



West Lothian  
Council

## ***Education Policy Development and Scrutiny Panel***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

22 August 2013

A meeting of the **Education Policy Development and Scrutiny Panel** of West Lothian Council will be held within **Council Chambers, West Lothian Civic Centre** on **Tuesday 27 August 2013** at **10:00 a.m.**

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Confirm Draft Minute of Meeting of Education Policy Development and Scrutiny Panel held on Tuesday 11 June 2013 (herewith).
5. School Excursion Policy - Report by Head of Schools and Education Support (herewith).
6. Consultation on Amending the Schools (Consultation) (Scotland) Act 2010 - Report by Head of Schools with Education Support (herewith).
7. Educating Children and Young People at Home Policy - Report by Head of Education (Quality Assurance) (herewith).
8. Workplan (herewith).

DATA LABEL: Public

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**NOTE For further information please contact Elaine Dow on 01506 281594  
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MINUTE of MEETING of the EDUCATION POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE on 11 JUNE 2013.

Present – Councillors Lawrence Fitzpatrick (Chair), David Dodds, John McGinty, Andrew Miller and Jim Walker; Appointed Representatives; Lynne McEwen, Myra MacPherson and Graham Stormont

Apologies – Councillor Stuart Borrowman; Appointed Representatives, Elsie Aitken, Eric Lumsden and Elizabeth Hands (Senior People's Representative)

1. DECLARATIONS OF INTEREST

Councillor David Dodds declared a general non-financial interest in that his wife worked as a nursery nurse within West Lothian Council and his son worked as a teacher within West Lothian Council. He also declared a non-financial interest as a member of the Education Institute for Scotland.

2. MINUTE

The Panel confirmed the Minute of its meeting held on 28 May 2013 as a correct record.

3. 'TEAM 1' YOUTH FORUM SUCCESS AT YOUNG SCOT AWARDS 2013

Report by Head of Schools with Education Support

The Panel considered a report (copies of which had been circulated) by the Head of Schools with Education Support providing background information on the Team 1 Youth Forum and their recent success at the Young Scot Awards 2013.

The Head of Schools with Education Support explained that Team 1 Youth Forum had formed back in 2009 following the first Blackburn Schools Conference of that same year. The conference brought together Primary 7 pupils from three different primary schools and the special school in Blackburn to discuss and act upon the issues they had identified within their community.

Each school was represented by pupils on the Conference Planning Group and following the event, the core of the group – the four young people who still constituted Team 1 – continued to be actively involved in the groups after they progressed to their respective secondary schools. Since then they had been supported by staff and volunteers from Community Action Blackburn to develop numerous initiatives and activities in the community through working with Community Planning partners and other community organisations. In terms of council services this included Community Youth Services, Regenerations, Licensing, Property Services and Nets and Land Services.

The report continued to provide information on the Young Scot Award 2013 event that had taken place on 19 April 2013. Team 1 had been nominated as a finalist for the Community Award, which was sponsored by the Scottish Government. The awards showcased ordinary young people, aged between 11 and 26, who had made a positive impact on their local or wider communities. At the event the Team 1 Youth Forum went on to win the Community Award Category.

The Panel were asked to note and congratulate Team 1 youth forum on their recent success on winning the community award at the Young Scot Awards 2013.

#### Presentation by Team 1 Youth Forum

Team 1 Youth Forum members Jamie MacBeth and Rachel Dodd and Alison Kerr of Community Action Blackburn provided the Panel with an overview of the project “Changing Attitudes to Alcohol” which was a community led and owned project which sought to identify and address community issues around alcohol. The project aimed to work with the community to find solutions together and particularly engage with young people.

By involving Team 1 Youth Members the voices of young people in the community would be heard and therefore they would be part of the solution. The achievement of the young people’s group to date included 2 community notice boards, community clean-ups, additional litter and dog waste bins and a community mural depicting young people’s view of the origins of the village. Additionally the young people had secured £50k to assist with the upgrade of King George V Park.

The presentation continued to provide a list of the many achievements of the team over the time since they had first been formed and all of which had accumulated in the winning of the Young Scot Award in April 2013.

#### Decision

1. Noted the contents of the report and the presentation; and
2. Congratulated all those involved, especially the young people, on their many successes and achievement, to date, in particular the Young Scot Award recently presented to the Team 1 Youth Forum.

#### 4. EDUCATION SERVICES MANAGEMENT PLAN

The Panel considered a report (copies of which had been circulated) by the Head of Schools and Education Support and Head of Education (Quality Assurance) which advised of the Education Services Management Plan for 2013-14.

The report advised that understanding the value of effective planning and committed to its principles as delivering outcomes effectively and efficiently, West Lothian Council had identified Management Plans as an

essential driver for the provision of excellent services.

Containing critical information on the management of the service area, the plan provided an overview of :-

- The service and activities that Central Education Services provided;
- The aims and objectives of the service that were to be communicated to elected members, staff and partners;
- How success would be measured and the targets that were to be achieved; and
- The improvement activities that the service was committed to completing in order to change or improve services.

The Management Plan would be utilised by the management team and stakeholders to assess and gauge performance and improvement.

#### Decision

To note the contents of the Education Services Management Plan for 2013-14

#### 5. EARLY YEARS PRE-SCHOOL SWIMMING PROGRAMME

The Panel considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) providing an update in the Targeted Intervention Swimming Programme.

The Panel were advised that in 2011-12 funding from sportscotland and Scottish Swimming enabled West Lothian Council to deliver a pilot swimming programme aimed at the early years. This programme for pre-school children was targeted across 41 nursery schools within areas of relative deprivation and a total of 319 children received an 8-week block of free swimming lessons. The initial success of the pilot secured a time limited budget of £25,000 per year from financial year 2012-13. This was broken down between the Early Years Pre-School Swimming Programme (£15,000) and Sure Start (£10,000).

With regards to the Early Years Pre-School Swimming Programme this was currently delivered across all primary schools in West Lothian, with parents and carers given an option to select a pool site and either a morning or afternoon session. West Lothian Leisure supported by Swim West Lothian had responsibility for liaising directly with the nurseries and for the administration of the programme. Additionally the intervention programme would focus on delivering free lessons within areas where a high percentage of P5 non-swimmers was evident.

The working partnership of Sure Start, The Health Improvement and Outreach Teams had devised a programme to provide swimming provision to targeted nursery children and their parent or carer, especially

were the adult was unable to swim. Ante-natal and post natal classes would also be made available to encourage mothers to gain confidence to take their babies swimming. The funding would also help pay for practical things like swim nappies, swimming costumes and towels which would sometimes be a barrier to people accessing the opportunity to swim.

The Panel were asked to note the Early Years Pre-School Swimming Programme and the planning outcome to decrease the number of children unable to swim by targeting areas with a high percentage of P5 non-swimmers over the next three years.

#### Decision

To note the contents of the report.



West Lothian  
Council

**EDUCATION POLICY DEVELOPMENT AND SCRUTINY PANEL**

**SCHOOL EXCURSION POLICY**

**REPORT BY HEAD OF SCHOOLS AND EDUCATION SUPPORT**

**A. PURPOSE OF REPORT**

To invite members to consider a draft School Excursion Policy, revised in light of recommendations by the Council's Corporate Health and Safety, and revised guidance from the Scottish Government.

**B. RECOMMENDATION**

To recommend to the Education Executive that the draft School Excursion Policy be approved.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The draft Excursions Policy has been developed in line with revised 'Going Out There' National Policy, and in order to ensure compliance with the Council's statutory obligations for Health and Safety.
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	None
<b>VI Resources - (Financial, Staffing and Property)</b>	None
<b>VII Consideration at PDSP</b>	Underway
<b>VIII Other consultations</b>	Policy users, Headteachers, Local Negotiating Committee for Teachers, Parent Council Representatives.

## **D. TERMS OF REPORT**

The existing Excursions Policy has been in place for a number of years. An audit of compliance with the policy by the Council's Corporate Health and Safety identified a number of areas where greater clarity would help ensure that schools complied with the requirements of the policy. The Scottish Government has recently published Going Out There – Scottish Framework for Safe Practice in Off-site Visits, which seeks to balance the requirement to ensure the health and safety of all participants in educational excursions, with the need to ensure that excursions remained an important part of all children's education. Experience in the operation of the existing policy has identified a number of areas of good practice that can be included within a revised policy.

In light of these drivers for change, the Excursions Policy was rewritten. The opportunity was taken to make more explicit the procedures to be followed before, during and after an excursion, in order to improve compliance with the requirements of the policy. The opportunity was also taken to ensure that the new policy reflected the Going Out There – Scottish Framework for Safe Practice in Off-site Visits.

Initial consultation took place with a small group of practitioners, including representatives of Corporate Health and Safety, Area Services and Secondary Schools. Further consultation then took place with Parent Council representatives, the teaching unions and all Headteachers. The opportunity was taken to reflect emerging good practice from across the Council.

The contents of the policy are broadly similar to the existing policy. Throughout each section, however, the policy has been updated to ensure that clear and explicit guidance is given to those organising excursions on the procedures that are required to be followed. New sections on insurance and transport have been inserted, along with a new 'debrief' form.

## **E. CONCLUSION**

Members are invited to consider the draft Excursions Policy, revised in light of recommendations by the Council's Corporate Health and Safety, and revised guidance from the Scottish Government, and to recommend to the Education Executive that the draft Excursions Policy be approved.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: Draft Excursions Policy

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**James Cameron**

**Head of Schools and Education Support**

27 August 2013





**Policy:**

**School Excursion Policy**

Author:  
Service:  
Last Updated:

Andrew Sneddon  
Education  
August 2013

Education & Cultural Services

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## **1. INTRODUCTION**

The Council recognises that excursions out of school enhance the educational experience of pupils. They should have a clear educational purpose and pre-determined educational objectives which underpin the Curriculum for Excellence Framework. These should be shared with parents/carers. It is essential that excursions are properly planned. This policy is designed to provide a framework for excursion leaders to use when planning an excursion. This policy will not apply to excursions organised by parents or the parent council.

## **2. DEFINITION OF SCHOOL EXCURSION**

An excursion is any visit that is arranged by teachers and other West Lothian Council staff for pupils. This will include day or evening visits of a curricular nature, day/evening visits of an extra-curricular nature, overnight/residential excursions, outdoor education and foreign excursions, and will include the following examples:

### **Day/evening visits of a curricular nature**

- Any activity or excursion out with the school boundary
- History field excursion
- Biology visit to Botanic Gardens
- Drama visit to theatre
- Visit to Time Capsule
- Visit to a Music Performance
- Excursion to the library
- Excursion to Country Park
- Outdoor education
- Pupils on alternative curriculum undertaking activities out with the school boundary
- Pupils undertaking classes at another school
- Pupils undertaking work experience (covered by Work Experience Policy)

### **Day/evening visit of an extra-curricular nature**

- An outing to watch a sports event
- An outing to a theme park
- Participating in a sports event
- Participating in a cultural event

### **Overnight excursions in the UK**

- Weekend excursion to Lagganlia
- Two day visit to London

### Foreign excursion

- Water sports excursion to France
- Skiing excursion to Switzerland
- Battlefield excursion to Belgium
- Exchange visits for Modern Languages

### 3. REPEAT/REGULAR SCHOOL EXCURSIONS

The policy will apply to all excursions, and this will include repeat and regular excursions.

Repeat and regular excursions will include weekly excursions to the swimming pool, regular visits to the library, regular visits to Howden Park Centre, and pupils on alternative curriculum undertaking activities out with the school boundary.

In the case of repeat and regular excursions, mandatory permissions and advice as set out in Section 4 below, and the mandatory planning checklist set out in Section 5 need only be completed

- on the first occasion the excursion is undertaken;
- when any significant change to the excursion is made; and
- at least annually thereafter.

### 4. MANDATORY PERMISSION AND ADVICE FOR ARRANGING SCHOOL EXCURSION

This is the **mandatory** procedure to be followed for all school excursions. It is **essential** that each step is followed.

- ***Approval must be sought, as set out below, at the start of planning for excursions before any arrangements are made i.e. collecting deposits.***
- Member of staff organising excursion undertakes initial risk assessments following the instructions in Section 8 of this policy.
- Member of staff organising excursion must seek appropriate **professional advice** (from Team Leader, Sport and Outdoor Education, Low Port Centre) depending on the nature of any activities to be undertaken i.e. sporting activities, activities with risk to participants.
- Member of staff organising excursion must seek **school permission** by completing form EE0 form - Request for Approval of School Excursion and submits it to the Headteacher, or designated member of SMT with responsibility for school excursions, along with supporting documentation including initial risk assessments, and any professional advice sought, for approval.
- Once school approval obtained, member of staff organising excursion must seek **Sport and Outdoor Education permission** by completing form EE1– Request for Approval of School Excursion involving Foreign Travel, Overnight Stay or Outdoor

Education where appropriate. Form EE1 is submitted to the Team Leader, Sport and Outdoor Education, Low Port Centre for approval, and any professional advice sought. This should be undertaken at least **four weeks** before the proposed excursion (**eight weeks** for a foreign excursion).

