.

The contact we had seemed to know nothing about local groups.

There is almost no info on the council website other than contact details.

I felt quite confident and positive about our education authority until I received a letter denying my daughter's school roster transfer. The letter they sent was as if it were for another child completely since it completely erased all circumstances relevant to my daughter and replaced that with a rather threatening tone.

MIDDLE 12 LA CLUSTER

By the time I met with my LA contact, I'd already got in touch and joined in with local home ed community groups, so I will never be sure if my LA contact would have suggested these.

I have had limited annual contact with the local authority and have found them reasonable, professional and helpful.

I was told I'd need to have home visits before I was given consent. I had to agree to meetings yearly after consent.

The only support they think they give is to say they will keep in contact through yearly or more visits to your home to see how your child is progressing. They still don't understand we do not have to educate our children the same way as school and need a more open and wider knowledge of the different type of home education. Some parents like a school setting at home with school hours, subjects, exams etc. For others children learn and discover new information their own way. Every family is different and that's what they need to understand, not expect all home ed children to follow the curriculum. The reason some parents home educate is to get away from the school set up.

They gave me absolutely zero information.

They haven't a clue and if they still think they can say we need to have home visits, meetings, monitoring etc, then it's seriously out of order. They should put this pressure onto parents when all we are doing is the best for our own children and it's the children who suffer with this irresponsible, selfish pressure from schools and councils.

I did receive a list of some home ed groups, when I received the policy from the council.

Letter I received said the LA "have a statutory duty to ensure that a suitable and efficient education is being provided". They don't.

BOTTOM 10 LA CLUSTER

Too many assumptions about visits and meeting children whose confidence and wellbeing have been trashed by schools.

I withdrew my eldest child from school 9 years ago but I was persuaded to put her back into a different school. I then took both my children out 6 years ago. They made it very difficult for me, but I have since had no contact with the council which I am glad about as they were so unpleasant.

All the members of the LA I had the misfortune of dealing with suddenly "took leave of their jobs" when I took court action. They now have a new woman in charge of home education who every year sends out "forms" despite being reminded an email update of provision is fine. She also refuses to give me a copy of their home education policy. We were offered to go in and consult on the new policy, which I hear has yet to be drafted - that was over a year ago.

Guidance not followed, LA blocked us at every step but I don't know much other than our experience.

They insisted on entering our home without consent.

LA shared personal information without our consent or knowledge. We only discovered this after sending a SAR.

The only reference to home education on the LA website is the EMA policy document.

They requested a meeting each year, apart from the final one, when no-one got in touch.

I am the only one I know who has refused a home visit and they have been satisfied with a written annual report. They expect visits as a matter of course and have told people they only allow home education on condition of visits and monitoring.

They are forcing me to have two visits a year at home to show them my education and they take photos of work done.

G.4 Ongoing contact

How often has your local authority contacted you to request an update of your home education provision? If you are new to home education, please tell us how often the authority has said it will contact you? How well does your local authority manage ongoing contact?

TOP 10 LA CLUSTER

We have moved out of the area.

Mutually agreed. Current QIO very supportive.

Different person each year so far.

I have been advised someone may request updates but have not been told any timescale. I have made clear to the council this is for one year prior to secondary education commencing so I am unsure if this has impacted that in any way.

An email was received after one and half years offering an "annual review meeting...there is no requirement for the meeting but is offered as support. If you would like to make an appointment for the meeting please let me know." No other request for an update, it's a postcode lottery.

Our Local Authority is in the midst of enlightenment, excellent templates are now in draft form.

My child has a disability social worker and so had regular contact with her as well as hospital appointments.

Annual contact, except for one year when there was none.

We have giving updates of education and then been requested to do so maybe as short as 3 months later.
I am capable of accessing information on events and opportunities. I am very happy with the level of contact with the local authority and feel the situation is satisfactory.
I asked for information for home educated children (e.g. how do they get the P1 bookbug bags, how do they find out about local 'get active' schemes that are promoted through the schools, etc) and was told they don't provide any such information to home educating families.
I wasn't told they would be back in contact.
Still waiting for consent. Reporter for children panel is refusing to drop case unless I agree to my child going back into school, even though he wants home education due to ill health.
Once a year email contact, then no contact when entering high school.
I provided a wealth of my home ed provision to the person responsible for home ed and social work. Home ed person has not yet asked for update.
Once in three years. Long may it remain this way!
We have just got to 12-month mark and no review mentioned. I am looking forward to having one, though, as the progress my son has made is amazing, and also for any advice going forward.
I have been home educating for two years and never heard from them.
They write to us annually concerning the child we withdrew, but have not contacted us at all about the child who didn't progress to S1.
I have explicitly forbidden data sharing and I have never, and will never willingly, contact the LA.
The school never includes my daughter in any events or opportunities. She receives no resources from the school despite them receiving money for her still being on the school roll. She has been forgotten.
They asked for an end of year update. We had only been home educating for two months. They were happy with what we sent them.
Always dread this and my child gets stressed at the thought he may be forced back to school.
My only contact with local authority is the yearly email.
Currently we have no choice but to contact the authority through third parties. They don't respond to us through reasons unknown until others have been involved.
Nothing since our initial 'check' almost a year and a half ago.
I have never received any notification of events or opportunities from the local authority that would have greatly benefited my ASD daughter.

MIDDLE 12 LA CLUSTER

We haven't heard a thing from the local authority since we received the letter giving consent to withdraw. That was 3 years ago!

We were told we would be contacted annually to catch up on how home educating was going.

I was told they would be in touch annually but that hasn't happened.

This is outdated but when I was young, I was asked to attend one meeting to prove I was receiving a good education.

Initially once a year but last contact was when she was about 14.

They were always fine with us and showed an interest in what we were doing. They used to send us details of events and activities that might be of interest.

We only got consent to withdraw just before the summer holidays, so experience of council is limited to consent process.

The LA requests updates and changes to my provision but never find it satisfying.

Contact 1-6 times a year.

I'd rather my LA saw my daughter once a year than not at all, frankly, because this ticks boxes both for LA (my daughter is well and happy) and for me (I can have a face to face conversation to talk over anything good/bad/indifferent and have some help if I need it). I have the choice to meet up (at my home, at the LA offices or in a neutral place such as a cafe) once a year or just write in. I'm opting to meet up in person with my daughter because that's the option I prefer. I do not wish for people who work for LAs to be seen as 'other' or negative, particularly as my daughter's father works for a LA. Sometimes I feel that some people in the community are so frustrated with their own experiences or the LA's differing approaches that they forget some of us prefer face to face meetings. My daughter prefers it too. She loves talking about what she's been up to.