- Once Sport and Outdoor Education approval obtained, member of staff organising excursion must seek **parental/carers permission** by distributing form EE2 – Parental/Carer Agreement to Educational Excursion to all parents/carers.
- Once form EE2 returned from parents/carers member of staff organising excursion must seek **advice on any medical issues/additional support needs/other needs** raised (from Occupational Health/Health and Safety/Additional Support for Learning Team)
- ***If the above permissions and advice have not been obtained an excursion cannot take place. It is the responsibility of the member of staff organising the excursion to leave sufficient time for all steps to be completed, and to liaise with those required to give permission or advice.***

### 5. MANDATORY SCHOOL EXCURSION PLANNING CHECKLIST

Use of the excursion planning checklist by the Excursion Leader, and the undertaking of all steps on the checklist, is **mandatory**

EXCURSION TITLE .....

EXCURSION DATES .....

EXCURSION LEADER .....

INITIAL PREPARATION	DATE	SIGNED
<ul style="list-style-type: none"> <li>Seek permission and advice as set out in Section 4 of the School Excursion Policy</li> </ul>		

DETAILED PREPARATION	DATE	SIGNED
<ul style="list-style-type: none"> <li>Plan staff numbers, roles, responsibilities</li> </ul>		
<ul style="list-style-type: none"> <li>Plan financial arrangements including cash collection and cash holding</li> </ul>		
<ul style="list-style-type: none"> <li>Ensure insurance in place</li> </ul>		
<ul style="list-style-type: none"> <li>Plan first aid provision</li> </ul>		
<ul style="list-style-type: none"> <li>Consider child protection implications and agree any necessary action</li> </ul>		
<ul style="list-style-type: none"> <li>Make provisional bookings for transport, equipment, accommodation etc</li> </ul>		
<ul style="list-style-type: none"> <li>Provide initial information to parents/carers and pupils including, staff involved, total costs, transport arrangements, activities and risks, behaviour/code of conduct.</li> </ul>		
<ul style="list-style-type: none"> <li>Distribute form EE2 – Parental/Carer Agreement to Educational Excursion to all parents/carers.</li> </ul>		
<ul style="list-style-type: none"> <li>Seek advice from parent on any medical issues/additional support needs raised (from Occupational Health/Health and Safety/ASL Team) and agree any necessary action</li> </ul>		
<ul style="list-style-type: none"> <li>Ensure that procedures are in place for carriage of medicines of a high risk nature</li> </ul>		
<ul style="list-style-type: none"> <li>Identify contingency and emergency arrangements, including designated school emergency contact</li> </ul>		
<ul style="list-style-type: none"> <li>Finalise party composition (staff and pupils)</li> </ul>		
<ul style="list-style-type: none"> <li>Ensure that for any excursion requiring time out of school, pupil names are circulated to staff two weeks prior to the excursion taking place</li> </ul>		
<ul style="list-style-type: none"> <li>Log excursion on school calendar</li> </ul>		
<ul style="list-style-type: none"> <li>Discuss class cover implications with member of staff responsible for cover</li> </ul>		

<b>FINAL PREPARATIONS</b>		
<ul style="list-style-type: none"> <li>• Confirm and record staff roles and responsibilities including supervision. Brief all staff.</li> </ul>		
<ul style="list-style-type: none"> <li>• Confirm and record contingency and emergency contacts/procedures. Brief all staff.</li> </ul>		
<ul style="list-style-type: none"> <li>• Ensure excursion party emergency contact details (i.e. copy of form EE2s), copies of travel documents, insurance documents, medical papers left in folder in prominent place in school office and a copy is given to designated school emergency contact</li> </ul>		
<ul style="list-style-type: none"> <li>• Confirm travel arrangements</li> </ul>		
<ul style="list-style-type: none"> <li>• Confirm accommodation</li> </ul>		
<ul style="list-style-type: none"> <li>• Inform and prepare all participants on all aspects of excursion</li> </ul>		
<ul style="list-style-type: none"> <li>• Conduct final risk assessment and submit to Headteacher, or designated member of SMT with responsibility for school excursions</li> </ul>		
<b>AT THE START OF THE EXCURSION</b>		
<ul style="list-style-type: none"> <li>• Check and record presence of all participants and change list if necessary. Ensure school copy is also changed.</li> </ul>		
<ul style="list-style-type: none"> <li>• Remind participants of grouping and supervision arrangements</li> </ul>		
<ul style="list-style-type: none"> <li>• Remind participants of contingency and emergency plans and check understanding</li> </ul>		
<ul style="list-style-type: none"> <li>• Check that pupils have sufficient supplies of any necessary medication with them, e.g. inhaler for asthma</li> </ul>		
<ul style="list-style-type: none"> <li>• Check equipment</li> </ul>		
<ul style="list-style-type: none"> <li>• Check weather forecast and road conditions</li> </ul>		
<ul style="list-style-type: none"> <li>• Take a copy of all EE2s, copies of travel documents, insurance documents, medical papers on excursion</li> </ul>		
<b>AFTER EXCURSION</b>		
<ul style="list-style-type: none"> <li>• Inform school contact/emergency contact of safe return if the excursion is out with the school day</li> </ul>		
<ul style="list-style-type: none"> <li>• Return resources</li> </ul>		
<ul style="list-style-type: none"> <li>• Review the excursion, record and implement any action required on the Debrief Form</li> </ul>		
<ul style="list-style-type: none"> <li>• Submit incident reports if necessary</li> </ul>		

## 6. ROLES AND RESPONSIBILITIES

### 6.1 The Headteacher (or designated member of SMT with responsibility for school excursions) will:

- Consider the Request for Approval of School Excursion form EE0 submitted in relation to each proposed excursion.
- Be fully conversant with relevant West Lothian Council policy, guidelines and procedures and take overall responsibility for their application to each excursion.
- In particular, in relation to each excursion, the Headteacher will:-
  - Ensure that the excursion has suitable aims and effective ways of achieving them.
  - Ensure that all staff involved in excursions are fully conversant with relevant West Lothian Council policy, guidelines and procedures.
  - Ensure that all staff involved in excursions are competent and sufficiently experienced. Experience can be demonstrated, for example through participation in an excursion of the type being planned in a role supporting the experienced Excursion Leader.
  - Ensure that roles and responsibilities of all staff involved in excursions are clearly defined, based on the roles and responsibilities set out in this policy (i.e. first aid, administration of medicine).
  - Ensure that proposed excursion or activity is appropriate to pupil abilities.
  - Ensure that permission has been obtained and that parents/carers are informed appropriately of all relevant information including emergency contacts, code of conduct etc.
  - Ensure that appropriate risk assessments have been completed and proportionate safety measures put in place.
  - Ensure that effective child protection procedures are in place.
  - Ensure that insurance arrangements are in line with Council policy and procedure, and that all parents/carers are informed of the insurance arrangements.
  - Ensure that financial arrangements are in line with Council policy and procedure, including that cash collection and cash holding is in accordance with sections 5 and 8 of the Council's cash procedure and that cash holding is minimised and does not exceed the relevant insurance limit.
  - Ensure contingency procedures and procedures in case of emergency are in place.
- Devise an effective system to review and assess excursions.

**The Headteacher will retain ultimate responsibility for all excursions.**

### 6.2 The Excursion Leader will:

- Be fully conversant with relevant West Lothian Council policy, guidelines and procedures, including child protection.
- Undertake the mandatory steps set out in Section 4 of this policy.
- Undertake all other planning for the excursion as set out in the mandatory check list in Section 5 of this policy.
- Select the staff team for excursion, in particular a deputy leader who will take responsibility in the event of an emergency.

- Delegate responsibilities as appropriate to other members of the team, in line with the roles and responsibilities set out in this policy (i.e. deputy leader, first aid, administration of medicine)
  - Liaise with parents/carers and ensure that parents/carers have received all relevant information regarding the excursion be provided with all relevant information regarding the excursion including the learning objectives of the excursion, the venue and activities, insurance arrangements, transport arrangements, first aid arrangements, emergency arrangements and any periods of 'free time' when pupils will have reduced or no direct supervision.
  - Hold a parent/carers meeting for overnight or foreign excursions.
  - Inform and prepare pupils for excursion.
  - Ensure the health and safety of the participants, and the maintenance of order and discipline.
  - Provide the Code of Conduct.
- **The Excursion Leader will take responsibility during the excursion.**

### **6.3 Members of Staff Accompanying the Excursion**

#### **Staff accompanying the excursion will:**

- Take specific responsibility for an aspect of the excursion, in line with the roles and responsibilities set out in this policy (i.e. deputy leader, first aid, administration of medicine) as delegated by the Excursion Leader.
- Assist in ensuring the health and safety of the participants, and the maintenance of order and discipline.

### **6.4 Parents/Carers Responsibilities**

#### **Parents/carers will:**

- Complete form EE2 – Parental/Carer Agreement to Educational Excursion for **all** excursions falling within the definition in this policy
- Acknowledge receipt of information supplied and agree or otherwise to their child's participation
- Confirm relevant aspects of ability and fitness of their child, and any particular medical or other needs
- Provide all information requested by the Excursion Leader in order to ensure the well-being of their child
- Consent to essential medical treatment
- Acknowledge and agree expected behaviour of their child during the excursion, including the Code of Conduct where appropriate
- Confirm contact telephone number(s) for the period of the excursion

### **6.5 Participants Responsibilities**

#### **In agreement with parents/carers and the Excursion Leader, participants will:**

- Not take unnecessary risks



- Follow the instructions of the Excursion Leader, other staff, and staff at the venues visited
- Dress appropriately
- Behave in accordance with normal school rules and discipline or code of conduct where appropriate

## **7. CODE OF CONDUCT**

The excursion leader must establish expectations of behaviour in advance for both pupils and parents/carers.

For day/evening excursions pupils and parents/cares should be informed that:

- normal school rules and disciplinary sanctions apply and that a high standard of behaviour is expected.
- pupils must follow the instructions of the excursion leader and other supervisors including those at the venue of the excursion
- pupils must dress appropriately

A written code of conduct must be put in place for overnight and foreign excursions. The excursion leader must make it clear to participants that they must accept the code of conduct as established in advance of the excursion. Parents/carers will be informed that they are expected to reinforce the excursion's code of conduct with their child.

Parents/carers should be asked to agree the arrangements for sending a participant home and if necessary, who should meet the cost.

A sample code of conduct is included as appendix 4.

## 8. RISK ASSESSMENT

The Council is responsible for the health safety and welfare at work of its employees, and has a duty to ensure, as far as is reasonably practicable, the health and safety of others. This includes all participants in school excursions.

At least two risk assessments must be carried out for all excursions, one at the initial planning stage to inform the detailed planning of the excursion, and one at the end of the detailed planning process. The purpose of these risk assessments is to ensure that all significant risks have been identified and control measures implemented.

Risk assessment should include the following considerations:

- What are the hazards (including during travel)?
- Who might be affected by them?
- Are staff competent and sufficiently experienced to lead the excursion, taking account of the nature of the excursion and the hazards identified?
- What supervision ratio is appropriate to the excursion and the participants?
- What safety measures need to be taken to reduce the risk?
- Can the group leader ensure that the safety measures in place are adhered to?
- What steps will be taken in an emergency?
- What steps can be taken to ensure Child Protection?

Many venues will have conducted their own risk assessments which can be made available to visiting schools. These may be incorporated into, or used as the basis for, the excursion leader's risk assessment, but will not remove the necessity of conducting risk assessments, and the responsibility for conducting risk assessments, as set out in this section. The Excursion Leader should consider the qualification of the person conducting the venue's risk assessment, if known, and how recently it was carried out.

Completed risk assessments must be submitted to Headteacher, or designated member of SMT with responsibility for school excursions, for retention. A copy of completed risk assessments must accompany form EE1.

Training in carrying out risk assessments is available through the CPD directory.

Examples of risk assessment forms, and further guidance are accessible in Edweb (see Section 18).

## 9. FIRST AID

First Aid must form part of the risk assessment for the excursion. The excursion leader must assess what level of First Aid might be needed. This must take into account the medical needs of pupils participating in the excursion as declared on the Form EE2 or otherwise disclosed to the school. Provision must be made to cater for the particular needs of pupils participating in the excursion, for example administration of epi-pen.

The Excursion Leader must have ready access to a suitably stocked First Aid kit. One member of staff accompanying the excursion must be designated as responsible for first aid. All adults on the excursion should know how to contact the emergency services.

For overnight and foreign excursions it is essential that at least one member of staff accompanying the excursion holds a current first aid certificate.

For day/evening excursions the risk must be assessed. Factors to consider will include the individual medical needs of participants, the length of time the excursion will last, whether the excursion will take place in an area remote from emergency assistance.

## 10. MEDICAL AND OTHER NEEDS, INCLUDING DIETARY NEEDS

The Excursion Leader must hold written information detailing participant's medication and other needs, including dietary needs, and must put in place arrangements to ensure that these needs can be met.

All adults accompanying the excursion should be aware of participant's medical and other needs, including dietary needs. A member of staff accompanying the excursion should be identified as having responsibility to support and administer medication if required to do so, in line with the Council's Guidance on the Management of Medication, Medical Assistance and Therapy Intervention in Educational Provision.

Training may be required to be put in place for the member of staff to fulfil this role. It may be appropriate to ask a parent/carer or a support worker to accompany a pupil in order to ensure their well-being.

The following information will be required from all parents/carers:

- details of medical condition
- dietary requirements
- emergency contact numbers
- GP's or appropriate medical practitioner's name, address and phone number
- written details of medication and how it should be administered
- parental/carer permission if the participant needs to administer their own medication or agreement for a member of staff accompanying the excursion to do this.
- advice/information to assist with the preparation of an emergency plan



## 11. SUPERVISION

It is important to have a suitable ratio of staff to participants for all excursions. Parent/carer helpers can be included for the purposes of calculating ratios.

The following ratios are recommended:

- 1 adult to 15 participants for excursions where the element of risk to be encountered is similar to that normally encountered in daily life, e.g. excursions to sites of historic interest, most field work, local walks etc.
- 1 adult to 10 participants for all excursions abroad, with a minimum of two adults, with an appropriate gender mix to be considered.
- 1 adult to 15 participants for all residential excursions, with a minimum of 2 adults, with an appropriate gender mix to be considered.
- 1 adult to 6 (or fewer) participants for children under the age of 8 and pupils with additional support needs, with a minimum of two adults.
- For pre-school aged children, the appropriate supervision ratio may be as high as 1 adult to 2 children. Particular care should be taken when determining the appropriate level of supervision for pre-school aged children.

The Excursion Leader must consider the number of staff necessary for supervision in the planning stages. Supervision requirements should be considered as part of the initial and final risk assessment. Any departure from the recommendations above must be supported by a risk assessment which records the reasons for the decision. The factors to take into consideration include:-

- sex, age and ability of group
- those with additional support or medical needs
- nature of activities
- experience of adults in off-site supervision
- duration and nature of the journey
- type of any accommodation
- competence of staff on specific activities
- requirements of the organisation/location to be visited
- anticipated behaviour of participants
- First Aid requirements

Residential excursions to Low Port Centre may be considered as an exception from the above recommendation, on the basis that its location in West Lothian would allow the attendance of school staff in an emergency, for example to escort a child home. In considering supervision levels at Low Port Centre, the Excursion Leader should also take account of its status as a Council run establishment, and the status of its staff as Council employees.

For higher risk activities, consideration will need to be given to greater adult supervision, as appropriate, for example 1-6 on river activities, 1-3 in dinghy sailing etc. In the case of higher risk activities, the advice of the Team Leader, Sport and Outdoor Education should be sought.

For higher risk activities, and activities where certain qualifications are required, the Team Leader, Sport and Outdoor Education should be consulted. Remember to

check that the qualifications of those providing the activity are up-to-date, relevant and specific to the activity.

The Excursion Leader, prior to departure, should give consideration through the risk assessment process to the composition of groups where appropriate and allocate staff in relation to group activities.

Staff assisting with the excursion should only be left in sole charge of participants where this had been previously agreed as part of a risk assessment.

For overnight and foreign excursions the Excursion Leader must put in place appropriate sleeping arrangements and ensure adequate and appropriate staff supervision of pupils during the night.

Working without immediate supervision can help learners develop independence and self reliance. It is not envisaged that all activities out with the school boundary will be subject to direct supervision, including pupils attending classes at other schools or colleges, or undertaking work experience. In such cases, the age and capacity of the child or young person must be considered and explicit parental agreement obtained. Pupils must be fully briefed with regard to what to do in the event of delays, missed transport, incidents or accidents.

## **12. EQUAL OPPORTUNITIES**

Equalities legislation makes it unlawful to discriminate without justification against pupils in all aspects of school life including school excursions. All pupils should be able to participate in excursions and activities, irrespective of additional support, medical needs, ethnic origin, gender, religion and belief and economic circumstance. All young people should be encouraged to participate in as wide a range of activities as possible.

Legislation makes it unlawful for a disabled pupil to be less favourably treated, or put at a substantial disadvantage, for a reason related to their disability in comparison to their non- disabled peers without justification. Pupils with a disability or additional support needs must be given the opportunity to participate in excursions. Special attention should be given to appropriate ratios and additional safety measures should be considered at the planning stage. Where a pupil cannot participate in a particular activity as a result of a disability or an additional support need, an alternative activity of equal educational value, should be provided.

## **13. CHILD PROTECTION**

All members of staff involved in excursions must be trained in Child Protection and be able to follow the correct procedures. The Excursion Leader will take the role of Designated Member of staff for Child Protection and will follow the Edinburgh and Lothian's Child Protection Procedures.

Child Protection should be considered during all risk assessments conducted in relation to the excursion, and appropriate steps put in place to minimise risks.

For foreign excursions, the Excursion Leader must refer to the Guidelines for The Protection of Young People in the Context of International Visits. This is available on the Scottish Government website.

## 14. CONTINGENCY PLANNING

The Excursion Leader is responsible for contingency planning. Plans may have to be changed without notice for a variety of reasons. The Excursion Leader should consider potential circumstances where plans may need to be changed, and a potential response, in relation to each individual excursion.

The Excursion Leader and other staff accompanying the excursion should monitor risk throughout the excursion and take appropriate action as necessary.

Regular head counting of participants should take place. The Excursion Leader must establish rendezvous points and tell participants what to do if they become separated from the group.

The following guidance must be considered in relation to each excursion:

- The Excursion Leader and staff accompanying the excursion should have mobile phones so that immediate contact can be maintained where possible. Additional planning is necessary in the case of remote areas where reception may not be possible.
- In the case of foreign excursions the Excursion Leader and staff accompanying the excursion must ensure that their mobile phones will operate in all countries to be visited.
- Participants and their parents/carers must be made aware that last minute changes may be necessary and that they must follow the instructions of the Excursion Leader and staff accompanying the excursion in such circumstances.
- the Excursion Leader is responsible for making the decision to make changes
- the Excursion Leader will consider the safety of participants when making any changes
- the Excursion Leader must carry "Immediate Action" cards setting out the emergency action outlined in Section 15 below in response to Category 1-3 emergencies.
- The Excursion Leader and staff accompanying the excursion should know how and where to contact appropriate help, e.g. if abroad knowledge of how to use local telephone system, knowledge of relevant local numbers and appropriate coins or cards for public telephone use.
- In the case of outdoor pursuits, e.g. hill walking, sailing, canoeing, the Excursion Leader and staff accompanying the excursion should know how to call on the assistance of local rescue services.
- Where appropriate, official rescue services should be given details of proposed activities e.g. for coastal sailing and canoeing contact HM Coastguard.

## 15. EMERGENCY PROCEDURES

Excursion Leaders and staff accompanying the excursion have a common law duty to act as a reasonably prudent parent would. They should not hesitate to act in an emergency and to take life-saving action in an extreme situation.



The Excursion Leader must consider contingency plans and plan for emergencies. Emergencies range from what is categorised as minor (Category 1) to very serious (Category 3).

In the event of an emergency the Excursion Leader will take the principal role. The Excursion Leader will assess the situation, delegate and take appropriate action. Contingency planning should identify another member of staff who will take over if the excursion leader is incapacitated.

Examples include:

Category 1	<p>The coach breaks down en-route or on return</p> <p>Road works cause delay</p> <p>Bad weather causes delay</p>	<p>The Excursion Leader will implement contingency plans, and inform school/parents/carers of any changes in pick-up time etc as required.</p>
Category 2	<p>A pupil is injured (non life threatening) and needs medical attention. e.g. broken ankle, bad cut.</p> <p>A pupil becomes ill. e.g. appendicitis</p>	<p>The designated member of staff will provide appropriate First Aid/Emergency Aid.</p> <p>The Excursion Leader will seek appropriate medical assistance e.g. ambulance/doctor ensuring any medical or other relevant information relating to the injured pupil is passed on.</p> <p>The Excursion Leader will ensure the remainder of the group are not at risk and are appropriately supervised.</p> <p>The Excursion Leader must inform the school contact of the situation, and provide updates. The school contact will take responsibility for informing parents/carers.</p> <p>:</p> <p>The Excursion Leader will record in writing circumstances surrounding the incident at the first opportunity, and preserve any evidence.</p> <p><i>In the event of an accident taking place, the excursion leader should relate the facts about child's conditions and whereabouts and give a brief outline of what has happened. The leader should not admit liability but give the parents/carers the assurance that a full investigation will take place where appropriate.</i></p> <p><i>The excursion leader must refer all media representatives to West Lothian Council (01506280000) and must not make any comment to the media.</i></p>

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Category 3	<p>A pupil or member of staff is seriously injured (life threatening)</p> <p>A pupil or member of staff is killed</p> <p>A coach or car crashes killing or injuring several of the party</p> <p>A pupil or member of staff goes missing</p>	<p>The Excursion Leader, or other member of staff, will inform the emergency services as appropriate, ensuring any medical or other relevant information relating to the pupil is passed on, and act on their advice.</p> <p>The designated member of staff will provide appropriate First Aid/Emergency Aid while waiting for the emergency services to arrive.</p> <p>The Excursion Leader will ensure the remainder of the group are not at risk and are appropriately supervised.</p> <p>The Excursion Leader will inform a member of School SMT as soon as possible, using the agreed emergency contact arrangements, and act on their advice particularly on contact with emergency services.</p> <p>The Excursion Leader will record in writing circumstances surrounding the incident at the first opportunity, and preserve any evidence.</p> <p>Where practical, the Excursion Leader will ensure contact with parents/carers is through the school, and will not permit pupils to use mobile phones</p> <p>The school will inform a member of the Education SMT as soon as possible. The Education SMT will implement corporate emergency procedures including informing Corporate Communications.</p> <p><i>In the event of an accident or serious incident taking place, the excursion leader should not admit liability but should co-operate fully with the emergency services.</i></p> <p><i>The excursion leader must refer all media representatives to West Lothian Council (01506 280000 and must not make any comment to the media.</i></p>
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Following any serious incident a review of the incident and how it happened must be conducted. The corporate Health and Safety Unit must be informed. In accordance with section B.4 of the council's Financial Regulations, the Financial Management Unit must be informed of any loss, liability or damage or any event likely to lead to an insurance claim. Any lessons learned will be incorporated into policy and risk assessments.

## 16. INSURANCE

The Excursion Leader must ensure that appropriate insurance arrangements are in place prior to the excursion taking place..

The Council has School Journey Insurance available. The Financial Management Unit can advise schools of the appropriate insurance arrangements.

## 17. TRANSPORT

The Excursion Leader must give careful thought to planning transport. This should include:-

- Mode of transport i.e. reputable transport provider, transport provided as part of a package, use of public transport, use of Council minibus.
- Contingency funds and arrangements in case of travel disruption.
- Level of supervision on transport. A member of staff driving a Council minibus should not normally be responsible for supervision, although this may be appropriate dependant on the number and age of the participants, and the length of the journey. If under consideration, this should be covered by a risk assessment.

Coaches and buses should be hired from a reputable company, in accordance with Council procurement procedures. Compliance with legal requirements is the responsibility of the transport company, not the hirer.

If using a Council minibus, the Excursion Leader must ensure that drivers have the correct entitlements on their licence, and must follow the Transport – Use of Minibuses Policy.

Parents/carers can provide transport for pupils. Such parents/carers should undergo the same level of checks as a parent/carer helper. Such parents/carers must ensure that they have appropriate insurance cover in place. All other parents/carers should be made aware that transport would be provided by another parent/carer, and should provide written consent to this. The Excursion leader must ensure that any such arrangement is covered by a risk assessment. Parents/carers should also be encouraged to consider the risk of any such arrangement.

## 18. FINANCIAL ARRANGEMENTS

All financial arrangements, including cash collection and handling, must be in accordance with:

- the Council's Financial Regulations;
- sections 5 and 8 of the the Council's cash procedure i.e. cash holding must be minimised and must not exceed the relevant insurance limit;
- Education School Fund Account Procedures (section B.7) in relation to contributions received from students; all material contributions must be properly receipted and accurate records of income and expenditure, maintained;

## 19. FURTHER ADVICE

Further advice is available from:-

Corporate Health and Safety Unit  
Occupational Health  
Additional Support for Learning Team  
Child Protection Officer  
Team Leader, Outdoor Education, Low Port Centre for advice on excursions involving outdoor education or hazardous activities, residential visits and visits abroad  
Financial Management Unit (including in relation to insurance queries)  
Audit and Risk Management Unit

## 20. ADDITIONAL INFORMATION

Going Out There – Scottish Framework for Safe Practice in Off-site Visits (including guidance on excursions involving outdoor education or hazardous activities, residential visits and visits abroad) (available on Edweb)

Zurich Insurance Risk Assessment (available on Edweb)  
[http://edweb.westlothian.org.uk/educationschoolexcursion/section4/4\\_0\\_01.htm](http://edweb.westlothian.org.uk/educationschoolexcursion/section4/4_0_01.htm)

West Lothian Council Health and Safety Guidance (available on My Toolkit)  
[http://mytoolkit.westlothian.gov.uk/home\\_hs.asp](http://mytoolkit.westlothian.gov.uk/home_hs.asp)

Zurich Municipal School Journey Insurance

Transport – Use of Minibuses Policy (available on Edweb)

Guidance on the Management of Medication, Medical Assistance and Therapy Intervention in Educational provision (available on Edweb)

Edinburgh and Lothian's Child Protection Procedures (available on Edweb)

Farm Visits Policy (available on Edweb)

Work Experience Policy (available on Edweb)

The Travel and International Health (T&IH) team at Health Protection Scotland has recently compiled Travel Health Guidance for Schools (<http://www.fitfortravel.nhs.uk/news/newsdetail/3981.aspx>). Primarily aimed at those planning school excursions abroad, it provides practical advice on health considerations for those going on an overseas excursion.