We received contact after my daughter was over 16, which was around six months after my older son became of compulsory school age. They did not specify the child/children that they were seeking an update for.

They wanted to send a headteacher and improvement officer (ex-head teacher) to assess our provision. We refused.

The LA made it quite clear that choosing to home educate meant we would be 'on our own'. We do not seek support as we would rather not interact with them, and know support would not be forthcoming unless with strings attached.

I've just passed my first year of home education and have not heard anything as yet. I hope I don't.

They said (during my one phone call) that I may or may not get 'the odd letter'.

Contacted once in 10 years.

Still waiting to see if they actually contact me for an update. I'd rather get on with my life with my son doing well by ourselves without any pressure after having 8 school years of hell. We don't need the upset to start up again when we have support, proper guidance and correct knowledge from the home education community. That's where my support and encouragement comes from.

Once every 1-2yrs

Was every year, but not heard from them for 2 years until today!

I have no idea how often they will contact me, presuming yearly.

We had our first letter in two years recently. I don't think we should have received it as my son is due to start high school this year and never been enrolled, however I am unsure if this is correct.

My son recently received a disabled persons bus pass and was given a Young Scot card. We can only assume they have passed on our data.

We have had one letter about a summer club that was happening two years ago, nothing from them since.

Contact every month.

Never heard from them. We have only been home educating for two years, though.

We have not had any contact from the LA since withdrawing from the school roll. When I withdrew my eldest, my second could have started P1 but I did not start her. Both nursery and the school informed the council. When they replied to my request to withdraw eldest, they mentioned the younger one by name and advised they were aware she would be home educated as well.

BOTTOM 10 LA CLUSTER

No point in contact or asking for support after school bullying went unchecked.

Until two years ago, when the new home ed lady got her job, we had had no yearly contact. Now we have "forms" and offers of a meeting or the "opportunity" to send in an updated plan every year.

Been home educating for two years and not been contacted.

The home education officer we were appointed ended up on sick leave and was medically retired last year. Letters I have sent in have been ignored as no other officer has been appointed.

We now have a weekly LA ASD Outreach Worker visiting us at home.

After the initial difficulties with each child, the LA had no contact with me until recently. When my youngest applied for EMA, they demanded a meeting and examples of "school" work both historic and present day before it was approved. I had to provide evidence of work in line with CfE and give levels in line with SQA qualifications. Each of my children who has received EMA has had to do the same with no room for less structured learning approaches.

The only 'support' we ever received from the LA was during one home visit when the 'assessor' (using a SHANARRI checklist) helpfully mentioned that my child could access libraries for reading material. However would I have known otherwise?!

APPENDIX H

Review of forum discussions of council policies and practice

TOP 10 LA CLUSTER

I have written them a detailed letter already. Why does it need to be presented and submitted again? Today [LA officer] is going to talk to my child at the school. I guess they will try to persuade her to stay at school. They told my husband on the phone today that they will be doing it. I guess it counts as 'consent' if we did not oppose to it straight away.

My son was withdrawn from high school last year, 6 weeks I waited for confirmation that he was off the register, but whilst waiting had him signed off by doctor due to anxiety and school refusal. Received my letter, never heard a thing since, my son is thriving, best thing I've ever done.

Deteriorating experiences with new misleading letters being sent to those seeking consent.

Misinformation. I am removing my 4-year-old from school due to bullying and safeguarding issues. I was told (wrongly) that as she is already registered, she needs consent.

Struggled to find a contact email address to send withdrawal request.

The LA recruited 'co-operative families' from 'professional backgrounds' who 'work well with the council' for private discussions with government over enforcing named persons. No one was able to provide any minutes of notes but I have some emails and dates via FOI. Sounds like a case of unequal treatment based on socio-economic background.

Home-edophobic comments by the LA home education contact have been reported in media, destroying trust among families. This was an assigned 'named person' who, they claimed, would 'listen and respect your point of view and work with you to sort things out.'

Paediatrician accused me of FII even though son diagnosed with severe ME by a top ME specialist.

Have to laugh at the suggestion that I chose to home ed. Uh, no, the council put my autistic child in such a bad way I had no choice.

I was taken to children panel and sheriff for taking my child off school 'for no good reason'. My child was too ill to dress himself. Social worker has been suspended until April 2020. Thank goodness something was done about him, but reports still include his name. He told us he wasn't there to help us. Told us they didn't care if my son went to school, fell asleep and learnt nothing, as long as he was marked present. Then I was told he had left the service and would not be present at my court case.

They abandoned my child and then wanted to glory in his success, which of course is nothing to do with them. They will get the bare minimum I can tell them and not a sentence more.

Progress we have made is purely on what we have done in the last year, which has been down to sacrifices and hard work, and a type of education that is not provided by the council

I want absolutely nothing to do with the council at all, their incompetence is staggering.

I have grave reservations about partiality of children's reporter, safeguarders who used to work for the council and failure by courts to uphold law. GIRFEC gang culture enables kidnapping children who have no access to advocacy, representation or 'evidence' and who are subject to inhumane treatment. Children with autism are being abused by their system.

Council is still ignoring the Supreme Court ruling about information sharing and the ICO sits on his hands after causing all the problems by colluding with the GIRFECers.

All you have to do here is home ed and you're automatically in the firing line. Autism = bad parenting to the great uneducated, who all seem to get jobs within the (s)care sector. They are well known for being heavy handed with parents of autistic, ill and disabled kids, especially if parents opt for home education. Families leave the area to get peace. It's a nightmare.

It's amazing that some random person can make a malicious complaint and it can end up destroying people's lives due to the council's hatred of home education.

It has been very straightforward for us and no contact. We are just starting our second year of HE with my 8-year-old, took him out after P2. I have 2 others who are in school.

I have never sent my daughter to school so I am under the radar as of right now, but I have the guidance printed off and a recording device on hand. I have a GoPro at the ready and will not say a word until the camera is rolling. I want every word captured either through recording, emails or letters.

Decided to move across the LA border into a HE friendlier area.

Husband turned down job in the area due to the hostile environment for home educators.

I have three children - only one statutory education age. My eldest has Downs Syndrome and aside from a Deputy Head throwing her weight about when we withdrew him from nursery, we've had no trouble and no contact from education at all. His Speech and Language Therapist is very pro Home Ed, his Community Paediatrician is really positive about his progress and our HV has been an absolute star in getting some of the support and services he needed over the years, and has also been 100% supportive.

All positive from me, I took my middle son out of school last year, easy and straightforward with HT, ASN Manager, Paediatrician, OT and SALT completely supportive of the decision.

Different areas of the LA have different Gauleiter.

Council has offered flexi schooling.

At present the home ed contact person is lovely. I've not heard of anyone having issues with her.

I just sent another update, didn't do a meeting, no problems with current officer.

Consent took less than a month (actually, from submission to agreement took only 2 weeks). The lady who met us couldn't have been nicer or more encouraging. She made it clear that she was there to help, brought lists of online and local resources, book titles and even suggested we join forums like this one (of course, we already had). I guess we're lucky, evidently some LAs are not so positive.

Excellent LA for home educators, with an understanding and knowledgeable officer who is not fazed at all about unschooling or any other approach.

Great LA. From my experience, they follow the guidance to the letter.

We have home-educated for about three years now as he wasn't going to get anywhere in school. He is now about 2/3 years ahead in academic work. For us, getting our son's mental health back on track is the most important, but sadly we do not have support from CAMHS despite asking. The LA is great and the HE contact is lovely.

Had the misfortune to talk to a 'stand-in' while the HE contact (known to be on the ball) was absent and was given wrong information. Disappointing.

I have been home educating here for over 10 years and we follow a Catholic curriculum. Only my 15-year-old daughter is now HE as my other four have all gone into university from home.

We flexi school here, no issues.

Lack of care by school (ASNs, flight) resulted in SW being sent when we decided on HE, delayed consent, parent blaming for child's learning disabilities.

Vindictive coercive ex tried to exert control over the withdrawal process and the home ed officer said his 'permission' would be needed. I'm preparing for the fact he might try to retract it to re-assert control over us.

I rang in to check if they had received my letter to withdraw. She said no as I had got the address wrong so I explained his low attendance due to stress and anxiety and that the school were pressuring me to get him in or they will refer to SW and reporter. She offered to ring the school and tell them he's coming out to be HE to stop other procedure kicking in and just to email my request to her. He doesn't have to go back in at all as they would backdate it. I cried with relief.

I have been home educating here since 2005 and haven't heard a peep.

For my family, they're not interested and are content to let things go. I have little faith in them and can't wait to move.

I am trying to withdraw my S2 daughter from her school. I have contacted the council and I am awaiting forms to complete. I got the feeling they were trying to put me off of home educating by explaining procedure to withdraw a child.

This is a controlling, manipulating, lying authority. I would not recommend the area at all.

The six weeks is up and I'm working as though our son is out of school. We've had 'acknowledgement of application' but no consent to withdraw yet. I'm ignoring that, though, as I know they haven't got a right to stop us, but I am sorry about any hassle that might occur as we've had enough of all that.

I said in my response to the 'meeting request' that I was happy to meet if required by law and asked them to point me to the relevant legislation. I made it clear it was my decision and the meeting demand was dropped.

I've agreed to three home visits now as we are in our third year and all have been brief and trouble free. I am happy for people to come here as we have enough appointments to go to. And there's no extra work involved on my part in writing a letter. It is up to the individual whether they have them or not.

My HV helped me to stand up to my LA and deal with SW who had a steady stream of complaints from my ex. Without her I would have crumbled. She was really an amazing woman. For a few months it was a relief to be free to live our lives, but now we are thrown back into it again as my ex has found a new way to control us (weaponising our child's education and relying on council prejudice).

I met with our HE officer and it was fine. We just had a chat about my son's needs and the sort of ideas I had and he had some ideas as his son has similar needs and then he said he would be recommending approval of my request and then I went home. (We met in his office so that's always an option if you feel uncomfortable about home visits).

I have ignored the fact that they have gone past deadline as our son has not been to school for a year and a half due to his health. We just decided it was better to stop trying to get him back into school and accept that he would be better off at home.

We sent our first letter and they rang me after 3 weeks to say (lie) that I needed to fill out forms. The 6 weeks would start from when they received them and it would then go to the children's panel with reports from school. They went over the 6 weeks and I took my daughter out of school as she was being bullied and GP said to keep her off for emotional distress.

We were told our case was "complicated" because my daughter may have additional support needs. We had to take a photo of her work area. We refused a home visit and met the home ed officer from the council somewhere else. She only works Monday and Friday so we had to wait. It's ridiculous.

He was already out of school a year before we got consent. He was just too sick to go.

They asked me for a 6-month monitoring report and visit. I wrote back asking what legislation gave them the right to request a report or visit and never heard from them again. They still haven't even answered my letter and it's been about 18 months now.

We were told we had to fill in an initial education proposal form. It was 12 pages long. They then sent me another huge pack to complete. I didn't do the original but sent a detailed outline instead.

These council forms are essentially just data trawling - they are asking for, and you are giving them, more information than they need for their decision. Do you know what they are using that information for? Such forms have no legal basis and are best resisted by all of us. This council also has an appalling record with managing sensitive information, perhaps the worst in Scotland.

Flexi schooling being has been discussed seriously by councillors but 'services' seem resistant.

They reneged in their legal duties towards my wee one. No one to one, or one to two or three or four. One TA per class (a good few ASN kids in the class). No IEP, not even the pamphlet they were supposed to give me about her rights once the diagnosis came through. Lots of flagging for issues directly to do with autism profile and lots of attempts to deny her autism and veiled implications that it was 'poor parenting'.

Medically dangerous situation due to bullying over T1 diabetes. Home ed was the only safe option.

My 9-year-old son hasn't been in school properly this year. He has very bad anxiety and possibly on the autism spectrum. I've had such an awful time with the school. They've reported me to social services,

pinned all the blame on me letting him have these 'carry-ons' in their eyes. I've asked if we can look into flexi schooling or my other option is to home educate full time but every time I mention this I get shut down and accused of basically letting him walk all over me and letting him have too many choices. I only want the best for him and at the moment that's not being in a school environment as it triggers a lot of distress in him.

Up there in the hall of shame for failing Autists. They shoved their strategy under a GIRFEC banner and merrily went on ignoring children's ASNs.

EMA has been made available to my HE young people.

My son is autistic and been assessed as eligible for self-directed support but according to the privacy notice, my agreement to SDS by nature of a disability and protected characteristics means I'm signing over all our rights to the council for data sharing and processing carte blanche, basically equating disability to the same threshold of welfare concern as child protection. To date, even when consent isn't asked for or given, info has been shared with all and sundry.