**FORM EE0 - REQUEST FOR APPROVAL FOR SCHOOL EXCURSION**

<b>INITIAL PROPOSAL</b>	
<b>1. Purpose of Proposed Visit &amp; Objectives (including Risk Assessment Form)</b>	
<b>2. Places to be Visited</b>	
<b>3. Dates and times</b>	
<b>4. Excursion Leader</b>	
<b>5. Staff Participating</b>	
<b>6. Numbers Participating</b>	<ul style="list-style-type: none"> <li>• Pupils</li> <li>• Males/females -----</li> <li>• Age Range -----</li> </ul>
<b>7. Education Service to be contacted (EE1)</b>	<p>Yes/No</p> <p>If Yes has contact been made</p>
<b>8. Estimated cost per student</b>	
<b>9. Name of emergency trained person</b>	
<b>10. Transport required</b>	
<b>11. Signature</b>	<b>Date</b>
<b>12. Designation</b>	
<b>APPROVAL BY SMT</b>	
	<p><b>Signed .....</b>      <b>Date.....</b></p>

<b>FUNDING</b>	
<b>Total Cost of Excursion (Including entrance &amp; transport)</b>	
<b>Funding from other sources</b>	
<b>Cost per student</b>	
<b>Funding Requested from School</b>	
<i>Approval by SMT</i>	
<i>Funding Granted from School</i>	<i>Signed..... Date.....</i>

<b>BUS BOOKING (where appropriate)</b>	Please pass the form to office staff to allow bus booking to be made. Form will be returned asap
<b>1. Bus Company</b>	
<b>2. Date Booked/cost</b>	
<b>3. Signed (School Office)</b>	.....Date.....

REQUEST FOR FINAL APPROVAL	
1. EE1 accepted (if appropriate)	
2. Parents/carers notified of activity	Yes/No
3. Parental/Carer Consent (EE2) received from all attending (Copy of forms to be left in main office and with out of hours emergency contact)	Yes/No
4. List of participants to office for entry onto register	Yes/No
5. Risk Assessment completed for excursion	Yes/No
6. Insurance Arrangements in place	Yes/No
7. Contact Number for Excursion Leader	Yes/No
8. Copy to Business Manager or HT for class cover	Yes/No

The Excursion must not proceed until all permissions required by the School Excursion Policy have been obtained.

I am satisfied that every effort has been made to meet the requirements of 'West Lothian Policy on School Excursions'.

Signature of Excursion Leader .....

Date .....

Excursion/Activity 

Approved:	Yes/No
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Headteacher (or designated member of SMT with responsibility for school excursions)

.....

Date .....



## EE1– Request for Approval of School Excursion involving Foreign Travel, Overnight Stay or Outdoor Education

To be submitted to the **Sport and Outdoor Education Manager** at the start of the planning process and least **four weeks** before the proposed excursion (**eight weeks** for a foreign excursion).

### SECTION 1

<b>Establishment Name</b>	
<b>Head of Establishment Name</b>	
<b>Full Address</b>	

### SECTION 2 – TO BE COMPLETED BY ALL APPLICANTS

<b>Brief Description of Purpose of Excursion</b>	
<b>Type and Address of Accommodation (where appropriate)</b>	
<b>Date and Estimated Time of Departure</b>	
<b>Date and Estimated Time of Return</b>	
<b>Places to be Visited</b>	
<b>Total Number of Participants</b>	
<b>Number of Male Participants</b>	
<b>Number of Female Participants</b>	
<b>Age Range</b>	
<b>Class(es) (where appropriate)</b>	
<b>Excursion Leader</b>	
<b>Members of Staff Accompanying the Excursion</b>	
<b>Emergency Aid/First Aid qualifications held</b>	

Form of Transport (i.e. hired/self drive and type of vehicle)	
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**SECTION 3 – TO BE COMPLETED FOR FOREIGN TRAVEL**

Details of Insurance Arrangements	
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**SECTION 4 – TO BE COMPLETED FOR OUTDOOR EDUCATION**

Details of Activities (i.e. climbing, skiing, hill-walking, canoeing)	
Names and qualifications of instructors (except where activity is being provided by Low Port Centre)	
Level of Activity Planned	
Precise Location of Activity	
Previous Experience of Participants	

**SECTION 5 – ANY OTHER RELEVANT INFORMATION**

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**SECTION 6 – APPROVAL OF HEAD OF ESTABLISHMENT**

I certify that I am Head of Establishment as detailed in Section 1 and that the details that I have given on this application are correct.

Signed (Head of Establishment)	
Date	

Additional information (i.e. copies of risk assessments, professional advice) sent - Yes/No (delete as appropriate)

**SECTION 7 – APPROVAL OF SPORT AND OUTDOOR EDUCATION TEAM LEADER**

Signed (Sport and Outdoor Education Manager)	
Date	
Excursion Approved	Excursion Not Approved
Additional Letter	Yes/No (delete as appropriate)

**FORM EE2 – PARENTAL/CARER AGREEMENT TO SCHOOL EXCURSION**

**SECTION A – To be retained by Parent/Carer**

**1. Dates and estimated times of:**

**a. Departure** ..... **b) Return** .....

**2. Destination/Description of Excursion** .....

.....

**3. Cost of Excursion (where applicable)** .....

**4. Member of Staff responsible for Excursion** .....

**5. Tel No - School Hours - 01506 653725 Other -** .....



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**SECTION B – To be returned to school**

**Excursion to** ..... **Date**.....

**Surname**..... **Forename**..... **Class**.....

**Address**.....

.....

**Contact Telephone Number – School Hours** .....

**Other Times** .....

**Emergency Contact** .....

**Relevant Medical Details (e.g. asthma)** .....

.....

.....

**I agree to my son/daughter taking part in the above named excursion**

**Signature of Parent/Carer**..... **Date**.....

**NOTE** : Section C is to be completed **only** for excursions that involve either an **overnight stay** or **outdoor education**

**SECTION D MUST BE COMPLETED FOR ALL EXCURSIONS**

SECTION C

Please circle as applicable

- 1. Does your child suffer from any allergies? YES NO
- 2. Is your child taking any medication at present? YES NO
- 3. Does your child suffer from any condition that may affect participation? YES NO
- 4. Has your child been in contact with any contagious or infectious disease or suffered from anything in the past four weeks that may become infectious or contagious? YES NO
- 5. When did your last have a tetanus injection? Date.....
- 6. Does your child have any special dietary requirements? YES NO
- 7. Is there any activity in which your child must not participate? YES NO

**IF YOU HAVE ANSWERED YES TO ANY OF THE QUESTIONS ABOVE PLEASE GIVE DETAILS HERE:**

.....,

.....

.....

**SECTION D PARENTAL/CARER AGREEMENT TO RECEIVING EMERGENCY MEDICAL TREATMENT**

Pupil Date of Birth.....

Name, telephone number and address of Family Doctor .....

.....

**\*I agree to my child receiving emergency medical treatment, including blood transfusion, and anaesthetic as considered necessary by the medical authorities present.**

**\*I agree to my child receiving medical treatment/anaesthetic as considered necessary by the medical authorities present with the exception of the administration of blood or blood products. I accept full legal responsibility for this decision and release West Lothian Council and its staff from any liability for any consequences resulting from my decision not to consent to the transfusion of blood or blood products.**

*(\*please delete as appropriate)*

Date..... Signed by Parent/Carer .....

## SAMPLE CODE OF CONDUCT

### Code of Conduct

Your health, safety and welfare on this visit are of paramount importance to the school. In line with West Lothian policy, to ensure that the above aims are met, each participant and their parent/carer must sign the following “Code of Conduct”.

- normal school rules apply – a high standard of behaviour is expected
- rules at the camps must be observed at all times
- be punctual at all meeting times
- always wear a seatbelt on the coach
- if mobile phones are to be carried, ..... must be informed. In certain circumstances use of the phones may be prohibited.
- no pupil should ever be on their own
- purchase, carrying or consumption of alcohol, tobacco or illegal substances is strictly forbidden
- only pupils assigned to particular rooms/tents are allowed in them

**If there is any significant violation of the Code, the group leaders reserve the right to send the offending pupil home at the parent/carers’ expense**

We have read the Code of Conduct and agree to abide by it at all times.

Signed ..... (pupil)

Signed ..... (parent/carer)

Date .....

Return to .....

**SAMPLE EMEREGENCY ACTION CARD**

<b>Party Leader</b> <b>Ensure this card is available at all times</b>	<b>Warnings and advice</b>
<b>School Contact Person/s:</b>  <b>School Contact Telephone Number(s)</b>  <b>Authority      Emergency      Telephone</b> <b>Number:-</b>  <b>Out of Hours Emergency Telephone</b> <b>Number:</b>  <b>Calls from abroad:</b>	<ul style="list-style-type: none"> <li>• <b>Co-operate fully with emergency services</b></li> <li>• <b>Do not admit liability</b></li> <li>• <b>Do not make comment to the media – refer to West Lothian Council (01506 775000)</b></li> <li>• <b>Keep a written record of all facts</b></li> <li>• <b>Preserve vital evidence - photos might be helpful</b></li> <li>• <b>Inform school emergency contact who will ensure school SMT and Education Services SMT are aware of the situation</b></li> <li>• <b>Seek and follow advice from school/education SMT</b></li> <li>• <b>Do not contact parent/carersss – school contact will take charge of this.</b></li> </ul>

**SAMPLE DEBRIEF FORM**

EXCURSION TITLE .....

EXCURSION DATES .....

EXCURSION LEADER .....

	Action to Take	Date Actioned	Signed
Points to follow up with parents			
Points to follow up with pupils			
Points to follow up with staff			
Lessons for future excursions			

	<b>Action to Take</b>	<b>Date Actioned</b>	<b>Signed</b>
<b>Issues to report to School SMT</b>			
<b>Issues to report to Education SMT</b>			
<b>Other issues to report (i.e. health and safety, child protection)</b>			





**EDUCATION POLICY DEVELOPMENT AND SCRUTINY PANEL**

**CONSULTATION ON AMENDING THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010**

**REPORT BY HEAD OF SCHOOLS WITH EDUCATION SUPPORT**

**A. PURPOSE OF REPORT**

This report invites the panel to consider the proposed responses to the consultation questions on amending the Schools (Scotland) Act 2010 in relation to school closures.

**B. RECOMMENDATION**

That the PDSP:

- Agree the terms of the response to the questions in the consultation document, as set out in Appendix 1 to this report.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; Being honest, open and accountable; Providing equality of opportunities; Making best use of our resources; and Working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Children & Young People (Scotland) Bill Schools (Scotland) Act 2010.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	None.
<b>VI Resources - (Financial, Staffing and Property)</b>	None.
<b>VII Consideration at PDSP</b>	Underway

## **VIII Other consultations**

The timescale for the consultation has been limited and has spanned the school holiday period. Consultation with stakeholders has therefore not been possible.

## **D. TERMS OF REPORT**

### **Introduction**

In their response to the recommendations of the Commission on the delivery of Rural Education, Scottish Government decided not to support and implement recommendation 20, which relates to educational benefit i.e. that it should be acceptable for an Educational Benefit statement to conclude that the educational impact is neutral, with no overall educational detriment.

Scottish Government has also proposed a different response to recommendation 34 that the 'call-in' process should be reformed, with the additional proposal to create an independent 'arms-length' panel/individual to consider decisions that are called-in.

The COSLA meeting in June supported the position adopted by COSLA Leaders in negotiations with Scottish Government to accept the totality of the Commission's recommendations.

### **Background**

This consultation sets out proposals for amendments to the Schools (Consultation) (Scotland) Act 2010. It takes forward some of those recommendations made by the Commission which may require legislative change.

The six specific areas being consulted upon are;

- the presumption against closure of rural schools
- providing financial information on closure proposals
- clarifying and expanding Education Scotland's role
- the basis for determining school closure proposals
- establishing an independent referral mechanism
- views on a five year moratorium between closure proposals for the same school

The consultation document includes proposals in relation to establishing an independent referral mechanism which was rejected by the Commission. The independent referral mechanism which would be used to consider proposals for closure proposal that is 'called in', would apply to all schools, both rural and urban. The consultation was launched on 12 July 2013 and will close on 2 September 2013. As acknowledged within the document itself, this is a shorter consultation period to allow amendments to be taken forward as part of the Children and Young People's Bill.

With the consultation period taking place over the school holidays there will be considerable difficulty in Parent Councils responding as it is unlikely that many would have regular meetings scheduled prior to the closing date for submissions of 2 September.

The key points in the suggested responses to the consultation document (appendix 1) are:

Local authorities should take account of all factors – including finance - when consulting on a school closure since this reflects the reality of the situation faced by Councils.

An enhanced role for Education Scotland if this leads to a reduction in the number of decisions 'called in' by Ministers would be beneficial.

Support from Education Scotland working in partnership with Local Authorities to develop closure proposals would also be helpful.

The local authority should remain the primary decision maker in relation to school closures. The 2010 Act did not explicitly provide Ministers with a role in considering the merits of a school closure. However the judgement in the case of *Comhairle nan Eilean Siar v. Scottish Ministers* ruled that consideration of both the process and merits of a school closure proposal should be considered. The Commission's view that a "balanced and appropriate decision, taking into account any flaws in the process, can only be made with an understanding of the merits of the proposal" is consistent with the judgement.

Making the role of Ministers clear within legislation would be helpful and it is considered appropriate that Ministers should continue to consider decisions that are 'called in' rather than passing this responsibility to a panel/individual.

There is no detail in the consultation document on how the alternative of arbitration would operate in practice, and how it would be an improvement on the current process. One existing benefit is that decisions lie with one of the democratically elected local or national governments. Ministers will still make the decision whether or not to 'call-in' a school closure proposal. The proposal that Scottish Government would then assign this to a panel or an individual for a decision may still not avoid the suggestion of political interference in the call-in process as stated in the consultation document.

There could also be cost implications and potential time delays in referring to an arbitration panel.

It would be appropriate to support a five year moratorium between closure proposals for the same school but this should be placed in guidance, not legislation, to allow for changed circumstances or where agreement between a local authority and parents is reached.

### **Conclusion.**

The consultation document considers proposals that will now affect both rural and urban schools and therefore any future consultation on a closure of a school in West Lothian. The proposed responses are consistent with the approach adopted so far by COSLA to accept the totality of the recommendations of the Commission for the Delivery of Rural Education.

## **F. BACKGROUND REFERENCES**

Commission on the Delivery of Rural Education

Appendices – One – Response to Consultation

Contact Person: James Cameron, Head of Schools with Education Support

Tel: 01506 281680

Email [james.cameron@westlothian.gov.uk](mailto:james.cameron@westlothian.gov.uk)

Date: 27 August 2013

# Amending the Schools (Consultation) (Scotland) Act 2010



## RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

#### Organisation Name

West Lothian Council

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

#### Surname

#### Forename

### 2. Postal Address

Civic Centre

Howden South Road

Livingston

West Lothian

#### Postcode

EH54 6FF

#### Phone

01506 281680

#### Email

james.cameron@westlothian.gov.uk

### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes  No

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

**Yes**

**No**

## Consultation Questions

**Q1. Do you support clarifying the presumption against closure of rural schools by stating it in legislation by means of an amendment to the 2010 Act?**

Yes ✓      No       Don't know

**Do you have any comments?**

We support all the recommendations of the Commission's report – including a clearer statement on the presumption on the basis that all the recommendations taken together are implemented.

**Q2. Do you support amending the 2010 Act to make it clear that relevant financial information should be included in a school closure consultation?**

Yes ✓      No       Don't know

**Do you have any comments?**

Local authorities should be able to take account of all factors including finance – when consulting on closure.

The 2010 Act prevented local authorities from considering financial factors in any consultation on a closure decision. Consequently it encouraged the overstating of the educational factors behind closure while downplaying the reality of financial considerations faced by the authority.

This damaged trust in local authorities, and increased the number of decisions 'called in' by Ministers.

**Q3A. Do you support giving Education Scotland a more sustained role in a school closure proposal?**

Yes ✓      No       Don't know

**Q3B. If so, would you prefer Education Scotland's role to be clarified through legislation or a Memorandum of Understanding?**

Legislation       Memorandum of Understanding ✓      Don't know

**Do you have any comments?**

The 2010 Act created unrealistic expectations in parents, that closure would be based solely on educational issues. However, even with a stronger role for Education Scotland, educational benefit is a subjective concept and without recommendation 20 may still set unrealistic expectations from communities.

**Q4. Do you support amending the 2010 Act to provide clarity regarding Ministers' role in considering both the process and merits of the closure proposal?**

Yes       No       Don't know

**Do you have any comments?**

The 2010 Act was never intended to provide Ministers with a role in considering the merits of a school closure. The local authority is the primary decision maker in relation to school closures as they are best placed to take such decisions based on their detailed local knowledge. In order to remove any dubiety in the understanding of the role of Ministers, making the role of Ministers clear within legislation is supported.

**Q5A. Do you agree that the criteria specified in paragraph 5.6 are appropriate as a dispute resolution process under the 2010 Act?**

Yes       No        Don't know

**If not, what criteria would you support?**

Not in favour of the principle of an independent referral mechanism.

**Q5B. Do you support replacing the current Ministerial determination of school closure proposals that have been called in with an independent referral mechanism such as arbitration?**

Yes       No       Don't know

**If not, what other options for dispute resolution would you suggest?**

Ministers should continue to consider decisions that are called in.

There is little detail on how the arbitration process would operate in practice, and how it would be better than the current process. The Commission concluded that the referral mechanism should stay with Scottish Ministers. They also ruled out the creation of an independent panel to consider decisions called-in.

An independent referral may not achieve the stated intention to avoid the suggestion of political influence in the call-in process by removing Ministers from having to make the final decision. A Minister will still make the first decision to 'call-in'.

Secondly, decisions will be removed from elected representatives to a panel/individual not accountable to the electorate. Reforming the 'call-in' process, but keeping Ministers' current role, is the best option. The



Commission recommended increased transparency and a time limit on how long the process should take. The Commission's proposals should be supported.

**Q6A. Do you support a five year moratorium between closure proposals for the same school?**

Yes ✓ No  Don't know

**Do you have any comments?**

A five year moratorium between closure proposals for the same school - This should be placed in guidance, not legislation, to allow for changed circumstances or where agreement between a local authority and parents is reached.

**Q6B. If so, would you prefer this provision to be made in guidance or legislation?**

Guidance ✓ Legislation  Don't know

Please send this form to [schoolestates@scotland.gsi.gov.uk](mailto:schoolestates@scotland.gsi.gov.uk) or

School Infrastructure Unit, Area 2-A South, Victoria Quay, Edinburgh EH6 6QQ

Email is preferred, if possible, and if you use email it is not necessary to send an additional copy by post.

If you have any queries, please contact Lucy Carmichael on 0131 244 0373 or using the email address above.





West Lothian  
Council

**EDUCATION POLICY DEVELOPMENT AND SCRUTINY PANEL**

**EDUCATING CHILDREN AND YOUNG PEOPLE AT HOME POLICY**

**REPORT BY HEAD OF EDUCATION (QUALITY ASSURANCE)**

**A. PURPOSE OF REPORT**

To invite the Policy Development and Scrutiny Panel to consider the proposed amendments to the Educating Children and Young People at Home Policy.

**B. RECOMMENDATION**

To recommend to the Education Executive approval of the Educating Children and Young People at Home Policy.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Scottish Government Guidance on Home Education Equality Relevance Assessment Completed
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	None
<b>VI Resources - (Financial, Staffing and Property)</b>	None
<b>VII Consideration at PDSP</b>	Underway
<b>VIII Other consultations</b>	Legal Services

## **D. TERMS OF REPORT**

On investigation of a recent complaint by a parent of a home educated child, the Scottish Public Services Ombudsman found that the information that the parent of the home educated child had received had been inconsistent and unclear. As a result, the Scottish Public Services Ombudsman has asked West Lothian Council to develop written guidelines regarding access to Community Schools in relation to home education. The purpose of this report is to detail the proposed changes to the council's Educating Children and Young People at Home Policy that will ensure clarity for parents and carers in accessing courses in Community Schools whilst home educating their child.

Government guidance acknowledges that on occasion requests are submitted by parents to Education Services to withdraw a child part-time from school. West Lothian Council's experience has also been that parents and carers request that an existing home educated child attends a local authority school on a part-time basis, eg to attend school only on certain days, or for certain subjects. Within the parameters noted below it is proposed that the feasibility of such requests will be considered on their own merit, while taking into consideration that under Section 28 of the Education (Scotland) Act 1980 "so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents":

1. Home educated young people can access courses at West Lothian Community High Schools when they are over the age of 16 subject to:-
  - i) The availability of places in the class, as determined by the school
  - ii) The attainment of any entry qualifications applying to the course, as determined by the school
  - iii) Fee arrangements in relation SQA registration and exam entrance
2. Requests from parents/carers of home educated children and young people of school age for access to West Lothian schools including Community High Schools will be considered on their own merit. For home educated children to have access to West Lothian schools they must be registered on the school roll. All applications for access to part-time home education and local authority provision will be determined by the Additional Support for Learning Team in consultation with the school.
3. In all cases, pupils enrolled at a West Lothian school will have priority for course provision over members of the community, including home educated children and young people.

Prior to the involvement of the Scottish Public Services Ombudsman in the individual case highlighted above, the existing Educating Children and Young People at Home Policy was under review to update general process and contact details. The opportunity has been taken within this submission to Scrutiny Panel to include these proposed amendments in the attached policy. The amendments involve a change of authority contact from Pupil Placement to Principal Officer (ASN) and timings of formal home visits by Education Officers.

## **E. CONCLUSION**

The Policy Development and Scrutiny Panel is invited to consider the proposed amendments to the Educating Children and Young People at Home Policy, and to recommend to the Education Executive its approval.

## **F. BACKGROUND REFERENCES**

Educating Children and Young People at Home Policy

Appendices/Attachments: 1. Educating Children and Young People at Home Policy

Contact Person: Alison Raeburn, Principal Officer (ASN), Education Services, West Lothian Council, Civic Centre, Howden Road South, Livingston (01506 282634)

Elaine Cook

Head of Education (Quality Assurance)

Date of meeting: 27 August 2013





**Policy: Educating Children and Young  
People at Home**

Author: Alison Raeburn  
Service: Education Development

Last Updated: May 2013

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## **A. INTRODUCTION**

Every child has a right to an education and the responsibility for a child's education rests with their parent. While most parents fulfil this responsibility by sending their children to school, others may choose to provide home-based education.

In March 2004 the Scottish Executive published "Guidance on the Circumstances in which Parents may choose to Educate Their Children at Home". Revised guidance has been issued in 2007 following consultation with interested parties. This guidance advises that Home Education is a right conditional upon the parents providing an efficient education suitable to the age, ability, and aptitude of the child, and that choosing this option does not in itself require permission.

The procedure contained in this document follows the Scottish Executive's suggested good practice on how authorities should deal with requests by parents to Home Educate their child.

The Scottish Executive Guidance highlights the following two main principles:

- Authorities should have regard to the views of parents and the decisions that they make in relation to their child's education; and
- Authorities should seek to build relationships with parents and children that support them in the choices that they make by offering advice, information and resources where feasible.

It is also important to draw attention to two legislative requirements with regard to Home Education:

- The consent of the Education Authority is required for a child to be withdrawn from school; and
- Education Authorities are required to take action where they are not satisfied that an efficient education is being provided.

Appendix One sets out the legislation relevant to Home Education in more detail.

## **B. WHO NEEDS CONSENT TO WITHDRAW A CHILD FROM SCHOOL?**

Under Section 35 of the Education (Scotland) Act 1980, parents of children who have started to attend a West Lothian School must seek West Lothian Council's consent before withdrawing their child and the Council must not unreasonably withhold consent.

Parents are not required to seek the council's consent in order to home educate their child if:

- their child has never attended a public school
- their child has never attended a school in West Lothian
- their child is being withdrawn from an independent school
- their child has finished primary education in one school but has not started secondary education in another. In this case parents should notify the Authority that they intend to home educate but consent is not needed.
- The school the child has been attending has closed. In this case parents should notify the Authority that they intend to home educate but consent is not needed.



Where parents apply to withdraw their child from school in order to make alternative educational provision such as educating him or her at home, West Lothian Council must ensure that it allows the child to express any views in an appropriate way.

Parents choose to educate their children at home for many different reasons. The reasons should have no bearing on whether or not consent is given as West Lothian Council's interest lies in how the parents intend to educate their children, not their reason for doing so. The following examples are common, but not exhaustive.

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

When a parent offers an account of their dissatisfaction with the public system of education provision, West Lothian Council will investigate the situation and endeavour to use this information to improve its service if required.

### **C. PROCEDURE FOR DEALING WITH A REQUEST FROM A PARENT TO WITHDRAW THEIR CHILD FROM SCHOOL**

The procedure for considering parents' requests to withdraw their child from school needs to be fair, clear, consistent and without delay in order to provide a good foundation for the development of trusting relationships.

Home education is a key aspect of parental choice and consent to withdraw a child from school should not be unreasonably withheld. On the other hand, sufficient time must be allowed for the Council to take an informed decision on such an important matter which will have an effect on the child's future learning.