One of the worst LAs for home educators. They seem to have very little respect for our rights, although they always seem to back down when parents push back. It's like they try it on, hoping they can push people around, but once they realise you are serious and you point out that you know your rights, they accept it. Not good enough.

He wanted me to produce a timetable for an average week if I was to look to pursue home education and he came from the viewpoint of 'no' and 'needs to be convinced of a yes'.

Shocking letter received from council: "Thank you for your Home Education application letter... To take you request for the home schooling of [child], the council as corporate parent must be secure with the educational plan you are preparing." Council was sent a withdrawal request, not an application to home educate; home schooling is incorrect terminology; and since when did the council assume the role of corporate parent for non-looked after children?

The council treated me appallingly when going an appeals process earlier this year regarding my 5-year-old's schooling. It was only resolved after I got advice from the forum, spoke to Enquire and was able to start quoting my legal rights to the council. They were marginally more obliging once they realised I knew what I was talking about and I wasn't about to give up without a fight.

They keep playing the same broken record in the hope that it works rather than throwing it in the bin, even after being given a shiny new one without scratches by home educators who know the law.

I applied to withdraw my children due to serious difficulties at school, but they claimed the letter was not received so I had to reapply. They arranged a child's plan meeting and then didn't turn up for it. I have been told if I don't attend, I will be taken to the children's panel.

Poor grammar and spelling, blatant disregard for the law and attempts to undermine and intimidate parents.

Obtained correspondence between the council and Scottish Government by FOI request that shows they are concerned about a likely section 70 complaint.

Following some difficult issues with the council, my boys are involved in producing and editing our LA's first ever Home Ed Resource website. They had a visit to Graphics Dept. and tour of the Main Chamber where Council meetings take place.

She has not been to school for months as she cannot face going. She is also finding it hard to sleep at night and we are seeing a NHS clinical Psychologist, but instead of getting to the root of the problem, they want her back in school whatever the cost to her wellbeing. CAMHS don't even recognise anxiety as apparently, it's not a mental health issue

I'm in the process of removing my son from school. The education psychologist and school inclusion support are going against me but I'm ready for a fight.

Got a meeting to discuss my proposed plan. I handed one in but they want to meet face to face, even though I had an email saying they can't see any concerns why my son can't be removed.

The LA Education officer confirmed receipt of my provision and said it had been sent to the legal team. In the meantime, she wants to meet with us and our daughter to see how she is feeling about the request and emailed me to say "it is usual procedure that I bring a colleague from psychological services with me".

Intimidatory language and misleading information from the council. Poor show.

I declined a meeting as they were insisting it had to be at my home which I was uncomfortable with. There was no reason to decline and my boys were upset at going to school, so we took them out and advised the school that we were expecting the decision shortly. School referred us to the children's reporter and the council are saying they will not grant consent until we have allowed them access to our home. I contacted our MSP and he contacted the council saying they weren't following the guidelines and should grant consent. My husband contacted the head of the education who said that a letter was issued declining our request as we hadn't agreed to a meeting. Bullying tactics from start to finish.

They referred my request to the legal department, then back-pedalled that it was for 'clarification' when I got our MSP involved.

I challenged them on a public forum as to why there was no information on home ed as an option for parents on their website. They announced publicly it would be rectified and was just an 'oversight' on their part. It has since been updated.

I did not opt to home educate one of my children. The decision was forced on me when I realised that the dysfunctional Education Services were academically and emotionally harming my son who has dyslexia. The system needs to change and work more effectively with parents.

When trying to email the home ed contact, it keeps coming back undeliverable. It seems the role has changed hands yet again but nobody has thought to inform us.

We are known to the council to be unschooling/AE. We've had no issues with it at all but initially withdrew from school in a neighbouring LA.

I have been considering making a request to withdraw my 14-year-old for home ed after being bullied out of it in the past. I was told by a certain official that he "would never be off my back" if I took my son out of school and it has always felt as if it's been personal. I have been too easily intimidated but am getting to the "what's the worst that can happen" stage!

They move the goal posts constantly, are inconsistent in the extreme and have let my daughter down over and over.

MIDDLE 12 LA CLUSTER

LA refused to accept that I didn't need their 'permission to home ed' my daughter as we had moved into the area. I said I would provide an outline of educational provision if they requested it in writing and said I wanted all further communication in writing, but then received a phone call from someone different, again stating I needed permission and that if I didn't 'apply' for it, the Scottish Govt would be contacted. I told her to acquaint herself with the legislation.

The council officer refused to grant permission and questioned my ability to home educate due to being a childminder and having issues with depression (which means she has been trawling my medical data illegally).

I emailed two of my local MSPs re my request for withdrawal now being in its 10th week with no decision. I was immediately contacted by one of them who agreed to investigate and I am cautiously optimistic.

I was told that we had "signed away all our rights to additional support" when we decided to remove our son from school. Since we didn't sign anything other than our letter requesting consent to withdraw, we're really curious about this supposed agreement. I informed the officer that the reason we decided to home educate in the first place was because the council couldn't meet our son's needs and his health was suffering as a result. We even had to pay for a private occupational therapist to diagnose his dyspraxia as the school said they couldn't even begin to consider support without a formal diagnosis and the waiting list to see an NHS occupational therapist was 6+ months.

A friend received a request for an update despite her son being back on the school roll for over a year. To add insult to injury, they didn't even get his name right in the letter they sent in error.

I've been through the withdrawal process twice. They can be pretty slow, especially if you apply across a school holiday, but weren't obstructive and seemed to view home ed pretty favourably. I agreed to meet with them, but don't think it would have been a problem if I chose not to.

I had a meeting with two officers who were friendly and supportive of my plans to home educate and I didn't feel pressured.

A school has told a mother who is wanting to withdraw that the LA are refusing all applications. They are also failing to respond to SARs. They are nasty bullies and a nightmare to deal with.

The QIO we had has retired and the replacement has asked for detailed information about provision and a report on 'progress', so sounds as though they're trying to impose more monitoring than before.

They always write that "we have to be satisfied" but never give any indication of what will satisfy them. They are setting goals without telling you what exactly it is you are aiming at, despite them having no legal right to do any of this.

The LA colluded with a coercive ex-partner to test children without consent (ignoring their objections) and bullied the parent with day to day care.

The LA seems quite adamant they will continue to share 'wellbeing' concerns as before (which was never legal) in contravention of the Supreme Court ruling.