The procedure outlined below should be followed when dealing with a request from a parent to withdraw their child from school. A flow diagram is attached as Appendix Two:

- 1. Notification of intention to withdraw a child from school and requests for consent to educate a child at home should be submitted to the Principal Officer (ASN), Education Services, West Lothian Civic Centre, Howden South Road, Livingston.**

Taking Section B above into account, parents have a responsibility to inform West Lothian Council that they wish to withdraw their child from school in order to educate them at home and to request the Council's consent.

In order to avoid unsettling the child unnecessarily, parents should write to the following address as early as possible, and where reasonably practical, in advance of the date they wish to withdraw their child from school:

Principal Officer (ASN)  
Education Services  
West Lothian Civic Centre  
Howden South Road  
Livingston EH54 6FF

Parents should also include initial proposals as to how they intend to provide an efficient education for their child. The “Parents’ Initial Education Proposal Proforma” is available to help parents with this process and is attached as Appendix Three (ii). It is recognised, however, that, at this early stage, parents’ proposals may not be detailed and that they may not yet be in a position to demonstrate some of the characteristics of efficient and suitable education (see Appendix four for description of efficient and suitable education).

It should be noted that parents are not required to indicate the reasons for their decisions, but they may choose to do so.

The aim is to issue a decision within 6 weeks of the receipt of the original application.

## **2. Principal Officer (ASN):**

- acknowledges receipt of notification within 3 working days (pro forma letter attached as Appendix Three (i)); and
- copies all correspondence to the Child Protection Officer (CPO).

### **The Child Protection Officer (CPO):**

- asks the relevant school and all partner-agencies if there is any existing evidence which indicates that there may be a good reason to refuse consent.

### **The Principal Officer (ASN):**

- identifies and liaises with the relevant Education Officer.

The acknowledgement letter to parents covers the following information:

- it provides the “Parents’ Initial Education Proposal Proforma” (Appendix Three (ii));
- it informs parents that the Council will consider existing multi-agency information in its effort to make an informed decision on consent;
- it offers a meeting with Education Officers, the purpose of which is to discuss the parents’ proposals or provision. The relevant Education Officer will make specific arrangements for this meeting direct with the parents (see step 3 below). It is important that the meeting takes place in a mutually acceptable location;
- it is highlighted that the child should be given the opportunity to attend the meeting with the Education Officers or otherwise be given an opportunity to express his/her views;
- It indicates that there is a need to consider and agree what future contact there will be between parents and West Lothian Council Education Services; and
- It gives an indication of the expected timescale in which a decision is likely to be made.

The purpose of communication at this stage with the relevant school and all partner-agencies is to ascertain whether there is any existing evidence, either in West Lothian Council’s own records or from other services or agencies, indicating that there may be a good reason to refuse consent. It is important to note that previous irregular attendance is not of itself a sufficient reason to refuse consent. Specific instances where consent may not be able to be granted immediately include:

- where a child has been referred to social work or the police for child protection reasons, and the matter is being investigated;
- where a child is on the child protection register;
- where a child has been referred to the reporter on care and protection grounds, and the referral is being considered;
- where the child is the subject of a supervision requirement;

### 3. The Education Officer:

- contacts parents to arrange to meet with parents/child (if agreed by parents)
- submits a report of the meeting with parents to the Principal Officer (ASN) and CPO. The report should include:
  - any recommendations that have been discussed and the reasons for them;
  - the detail of agreement/consideration of future contact with parents
- copy the report of the meeting to the parents (and child where appropriate).

When meeting with parents it is good practice to have two officers of the Council present at the meeting. It is not advisable for Education Officers to meet parents on their own.

Following any meeting with parents, a report must be made by the Education Officer, which sets out any recommendations that have been discussed and made, with the reasons for them. The Education Officer must copy the report to the parents, and where appropriate, the child. In exceptional cases, where there is a reasonable concern that a passage in the report might cause serious harm to the physical or mental health or condition of the applicants or a named third party, consideration should be given to withholding that part of it. Any decision about the communication or otherwise of information requires to comply with the data protection principles.

The frequency with which the Education Officer will contact parents to discuss their ongoing home education provision will vary depending on the individual circumstances of each family. It is recommended that Education Officers should ordinarily make contact with parents on an annual basis. Contact should be made in writing to the family to seek a meeting or requesting an updated report. The Education Officer must submit a report to the Principal Officer (ASN) after such contact and copy this to the family stating whether the Education Officer has any concerns about the education provision. Where there are concerns about the efficiency or suitability of the education being provided for the child, more frequent contact may be required. Where concerns merit frequent contact the Education Officer should discuss these concerns with the child's parents, with a view to helping them to improve their provision in the best interests of the child. Throughout the process parents are encouraged to make contact with the authority for support and advice at any time.

#### 4(a) Principal Officer (ASN) confirm consent in writing to parents, outlining agreed monitoring procedures if:

- no evidence to refuse consent exists, and
- parents have provided some indication of their educational objectives and proposed resources.

West Lothian Council will not unreasonably withhold consent and all applications for consent require to be processed as quickly as possible.

- 4(b) If information exists casting doubt on whether an efficient education can be provided, or if the parent has failed to provide proposals on the proposed educational provision then Principal Officer (ASN)/CPO seeks to gather any relevant information that will assist in reaching a decision and refers the matter to the Senior Education Development Manager.**

**The Principal Officer (ASN) to write to the parents indicating the reason for the delay in decision and a timescale in which a decision is likely to be reached.**

On advice from the Principal Officer (ASN), the Education Officer may be requested to seek from the parents, any further information that they wish to provide explaining how they intend to provide an efficient education. At this point the Education Officer must give parents the opportunity to address any specific concerns that have arisen. An additional meeting between the Education Officer and the parents may be required, and if so, the child must also be given the opportunity to attend this meeting or express his or her views in some way.

As detailed above, following any meeting with parents, a report must be made by the Education Officer which sets out any recommendations that have been discussed and made, with the reasons for them. The Education Officer must copy the report to the parents, and where appropriate, the child. In exceptional cases, where there is a reasonable concern that a passage in the report might cause serious harm to the physical or mental health or condition of the applicants or a named third party, consideration should be given to withholding that part of it. Any decision about the communication or otherwise of information requires to comply with the data protection principles.

The Principal Officer (ASN) will write to the parents indicating the reasons for the delay in decision and a timescale in which a decision is likely to be reached.

The aim is to issue a decision within 6 weeks of the receipt of the original application. The majority of applications can and will be dealt with well within this timescale. In a small minority of cases, where information has to be sought from various sources, it may not be possible for a decision to be issued within 6 weeks. It is important that the Education Officer has regard to any problems a child is experiencing at school in these circumstances and liaise with the head teacher of the relevant school to implement strategies to minimise any distress or problems that may be occurring as a result of continued attendance at schools.

- 5 Senior Education Development Manager to make decision based on information provided.**

The Principal Officer (ASN)/CPO will provide the Senior Education Development Manager with the additional information gathered with a view to the application for consent being processed as quickly as possible.

It is acknowledged that potential home educators come from all social, economic, racial and religious backgrounds, and that these factors do not bear upon West Lothian Council's decisions. It is also acknowledged that parents are not required to have any qualifications or training to home educate their children.

- 6(a) If consent is given, Principal Officer (ASN) to write to parents, outlining agreed monitoring procedures.**

**6(b) If consent is withheld, Principal Officer (ASN) to notify parents in writing of decision.**

The Principal Officer (ASN) will write to the parents setting out the reasons and grounds for refusal. This letter will also explain to parents that they have the opportunity, within a reasonably practicable period, to address the grounds for refusal and resubmit their request for consideration.

**7 Appeals**

There is no statutory right to appeal against a decision to withhold consent to withdraw a child from school. It is the case, however, that West Lothian Council will internally review decisions to withhold consent on request.

Parents may make use of the Mediation Service (Common Ground Mediation Tel: 0131 664 9324) and/or may also make a complaint about a decision via the Education Services Complaints Procedure by contacting the following:

Customer Services Manager  
Education Services  
West Lothian Civic Centre  
Howden South Road  
Livingston  
01506 281255

**D MOVEMENT BETWEEN LOCAL AUTHORITY AREAS**

Some families may have lifestyles which mean they move or travel, sometimes seasonally, between Local Authority areas, sometimes for work or cultural reasons, for example Gypsy/Travellers. The procedure outlined in this document applies to these families.

Some travelling families have arrangements in place whereby children are on a school roll and attend for part of the year, using means other than home education to maintain continuity in learning while travelling. Only where children do not attend any school, and where the education is provided predominantly by the parents, should the arrangement be considered to be home education.

**E FLEXI-SCHOOLING**

On occasion requests are submitted to withdraw a child part-time from school or to request that a home educated child attends a local authority school on a part-time basis, eg for the child to attend school only on certain days, or for certain subjects. The feasibility of each request will be considered on its own merit, while taking into consideration that under Section 28 of the Education (Scotland) Act 1980 "so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents". West Lothian Council will make a decision based on whether it can support the particular arrangement requested within the following parameters:

1. Home educated young people can access courses at West Lothian Community High Schools when they are over the age of 16 subject to:-
  - i) The availability of places in the class, as determined by the school
  - ii) The attainment of any entry qualifications applying to the course, as determined by the school
  - iii) Fee arrangements in relation SQA registration and exam entrance

2. Requests from parents/carers of home educated children and young people of school age for access to West Lothian schools including Community High Schools will be considered on their own merit. For home educated children to have access to West Lothian schools they must be registered on the school roll. All applications for access to part-time home education and local authority provision will be determined by the Additional Support for Learning Team in consultation with the school.
3. In all cases, pupils enrolled at a West Lothian school will have priority for course provision over members of the community, including home educated children and young people.

## **F CHILDREN WITH ADDITIONAL SUPPORT FOR LEARNING NEEDS**

### **The Right to Home Educate**

A parent's right to educate a child at home applies equally where that child has additional support needs. The fact that a child has additional support needs should not, in itself, be a reason to refuse an application to educate at home.

Additional considerations do, however, apply. It is reasonable for West Lothian Council to ask parents to indicate how they propose to cater for their child's additional support needs at home.

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

There is no statutory responsibility on West Lothian Council to provide financial or other support for the education of children with additional support needs whose parents elect to home educate.

### **The law and children with additional support needs**

The Education (Additional Support for Learning) (Scotland) Act came into force in November 2005. It replaced the system of assessment and recording of children and young people "special educational needs" with a new framework for additional support needs. This term applies to any child or young person who, for whatever reason requires additional support, to benefit from education. West Lothian Council is required to identify, meet and keep under review the additional support needs of all pupils for whose education they are responsible. Appropriate agencies such as Health and Social Policy also have duties placed on them to help Education Services when asked to do so.

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

## **G CHILD PROTECTION**

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

## APPENDIX ONE – RELEVANT LEGISLATION

Set out below is the legislation relevant to home education. It covers:

- the statutory nature of the issue of home education
- a child's right to an education
- the parent's responsibility for providing that education
- the need for consent to withdraw from school, and
- West Lothian Council's responsibility to satisfy itself that suitable and efficient education is being provided.

References are also made to case law and international law that are of relevance to home education.

### **The statutory nature of the issue of home education**

#### *Standards in Scotland's Schools Etc Act 2000 – Section 14*

*Guidance to education authorities as to home education: the Scottish Ministers may issue guidance as to the circumstances in which parents may choose to educate their children at home; and education authorities shall have regard to any such guidance.*

In March 2004 the Scottish Executive published "Guidance on the Circumstances in which Parents may Choose to Educate Their Children at Home". Revised guidance was issued in 2007 following consultation with interested parties. This guidance is issued under Section 14 of the Standards in Scotland's Schools etc Act 2000. This means that West Lothian Council must have regard to the guidance.

### **A Child's right to an education**

#### *Standards in Scotland's Schools Etc Act 2000 – Sections 1 and 2*

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

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

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

### **The parent's responsibility for providing that education**

#### *Education Scotland Act 1980 – Section 30*

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

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



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

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

While most parents fulfil their responsibility to provide education by sending their children to school, others choose to provide home-based education. Home education is a right conditional upon the parent providing an efficient education suitable to the age, ability and aptitude of the child, and choosing this option does not in itself require permission.

**Duties placed on West Lothian Council**

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

*In the exercise and performance of their powers and duties under this Act, the Secretary of State and education authorities shall have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.*

*Education Scotland Act 1980 – Section 35*

*(1) 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.*

*Education Scotland Act 1980 – Section 37 (1)*

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

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

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

*Education Scotland Act 1980 – Section 37 (2)*

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

In all its educational responsibilities, West Lothian Council is required to have regard to the views of parents and the decisions that it makes in relation to their child's education. The Council is also required to seek to build relationships with parents and children that support parents in the choices that they make by offering advice, information and resources where feasible.

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 school. Section 37 requires an authority to take action where they are not satisfied that an efficient and suitable education is being provided.