The council's home ed page title reads: "How to get our consent to home-school your child – Home schooling". Seriously stupid mis-terminology from a LA and there have also been blatantly home-edophobic comments from elected members reported in the media.

Council is holding children hostage, refusing consent for all requests for withdrawal, totally ineffectual councillors and MSPs, complaints being ignored and SARS unfulfilled. Outrageous abuse of power is causing harm to children's mental health.

I have just been turned down again to remove my daughter's name from school roll. I provided a (revised) plan of proposed educational provision and quoted from legislation, but still they are 'not satisfied'. I have informed them I will now be making a complaint under section 70.

I met with the director of education, without my child, at his office, gave a brief outline of my proposed provision and that was it.

We had some trouble with a couple of specific people, not the LA in general.

My daughter's school didn't consult the ed psych, but she thought they should have done and caused us bother with social services in order to restore her damaged ego. She noted that we 'should not have been given permission to home educate', betraying her ignorance of the law. The LA also makes up the rules as they go along and we have to keep them in order.

I've been told by head teacher that my son is 'registered' at school and must start in August despite the law saying something quite different. I explained I had decided to home educate him but she insisted (wrongly) that he must start school. She also said if we move house it's her job to find out where we live and notify authorities. Who on earth would entrust their child to that sort of bully?

We removed our sons from school last year and have had no issues.

They refuse to agree to flexi schooling here. It's one or the other.

I've been trying to contact the home ed link person for months but can't get a hold of her by phone and she isn't answering emails.

Sent recorded delivery letter to the council 4 weeks ago. Not even an acknowledgement.

I believe they spoke to my daughter's school without my permission or even notifying me.

I did the whole thing via email and phone calls. It was fine.

They said they hadn't received my letter but I had a recorded delivery signature. Had to email it again before the 'clock' would start. The original letter had personal info about my daughter and medical information. I am fuming!

As a long-standing home educator, the LA left me alone and I only ever had one letter from them asking what we were doing. I invited them out and the woman asked could she bring her 'partner', then she showed up with the child protection officer who was totally embarrassed as we knew each other

professionally. That must have been three years ago and I've heard nothing from them since but other families are being hassled at the moment.

The nursery informed me there was to be a multi-agency meeting with everyone one he is involved with so that 'his future and what's best for him can be decided'. I've told them he won't be back and we'll be home educating.

The ed psych for this area point-blank refuses to engage with HE families.

LA sees a meeting as integral to the application process, and although I understand it is not a legal requirement, I'm happy to have a discussion. She suggested home or her office.

It says a meeting is expected in their 'application form' and I felt I had to agree to it after speaking to council officers.

Obstructive and sought to misrepresent the law. Tried to impose conditions before processing withdrawal consent.

The LA says a discussion is part of the process and when I called to complain that they weren't meeting the 6-week deadline, I was told that was unfortunate, but the meeting was best practice and required even if it pushed the decision beyond the 6-week period.

With middle class language and postcode, nothing to fear; otherwise, expect to be treated with disdain.

Council is known for being amenable to flexi schooling.

I took my son out of school prior to getting consent, but had contacted the educational psychologist and made a complaint about the school about a month before. Despite providing extensive evidence of our educational plans, they still insisted we meet but there was nothing more to discuss. They then refused consent but I moved to a neighbouring area two days later and am now home edding undisturbed.

Council insisted on meeting face to face. I went along, met for about 10 minutes and she called me two days later to confirm consent before sending a letter. She asked to meet up again about 3 months later and although I know I didn't legally have to, I did go along and she just asked about our typical day.

They do try and push for a visit, but if you say no forcefully enough they back off.

School arranged a meeting for me when I decided to home ed and they told me as I hadn't yet had permission to remove him, I was obliged to attend the meeting. Turns out I wasn't, so I sent them an email to cancel.

When she phoned to ask to visit me (well, her boss asked and she was to tag along, even after we put in a complaint about her), I just said no. Nothing else, just no, and the phone went quiet. Her boss then said "well that's your right" and I said "yes" and that was it. It ended quickly after that. Teachery type.

Had to deal with a right chancer inviting herself to my home after receiving my provision. Also tried to mislead me about a 'broad curriculum' and weekly timetable requirement. Sent packing.

It was straightforward with a simple plan and apart from one call after a year, I have had no contact in 3-4 years.

I met the officer once and she seemed fine but I got a vibe from her. Prior to that, she called our GP expressing concerns over us not wanting to meet her on Christmas Eve. My GP told her to take a flying leap and that she had no concerns about my child.

I hated the way I was treated like a bad mother by the LA. It was a nightmare and I didn't accept any meetings or phone calls after being lied to repeatedly.

My kid is only 4.5 due to start school in August but said I didn't need the place. Early years inclusion officer has asked for my home ed provision despite her not being of compulsory age. Seemed confused, even after I explained the law.

I hate the way the council behaves. They push and push, but when you want answers you can be waiting weeks for a reply.

Bullying drove us to home ed. School said if our child stopped telling she wouldn't be picked on so much. After two A&E visits we decided enough was enough and the council didn't dare object.

The council is cavalier about data collection and sharing, and overriding parental consent.

I have requested for my son to be educated at home as he suffers from extreme anxiety, but the school said they will object as he is just 'making excuses to stay at home'.

So far we have had a very positive experience. The QIO was excellent and very supportive.

Beaten up child, unsympathetic response from council to expediting withdrawal. Guttled I put my child in their care for him to be attacked. No call, no email nothing! I sent the pics of injuries and was shocked by her callous response.

I had a lot of run-ins with the council over bullying. I told them I wasn't comfortable sending my child somewhere I knew there was a good chance she would be subjected to physical violence. They left me alone after that.

I asked which part of the Education (Scotland) Act 1980 conferred upon them "a duty to ensure every child in its administrative area receives an appropriate education..." They referred it to their legal dept and the response confirmed that the text quoted was "not an accurate representation of the duties required of a local education authority as outlined in The Education (Scotland) Act 1980." They said they had amended their letter and apologised for "any confusion this may have caused".

With my son having additional needs, the woman said she would be contacting all external agencies without needing my consent. Sounded illegal to me and I was right.

I resent then implying something is a requirement. It'd be different if they said feel free to contact us if you have any questions.

The LA is bloody awful and not fit for purpose. I've now left Scotland and my son is thriving, loving home ed and has started his GCSEs online.