### **Efficient and suitable education**

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

<i>Harrison &amp; Harrison v Stevenson. Appeal 1981 Worcester Crown Court (unreported)</i>
<i>The Judge defined the outcomes of a suitable education as 1. To prepare the children for life in a modern civilised society; and 2. To enable them to achieve their full potential</i>
<i>R v Secretary of State for Education, ex parte Talmud Torah Machzikei Hadass School Trust. Judicial review 1985, The Times, 12 April 1985</i>
<i>Mr Justice Woolf said: 'Education is suitable if it primarily equips a child for life within the community of which he is a member, rather than the way of life in the wider country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so</i>

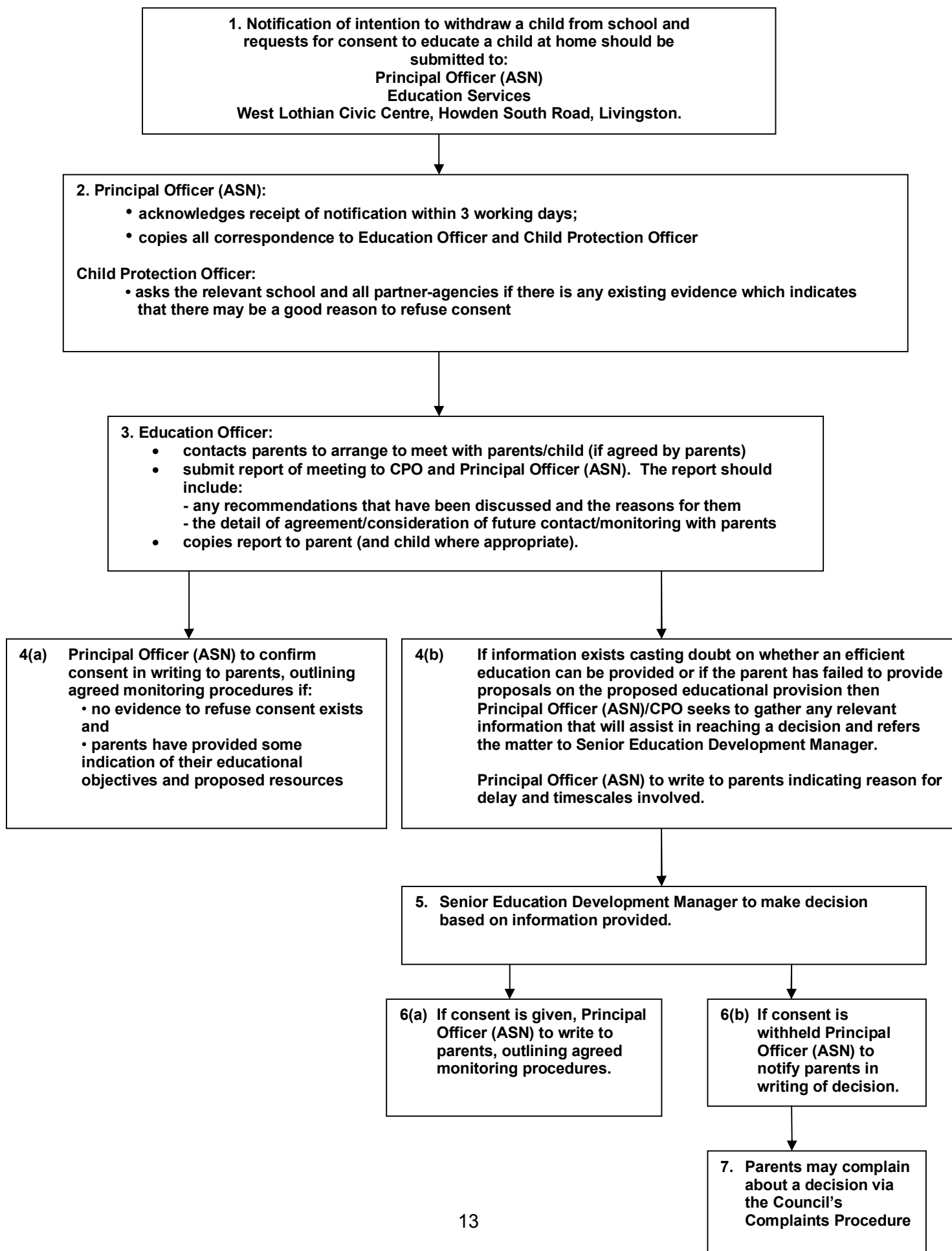
### **International Law**

<i>European Convention on Human Rights – Article 2 of Protocol 1</i>
<i>No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.</i>
<i>UN Convention on the rights of the Child – Article 12 (*)</i>
<i>Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.</i>
<i>UN Convention on the Rights of the Child – Article 28</i>
<i>Parties recognise the right of the child to education.</i>

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

*\*The UNCRC has not been directly incorporated into Scots law and its provisions are not directly enforceable. It can, however, be used as an interpretative tool by the courts where a provision in Scots law is ambiguous. The Convention is indicative of international standards and it is the policy of the Scottish Government to reflect the provisions of the Convention wherever possible in the development of policy and legislation.*

## APPENDIX TWO – PROCEDURE FLOW DIAGRAM



## APPENDIX THREE (I) – PRO FORMA ACKNOWLEDGEMENT LETTER TO PARENTS

Ref:

date

name and address

Dear

### EDUCATION AT HOME – INITIAL EDUCATION PROPOSAL

I acknowledge receipt of your letter dated **xxxxx** requesting permission to withdraw your **son/daughter, name**, from **school** with a view to educating **him/her** at home.

Home educating children is a right of parents which is conditional upon parents providing an efficient education suitable to the age, ability and aptitude of the child. To this end, I would ask that you provide, in the first instance, an outline of your proposal to educate **name** at home in relation to **his/her** age, ability and aptitude. I have enclosed a proforma which you may wish to use to detail this information. I can also arrange for an Education Officer to provide advice and support on how to outline your proposal. Please let me know if you wish me to do so.

I have enclosed information outlining the steps that will be taken in order for the council to make a decision with regard to your request. If you have any questions about this please feel free to contact Alison Raeburn, Principal Officer (ASN) on telephone number 01506 282634.

Once you have submitted your proposal, Education Officers will offer to meet with you and **name** to discuss this in more detail. As part of this meeting there will be discussion around what future contact there will be between yourself and West Lothian Council. In the meantime, I shall be contacting West Lothian Council's multi-agency partners to request supporting/background information to inform the decision.

West Lothian Council will not unreasonably withhold consent and all applications for consent will be processed as quickly as possible.

Pending formal consent from the council to withdraw **name** from **school**, the expectation is that **name** continues to attend school.


I look forward to receiving your proposal outline.

Yours sincerely

Ann Durnian  
Senior Education Development Manager

DATA LABEL: PROTECT:PRIVATE/CONFIDENTIAL

**APPENDIX THREE (II) – PRO FORMA – PARENTS INITIAL EDUCATION PROPOSAL**

 <p><b>West Lothian Council Education Services</b></p>	<p><b>PARENTS' INITIAL EDUCATION PROPOSAL</b></p>
<p><b>You may wish to use some or all of the sections of this proforma to assist you in giving detail of your initial proposals for education at home. Other ways by which you can give or expand on this information include:</b></p> <ul style="list-style-type: none"><li>• Invite an Education Officer to meet with you in your home, with or without your child present e.g. The Education Officer will help you to describe your plans.</li><li>• Request a meeting at your child's school, which the Education Officer would attend. You may also request that any other relevant professionals working with your child attend this meeting.</li></ul> <p><b>SECTION A - PERSONAL DETAILS</b></p> <p><b>Name of Child:</b> _____ <b>DOB</b> _____</p> <p><b>Address:</b> _____ _____</p> <p><b>School attended (if applicable)</b> _____</p>	

DATA LABEL: PROTECT:PRIVATE/CONFIDENTIAL

### **SECTION B - OBJECTIVES**

- You may wish to outline general objectives, which you have in mind.
- These may give details of your short and longer term goals.

### **SECTION C - CHILD'S CURRENT APTITUDE AND ABILITY**

- Please give details of your child's current aptitude and ability.
- This may be based on up-to-date information from school, your parental knowledge, or information from others who 'teach' your child.
- In particular, please give detail of any special educational needs, which you or others perceive to be relevant.

### **SECTION C - EDUCATIONAL PROGRAMME**

- Please detail how you will provide for your child's needs in the following areas:
  - 1 Intellectual
  - 2 Social
  - 3 Emotional
  - 4 Imaginative
  - 5 Physical
- You may wish to explain how you will facilitate and support learning within specific subjects.
- You may wish to describe a style and approach specific to your philosophy or child's needs.

### **Questions to think about when designing the programme:**

- Does the programme provide breadth and balance to your child's learning experience?
- Will this breadth and balance be achieved within a regular structured timeframe or more "flexible approach"?
- How do you intend to assess/monitor your child's progress?

**SECTION D - RESOURCE PROVISION**

Please give details of any core resources which you have purchased and also detail what use will be made of existing resources and space both within and outwith the home.

Thank you for the information you have provided

## APPENDIX 4 – EFFICIENT AND SUITABLE EDUCATION

What is considered 'Efficient' and 'Suitable' education/the Procedure to be followed when it is considered that Efficient and Suitable education is not being provided/Monitoring the provision.

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

The education authority West Lothian Council will assume that efficient educational provision is taking place, which is suitable for the child, unless there is evidence to the contrary. If there is reason to believe that an efficient education is not being provided, then there is a duty on the Council to intervene. This duty applies equally in relation to all children, regardless of whether or not they have previously attended a West Lothian school.

### **Education (Scotland) Act 1980 Section 37(1)**

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

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

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

### **Education (Scotland) Act 1980 Section 37(2)**

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

If, from whatever sources, West Lothian Council becomes aware of concerns about the home education of any child, this should be reported to the Principal Officer (ASN) who will gather the necessary information in order for the Senior Education Development Manager to form a view on whether the parents are providing an efficient education suitable to the age, ability and aptitude of the child. This will include requesting the relevant Education Officer to give consideration to the following characteristics:

### **Suggested characteristics of 'efficient' and 'suitable' education**

It is reasonable to expect the provision to include:

- Consistent involvement of parents or other significant carers – it is expected that parents or significant carers would play a significant role, although not necessarily constantly or actively involved in providing education.



- Presence of a philosophy or ethos (not necessarily a recognised philosophy) – it is expected that the parents have thought through their reasons, showing signs of commitment and enthusiasm, and recognition of the child’s needs.
- Opportunities for the child to be stimulated by their learning experiences.
- Involvement in activities – a broad spectrum of activities to cater for wide varieties of interests appropriate to the child’s stage of development.
- Access to resources/materials required to meet the objectives of the parents – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity to interact with peers and with other adults.

If, on considering the educational provision, one or more of the characteristics listed above appear to be lacking, the Council may choose to further investigate whether or not an efficient education is being provided. The Education Officer will be called upon to discuss these concerns with the parents and, if appropriate, clearly articulate their concerns in writing. If this investigation concludes that efficient education is not being provided, and the parents, having been given an opportunity to improve their provision, have not do so, West Lothian council will activate the formal attendance procedure in accordance with the Section 37 provisions of the 1980 Act.

### **Contact/Monitoring**

There is no statutory duty on West Lothian Council to investigate actively (ie monitor) ongoing home education provision. However, in law, the Council has a duty to serve a notice on any parent who they are not satisfied is providing efficient education suitable to their child’s age, ability and aptitude. The law does not, however, specify how, and to what extent the Council should actively seek the information that will inform it on whether home educating parent’s educational provision is suitable and efficient.

In West Lothian Council, Education Officers will make contact with those families known to be home educating on an annual basis.

Contact should be made in writing initially to the family, seeking a meeting or requesting an updated report. The primary purpose of the contact is to satisfy the Council that suitable and efficient education is being provided. The Education Officer will not be prescriptive about the format in which information is submitted, the important factor is whether the information can demonstrate that suitable and efficient education is being provided.

Throughout the process parents are encouraged to make contact with the authority for support and advice at any time.

Following the contact, the Education Officer will submit a report to the Principal Officer (ASN) who will write to the family letting them know the outcome, ie whether or not the educational provision was seen to be suitable and efficient. If there was no problem with the educational provision, the Education Officer will not make contact with the family for another year. Where there are concerns about the efficiency or suitability of the education being provided, the Principal Officer (ASN) will write to parents to clarify the exact nature of these concerns.

### **Access to the child at home**

It is important to acknowledge that learning takes place in a wide variety of environments and not simply in the home. Where the education is taking place in the home, it may be thought desirable for the Education Officer to have the opportunity to see the child in that learning environment, to enable them to see the provision at first hand, and thus make a recommendation on whether suitable and efficient education is being provided. West Lothian Council does not, however, have a right of access to the home and the child. Trusting relationships may need time to develop before a parent is willing to invite an officer to visit. Where a parent elects not to allow access to their home or their child, this does not in itself constitute a ground for concern about the education provision.

Although it is recognised that the learning environment can have a bearing on the effectiveness of learning, Education Officers should offer to discuss and evaluate the parents' educational provision by alternative means. Parents might prefer, for example, to write a report, provide samples of work, either in hard copy or electronically, or provide evidence in some other appropriate form.