I met with one of their officers who has left and been replaced. I haven't met the new one, but the last lot wanted to see an environment close to a school one, even though we said it was child led/autonomous ed.

When we decided we didn't want more visits, they wouldn't take no for an answer, so it's best never to have them in the first place.

BOTTOM 10 LA CLUSTER

They weren't very clued up about laws and home education, nor did they seem to know where I could get any kind of support or resources other than "online, just Google it." They said they'd do a follow up call, but it didn't happen. That was 4 years ago and haven't heard from them since.

From officially requesting child's removal from school roll to having the process completed took maybe 2 weeks.

Had to query this over-reach: "Discussion with you and your children on the request and the plan. Children's views will be recorded. All agencies/services will be contacted and all records will be viewed and relevant personnel at the schools the children attend will be spoken to." I involved my MSP and went to a surgery that the leader of the council was holding that night, both of them were satisfied I had met the legal requirements and that the rest was unenforceable. After they became involved it took 24 hours for me to receive written confirmation.

I discovered (from a press article) the person I had to deal with and who was repeating nonsense about home ed had been sacked from their headteacher's position for 'gross misconduct'. Not very reassuring.

We met with her. She comes to your house to judge you and asks your children lots of questions, then says they haven't convinced her of why they should be allowed to be home educated. Makes you believe that you are the only person in the area and probably Scotland who has ever taken their children out of school.

Been told by council officer I must follow 8 curriculum subjects and she keeps saying how expensive home ed is. Also, that I must receive visits from her to help decide on whether to accept my HE proposal or not. I feel she's testing me to see how much she can get away with. I do not trust her.

Their leaflet on HE is full of incorrect information and overstepping. It says you must ask permission to HE and fill in a registration form and present your proposed provision for approval.

I received a letter yesterday saying that the council is updating its policies and will not now support flexi schooling, so my children must go back to school full time. No consultation and made me feel like my kids and their well-being were not really in the centre, the policy is.

My MSP is looking into the issues I have had with the council who are acting ultra vires. Not holding my breath.

We seriously considered home ed for our 11yr old but our local authority 'discourages' it and if we did, we would lose all additional supports for our son (ASN Outreach, SaLT etc). Having been restructured, they are now classed as allied services which can only be accessed through education.

We have found our local authority is very discouraging when it comes to taking children off the school roll to home educate.

I had the go ahead from the council to remove my daughter from school and so far have been letting her de-school and relax. The head from her school emailed me to wish us luck and said that the school facilities are open to her and if we needed any assistance. He also put us in touch with a Development Officer to advise on getting qualifications. I met with her last week and it was really positive. Basically, I tell her what my daughter wants to study and she provides the learning packs for me to teach at home. She will also provide a safe, quiet space at the school for my daughter to do her assessments and gain her qualifications, and has offered the use of the school facilities at times when it suits us. It very much feels like a win-win situation. I'm absolutely delighted with the outcome.

I gave them all the information they needed for the "application" prior to them sending me it. I also agreed to meet in a mutual place, which they refused. Dreadful council.

This LA is renowned for being abhorrent as well as downright useless. The local MSP isn't much cop either.

The council won't entertain my questions or reply to emails. They have already said they won't change their decision as I refused to fill in their paper work and refused a home visit (neither required by law). I had to make a formal complaint for them to reply to the questions I asked. The SPSO is apparently only there to make sure people act within their policies, whether lawful or not, and also used inaccurate terminology for which there is no excuse.

I agreed to a meeting in a neutral place. This was before I knew that I didn't have to. She wanted a timetable for home educating. I wasted months. Kept wanting more and more. Tried to get me to flexi school instead.

Our local authority discourages home education and have not listened to or accepted our situation and difficulties. We have no support except an Autism Outreach Support worker who visits once a week. If we declare ourselves to be officially home educating, we lose this support and will have no one.

Judging by their policy, the LA are making a lot of stuff up and deviating from the government guidance. Neither an application to home ed nor a meeting is required. Another LA not following guidance and making it difficult for parents and carers to home educate.

The LA have a reputation as being difficult over HE, also very slow on communications.

I have had a lengthy and ugly battle with the council. I received paperwork to fill up and send back, not following the guidance at all. I've asked them numerous times to tell me their concerns in writing. They have failed to do this.

I was accepted to remove him from the school roll on the basis of a home visit only. They have never asked me anything about my provision.

I'm pretty angry at their attitude right now. I've already made it perfectly clear that I know my rights and yet they still don't pay attention.

I'm not having any meeting with them. I've done the school meetings and my daughter is being let down by their inability to give her the support she needs. They've poked a sleeping tiger with me and I'm going to fight tooth and nail for her. Fear and intimidation at school is what's made my daughter's anxiety as bad as it is now. No one will intimidate me into backing down on what's in her best interests.

Dealt with a nasty, nasty bully.

Home school application? They have learned nothing in 8 years. I had the same back then, different people, same rubbish.

I was over the moon to receive consent less than 2 weeks after sending in my withdrawal request. No mention of visits and no additional forms to fill in. It was them that offered, I didn't approach them and it was before we had even considered home ed.

My daughter's school guidance teacher has just left me a voicemail to say she's received a letter from the council regarding us home educating. She's asked for me to phone back as it apparently needs a comment writing on it from both myself and my daughter. I didn't think the council wrote to the school and I did not give them permission.

My son has been off school sick and awaiting a paediatric appointment for further tests so won't be returning to school in the meantime, which I thought might make the council move faster but no such luck.

Last year I withdrew my 2 daughters from school and found the Council a nightmare, ignoring all my correspondence declining a meeting and unreasonable demands until I eventually caved just to get it over with. All in all, the process took over 3 months. I just wanted it sorted, but resent being lied to and coerced.

I was told the current process is being reviewed and asked to advise if I wanted council involvement, e.g. annual visit.

When I withdrew my son from school, they messed me about and didn't stick to the 6-week timescale but I declined their offer of a home visit. I got everything signed off after a very tetchy email from education about my lack of co-operation and my choice not to interact with them.

It's not been the full 6 weeks since my initial contact with them but I have no confidence in them after receiving a letter with forms to fill in (after already sending my outline of provision) and undertones implying only the CfE will do and a home visit is required. I felt I had to write back to them and point out the errors.

I found the council reluctant to give information out, reluctant to speak with me and reluctant to give me the name of the person I had to address my letter to. Deliberate concealment, you could say.

I'm new to Scotland and HE my 11-year-old. A private let fell through so we got a council house. The housing people reported me after I told them I had been home educating for years and said they had a legal responsibility to do so. A tenancy support worker also said she could legally check my son's work and enter my home, despite having no clue about education, "because of the named person law".

Just been issued with a school attendance order for the local high school despite daughter (aged 16½) being at college part-time and not even of compulsory education age.

They think they are above law and have stated to me in past they did not agree with home ed. Maybe they have their own wee dictatorship going on?

One incompetent individual could not find or respond to a plan of provision claiming it was lost/undelivered, then received and lost again, then apparently found but they chose to not read or respond to it.

I may buy the council a shovel for Xmas as they obviously enjoy digging holes.

Unprofessional bunch of chancers and incompetents.

Awful council. Corrupt beyond words.

Our kids have never been to school and we haven't been contacted by LA yet, but so far, I've heard only positive comments from people who home ed and are in touch with council.

Trying to contact them is a nightmare, like they are invisible.

It's 18 months since we started home ed. My sons were in P5, S1 and S3 at the time. We found it all quite straight forward although our first request was declined as they wanted the boys each to write and sign a note saying they wanted home ed and they wanted individual plans for each child. We put in a more detailed outline (still just an outline) and got consent that day so from start to finish it took 4 or 5 weeks.

They never requested a meeting and we got verbal consent initially followed up with a letter a couple of days later. They said they'd contact us after a year to see if we needed any support but we've not heard anything since. It's daunting though, I remember feeling so nervous about submitting the request. We filled

in the forms on the website and basically listed the subjects we hoped to study and how we planned studying. The lady we dealt with was really nice and supportive.

We had a positive experience from the home education officers in our LA.

No problems for us, no requests for a meeting. We did include a quote from our kids as I know they are very keen for children's opinions to be taken into consideration (unless they are at school).

The LA are generally compliant with the law, but they do like their 'form' which generally just asks for the info you'd put into an outline of provision. You do not in any way have to use the form, but it's on the council website. When we got our removal from school roll through, she phoned and apologised that it had taken 6 weeks (including 2 weeks of school hols, so well within guidance).

A friend is in the process of removing her children from school to HE. She has been told wrongly she has to meet with the LA before they progress her application. They have quoted 'named person law' despite the court ruling and asking for lots of hoop jumping so I've advised on the lawful process.

The council is a bit confused. They sent me a letter asking for info re A's home education. No mention of B. B has been home ed for 2 years, A was home ed for 6 months and been back at school for a year. The letter itself was quite good, quoted guidance, they just got the wrong child. Maybe their records are a mess and they don't realise. Watching with interest as they have been great in the past (mostly) sticking to guidance and leaving folk alone.

I got an update request for my daughter who has not been HE for nearly 2 years as she's been studying art at college!

I had a holding response from them after another reminder. She is hoping to have the info I asked for 'soon' (i.e. the info for parents leaflet that is missing from the HE policy and the information sharing guidance they are relying on in relation to HE families). It should be available on request and preferably published online. They should not have had to conduct an investigation to send over the policies they are supposed to be using.

They are apparently seeking legal advice after being told she wasn't allowed to conduct 'background checks' with previous schools etc. They seem very defensive when asked for info.

Forced home visits are their thing. She said I had to agree and the next stage is a school or education psychologist visit. She also asked me about how verbal my son was as they would need to talk to him too. I said his mental understanding is limited.

I have tried to explain on several occasions the difference between policy and law but they carry on regardless and alienate home educators like me who do know they are acting beyond their powers.

The LA officer is a lovely woman, if a bit over enthusiastic. One of her main concerns is with making sure you don't fall through the cracks with any additional support you may need. We had lots of contact at first when going through the process but she hasn't bothered us since. We agreed a 6-month review for my daughter and termly for my son as he had behavioural issues at school. These were written into my consent letter but I know it holds no water now that they are off the roll.

Not co-operating with non-legally compliant guidance is by default seen as being obnoxious or a problem. The fault lies with the LA - simply, they should comply with the law.

I always make it clear that I am aware what is and is not a legal requirement, and that although I may be willing to comply, others may not be and that is their right.

She told me she had to meet me at my home to check my house was suitable for HE. So immediately I thought no. Then she agreed it's not a legal obligation so I think they throw claims around to test the waters.

"The Home-Link teacher will in every case meet the family to discuss their proposals; explain legal obligations; outline Schools Service duties, and obtain written confirmation of parents' intentions." Oh no they won't!

They seem to make up their own 'legislation' out of thin air!

Had a meeting at school and the head teacher said he would have grave concerns and it wouldn't be in my child's best interests to be home educated as he needs to be in school to socialise or he will become isolated. I said he will attend youth club, swimming lessons, horse riding lessons and cubs, but the head

said youth club the other kids would exclude him as he isn't at school with them. He also said my 2-bedroom house would be too small as he wouldn't be able to go out in the winter! The council officer said those comments would go in her report and she would be conducting background checks on us. I'm being pushed to withdraw the application which isn't what I want to do.

Part of the application is an officer comes to discuss your educational plan and resources and other questions such as what would a working day look like before filing a report before you can get consent to withdraw.

The LA are clearly making it up as they go along.

She said she would go into his school to get his views, never asked my permission. I went to a meeting with the head, teacher, additional needs worker (who doesn't work with my child) and home link worker, who then came to my house for 2 hours.

The LA have written to ask how my husband will interact with my son on the days I am not there (we both work part time and are surrounded by close family) and for more details on our education objectives, although they have already been given our outline of provision according to guidance.

I have already submitted a full educational philosophy, an outline of educational provision, answered their list of questions on how we will document and assess progress, had a visit and have previously home educated in England with evidence of success. In the LA report about their home visit they contradict themselves and request more detail even though 'at this stage details are not required!' I have more than fulfilled my obligations and I'm pretty fed up now.

I was hoping to have heard back from the LA by now as it's been 11 weeks. Every time I call the lady is not available and has not returned calls.

I had a visit from them after putting in my request to withdraw from school (was told I had to have this meeting or they wouldn't progress the application). She said she has concerns that my son wouldn't socialise enough and would become isolated so she wants him to flexi school instead. I don't particularly want to flexi school but had to agree to meet the school to discuss.

I submitted my letter and heard from head of education who wants to meet in person. She also has a social worker meeting my children to gather their views. I am really very anxious as it seems like they have issues and are not telling me. She said she is happy with the outline of provision so I am confused why the views of the children are being elicited as the responsibility on how I choose to educate is mine as long as I can provide a suitable education. I am so scared all this is going to lead to a massive fight on my hands and the local authority. I have 2 unhappy children hating going to school, so much for caring about the views of the children.

The home ed contact for the council (assigned named person) posted inappropriate, prejudiced comments on a public political online forum in response to someone raising concerns about data trawling by schools, from which I inferred that she did not approve of parents who decline voluntary services or hold different beliefs.

The council was adamant that we had to get in touch with the education board and apply to have our child removed from being enrolled. I haven't ever applied for her to go to school as she is under school age and she has only attended a nursery, but they insisted we had to do this to have her taken out of the system. Utter codswallop.

Tired of the council's dishonesty and poor attitude as our servants.

We came with happy, achieving children, then we put them in a local school with the head from hell, as evidenced by our SARs. I wish we had never come back here.

I asked the 'quality improvement officer' about flexi and they said they do not such thing here.

I sent letter to the council, notified the school and just never put them back. Head teacher phoned saying I was doing wrong taking them out and school was best, but 2 weeks later I got a letter from head of education saying my request had been granted and they would take them off the roll.

They said I'd have to have an interview to discuss if I can home educate and tell them what I will be teaching and the process may include home visit.

The point of their form, quite clearly, is to get you to agree to a meeting or home visit. They cannot insist upon one, but they are asking you to sign a form saying that you agree to one. It is also worded to imply that you are applying to home educate, which is your right and for which you do not need their permission. Very sneaky, or else maybe just pig ignorant.

The LA is being resistant to someone trying to withdraw their children from school without monitoring. This seems to be their policy and they have sent out some scary forms. I'm quite new at this yelling at people thing, but they need to be called out.

Spoke to education who made it sound difficult. They also said they needed to meet with us all.

The council has been OK so far, albeit a bit pushy with wanting me to fill in forms with mention of a visit but I didn't fill them in. I submitted a basic plan of provision but that was easy enough. I didn't meet with them, got my yes within about 4 weeks.

I kept my desperately unhappy child off school despite the head threatening me with truancy officers and the police. Met with the council officer re home ed the following week and she emailed the school while we were there which took the pressure off.

Unfortunately, the highly professional, efficient and well-respected home ed officer has retired. Our more recent contact with the council has been quite disappointing.

Council insisted on me filling out their consent for withdrawal form after refusing to accept my letter of request that included an outline of provision. In addition, they insisted both parent and child meet with the head teacher who then decides whether to put forward a recommendation for withdrawal to the LA Head of Schools. I've been told this responsibility has recently (wrongly) been devolved to head teachers. My daughter was reluctant to attend the meeting but I was afraid to rock the boat until we'd been granted consent for withdrawal. Their policy is not at all supportive of home education. From a parent's perspective it has a very threatening undertone.

I wrote the letter to remove my daughter from school and it was sent back with their form which 'had' to be filled out. That was then also returned as they stated it didn't contain enough information written by my daughter rather than me. She refused to write more (ASN/PDA) and they refused to remove her from the school roll. We are now in our third year of home ed but she has never been removed officially from school, they just seemed to accept she wouldn't be attending.

The LA remains high up on the naughty list! Stating that they are arriving to the family home for a Home Visit and written in such a way that the family has no choice; stating that they require access to the children and to see samples of work. The wording in the letter was shocking.

Our LA has a form to fill in (not optional) then a meeting with a head teacher. The council officer was nice enough but didn't seem to know much about the process.

Son was home educated and sat no exams as getting him well again was our priority, but the home ed contact pointed him in direction of STEM course at college, age 16. He has done so well and a year later has three offers for Uni.

The council likes to visit homes and even the paper work said they 'granted me permission to home ed' when technically they were only asked to process consent to withdraw from school.

LA letter says a visit is the next stage of the process so she can gather info to give to the head of education who will then make their decision. I don't want them in my home but don't mind chatting about our plans.

I declined a visit because I've been at this a long time and it is my decision. I am also really against them claiming we need to do things which are actually our choice. Misinformation irritates me.

I met with her last year and she was actually very nice, just wanted to go over the provision I had emailed and had a few questions. She was understanding and supportive of my reasons and consent was given in 6 weeks.

I wrote my letter to withdraw my daughter and they replied two weeks later asking for a home visit which I declined the same day. When I called them, I was told I had to have a meeting or home visit 'to prove that I am providing an efficient and suitable education because of policy and legislation'. I told her I wanted to keep everything in writing, explained that I was asking to remove my daughter from the roll, didn't need permission to home educate and said that I have provided a plan. She persisted with the lie that I needed

permission to home educate and that she knows the legislation 'very well'. Such mind-blowing ignorance and arrogance combined!

LA ignores everything I say and the government guidance, parroting unlawful demands and misrepresenting the law. It seems like they know they can drag their heels and delay as much as they like because there is nothing I can do. I went to see a local MSP about it as I didn't know what else to do. Neither did he!

Got an email acknowledging receipt of my letter to withdraw asking me to contact them to arrange a home visit. I know I don't have to agree to this, but others might not be aware and it is unacceptable to mislead the public in this way.

APPENDIX I

Policy vs. practice – overall performance

Local Authority (Top 10 Cluster)	Policy Score	Users' Review	Difference
Aberdeenshire	9	1	-8
Dumfries & Galloway	9	1	-8
Fife	8	5	-3
Glasgow	8	4	-4
Highland	8	1	-7
Inverclyde	9	3	-6
Moray	8	9	+1
North Lanarkshire	8	9	+1
Perth & Kinross	8	3	-5
South Ayrshire	9	4	-5

Local Authority (Middle 12 Cluster)	Policy Score	Users' Review	Difference
Aberdeen	7	6	-1
Argyll & Bute	6	3	-3
Comhairle nan Eilean Siar	7	3	-4
Dundee	6	6	0
East Lothian	6	2	-4
Edinburgh	7	8	+1
Orkney	6	5	-1
Renfrewshire	7	2	-5
Scottish Borders	7	7	0
Stirling	6	6	0
West Dunbartonshire	6	4	-2
West Lothian	7	4	-3

Local Authority (Bottom 10 Cluster)	Policy Score	Users' Review	Difference
Angus	3	3	0
Clackmannanshire	1	3	+2
East Ayrshire	4	4	0
East Dunbartonshire	2	2	0
East Renfrewshire	4	4	0
Falkirk	2	6	+4

Midlothian	1	2	+1
North Ayrshire	1	4	+3
Shetland	2	3	+1
South Lanarkshire	3	4	+1