### **Exceptional circumstances**

Where West Lothian Council has concerns about the education provision which are not allayed by the presentation of written or alternative forms of evidence, and ongoing dialogue, and the only way the authority can clarify whether suitable and efficient education is being provided is to seek access to the home environment, then it may request to do so. However, there must be demonstrable grounds for concern and the Education Officer must outline those grounds to the parent when requesting access to the home. If, in these circumstances, the parent refuses to allow access to the home, the authority might reasonably conclude that they have insufficient information to satisfy themselves as to the efficiency and suitability of education provision, and serve a notice on the parent under Section 37 of the 1980 Act.

The welfare and protection of all children, both those who attend school and those who are educated by other means, is a paramount concern. It is no more likely that child protection issues will arise in relation to home educated children than school educated children. However, if such concerns do arise, they should be referred to the appropriate authorities.

### **Making an attendance order**

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

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

Under Section 37, notice will allow between seven and fourteen days for the parent to provide the Council with whatever information they require to satisfy themselves about the suitability of the education. The parent may choose to do this by meeting with the Education Officer in person, or by supplying the information in writing.

West Lothian Council will make an attendance order where the parent, on whom notice has been served, fails to satisfy the Council that efficient education is being provided, suitable to the age, ability and aptitude of the child, or that there is reasonable excuse for his or her failure to do so.

Once an attendance order has been served, the parent has two weeks to appeal to the sheriff, who may confirm, change, or annul it.



**West Lothian**  
**Council**  
**Education Services**



# HOME EDUCATION - A GUIDE FOR PARENTS

# HOME EDUCATION

## **WEST LoTHIAN COUNCIL'S GUIDE FOR PARENTS**

### **INTRODUCTION**

Every child has a right to an education, and it is the duty of the parent of every school age child to provide that education, either by sending the child to school, or by other means.

The purpose of this guidance is to provide advice to parents, who are thinking about educating their children at home. For more information, you can contact one of the organisations listed at the back of this booklet.

Parents choose to home educate their children for many different reasons. Parents do not have to give a reason for choosing home education however, it may be helpful to the council to know if the reason is dissatisfaction with the school, or problems, such as bullying, being faced by the child at school.

Under Section 35 of the Education (Scotland) Act 1980, parents of a child who has been attending a local authority school must seek the council's consent before withdrawing their child from that school, and the council must not unreasonably withhold consent.

Consent is not needed if

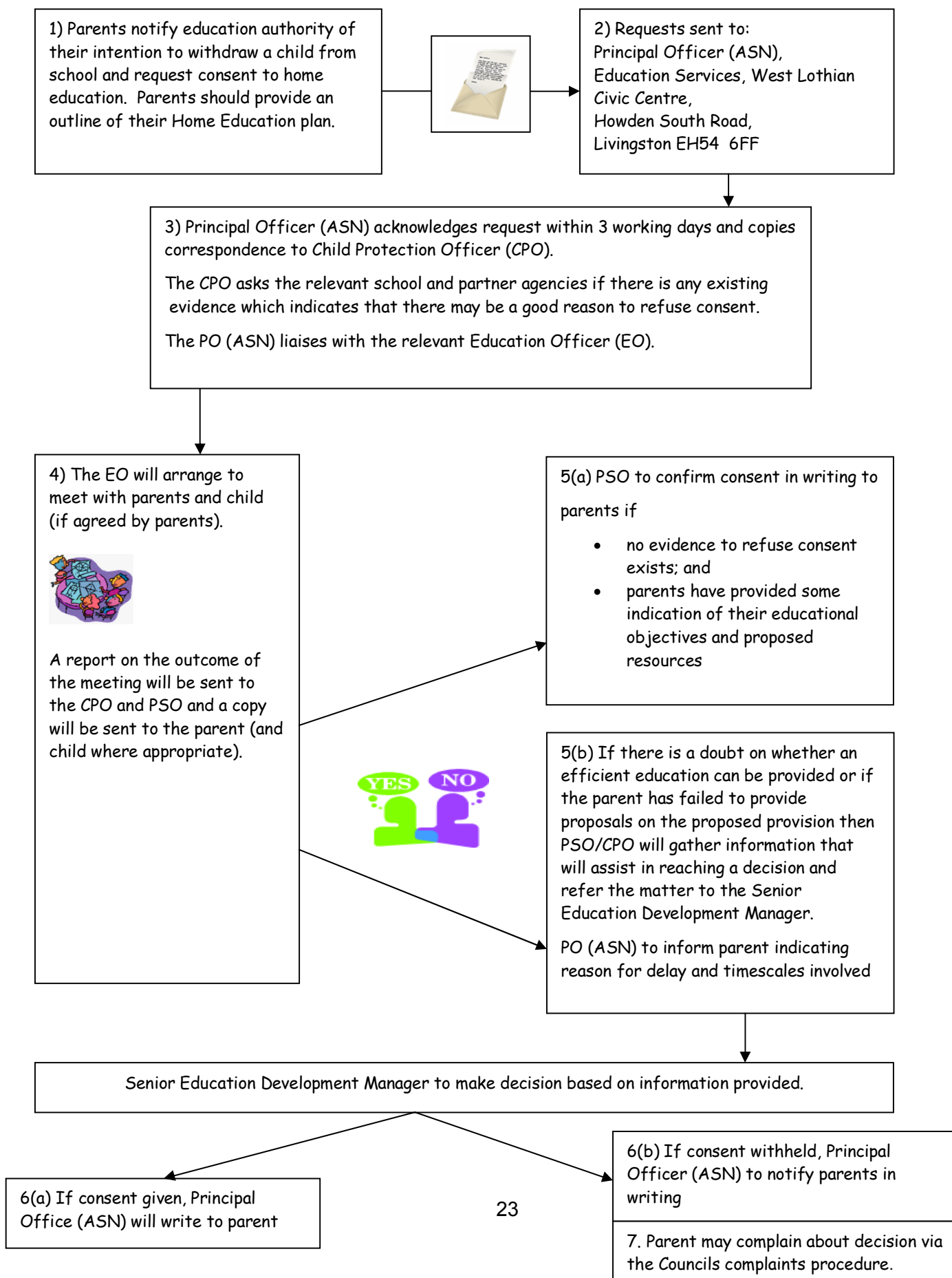
- The child has never attended a local authority school.
- The child has never attended a local authority school in that authority's area.
- The child is being withdrawn from an independent school.
- The child has finished primary education in one school but has not started secondary education in another.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

Although there is no statutory duty upon parents to inform the local authority that they are home educating if they do not require consent, West Lothian Council would prefer home educators in their area, or moving into their area, to contact them.

# PROCESS

## WITHDRAWING A CHILD FROM SCHOOL

### FLOWCHART FOR PARENTS



Suggested good practice for parents:

- Establish whether consent is needed.
- If consent is needed, write to the council to request their consent:
  - as early as possible and, where reasonably practical, well in advance of the date you wish to withdraw your child from school
  - include initial proposals as to how you intend to provide an efficient and suitable education for your child
  - you are not required to indicate the reasons for your decision, but may choose to do so.

**The aim of the council is to issue a decision within 6 weeks of the receipt of the original application.**

### **Practical support and resources**

Some of the ways in which West Lothian Council may be able to support home educating families include:

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

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

### Appeals by parents

There is no statutory right to appeal against the council's decision to withhold consent to withdraw a child from school. However, all decisions are reviewed internally by the council on request. Decisions made by authorities under their statutory powers are also generally subject to external review by the Court of Session through the judicial review process.

The council operates a complaints procedure which is available to you should you wish to make a complaint. Complaints should be addressed to West Lothian Council, Customer Care, Civic Centre, Howden South Road, Livingston EH54 6FF. Parents may also choose to pursue the matter with the Scottish Public Services Commissioner (Ombudsman). There is also a mediation service available through Common Ground Mediation, PO Box 28094, Edinburgh EH16 6WH.

## USEFUL INFORMATION

### **Education Maintenance Allowances (EMAs)**

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

### **Examinations for home educated children**

There is no legal requirement for children to sit a particular set of examinations. If parents want a child to take a particular qualification, they should investigate thoroughly whether, and how easily, their child will be able to access examination and assessment arrangements. Parents may wish to investigate alternative options, which may be better suited to home education. The council is not required to meet any costs associated with home educated candidates taking examinations or other qualifications. The council, where circumstances allow, will take a reasonable approach and make available any resources or support and give information about alternative qualifications and the arrangements needed for children to take them, where applicable.

### **Child Protection**

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

### **Children with additional support needs**

A parent's right to educate a child at home applies equally where that child has additional support needs. The fact that a child has additional support needs is not, in itself, a reason to refuse consent to withdraw a child from school. Additional considerations do, however, apply.

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



## Useful links/contacts

### **Scottish Government Website**

Home Education Guidance

Website: [www.scotland.gov.uk/Publications/2007/12/17133313/0](http://www.scotland.gov.uk/Publications/2007/12/17133313/0)

### **West Lothian Council**

#### **Education Services**

Contact:

West Lothian Civic Centre

Howden South Road

Livingston EH54 6FF

Tel: 01506 282041

Website: [www.westlothian.gov.uk/social\\_health/861/874/876](http://www.westlothian.gov.uk/social_health/861/874/876)

### **Home Education Organisations - Scotland**

#### **Schoolhouse Home Education Association**

Contact:

*PO Box 18044,*

*Glenrothes,*

*Fife*

*KY7 9AD*

Tel: 01307 463 120

Email: [info@schoolhouse.org.uk](mailto:info@schoolhouse.org.uk)

Website: [www.schoolhouse.org.uk](http://www.schoolhouse.org.uk)

### **North of Scotland Home Educators**

Contact:

Email: [norscothe@hotmail.co.uk](mailto:norscothe@hotmail.co.uk)

### **Home Education Organisations - UK wide**

#### **Education Otherwise**

Contact:

*PO Box 3761*

*Swindon SN2 9GT*

Tel: 0845 478 6345

Email: [eoemailhelpline@education-otherwise.org](mailto:eoemailhelpline@education-otherwise.org)

Website: [www.education-otherwise.org](http://www.education-otherwise.org)

### **Home Education Advisory Service**

Contact:

*PO Box 98,  
Welwyn Garden City,  
Herts  
AL8 6AN*

Tel: 01707 371 854

Email: [enquiries@heas.org.uk](mailto:enquiries@heas.org.uk)

Website: [www.heas.org.uk](http://www.heas.org.uk)

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

### **Disclosure Scotland**

Contact:

*Disclosure Scotland,  
PO Box 250,  
Glasgow G51 1YU*

Tel: 0870 609 6006 Fax: 0870 609 6996

Email: [info@disclosurescotland.co.uk](mailto:info@disclosurescotland.co.uk)

Website: [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

### **Learning and Teaching Scotland**

The national body in Scotland providing advice and support for all matters on the curriculum, and providing a wide range of online services and resources.

Contact:

*The Optima,  
58 Robertson Street,  
Glasgow G2 8DU*

Tel: 0141 282 5000

Fax: 0141 282 5050

Email: [enquiries@ltscotland.org.uk](mailto:enquiries@ltscotland.org.uk)

Website: [www.ltscotland.org.uk](http://www.ltscotland.org.uk)

### **Scottish Government Education Directorate**

Contact:

*Educational Options Team,  
Victoria Quay,  
Edinburgh EH6 6QQ*

Tel: 0131 556 8400

Email: [ceu@scotland.gsi.gov.uk](mailto:ceu@scotland.gsi.gov.uk)

Website: [www.scotland.gov.uk](http://www.scotland.gov.uk)

### **The Scottish Qualifications Authority (SQA)**

The national body in Scotland responsible for the development, accreditation, assessment, and certification of qualifications other than degrees.

Contact:

*The Optima,*

*58 Robertson Street,*

*Glasgow G2 8DQ*

Telephone Helpdesk: 0845 279 1000

Email: [Customer@sqa.org.uk](mailto:Customer@sqa.org.uk)

Website: [www.sqa.org.uk](http://www.sqa.org.uk)

### **Common Ground Mediation**

A Voluntary Organisation which supports parents of children with additional support needs.

Contact:

*PO Box 28094*

*Edinburgh*

*EH16 6WH*

Telephone: 0131 664 9324 or 07760 486 465

email: [info@commongroundmediation.co.uk](mailto:info@commongroundmediation.co.uk)

Website: [www.commongroundmediation.co.uk](http://www.commongroundmediation.co.uk)



## Education Policy Development and Scrutiny Panel – Draft Workplan

### Planned Reports for PDSP/ Education Executive - 2013/14

Subject of Report	PDSP Date	Ed Exec Date
AAL	08 October	n/a
Active Schools		
Amending the Schools Consultation Response SO31	27 August	
Appointment of HTs/DHTs policy <sup>*1</sup>	22 October	12 November
ASN Review		1 October - tbc
ASN Staffing	22 October - tbc	
Bankton PS HMI	8 October	
Breakfast Clubs (Spring 14)		
Cashless Payments in Schools		
CEM Testing Update (CMT report on results for August 13)	3 December	n/a
College Partnership Working –Paul Durkin	n/a	20 August
Commercial Activity in Schools – Andrew Sneddon	22 October	12 Nov
Community Schools		
CPD – Partnerships with Edinburgh & Stirling Universities		
Early Years Officer		
Extension of Pre-School Hours		
GIRFEC paper (Education version)	8 October	
Glenvue NS – progress report		
Home Education Policy	27 August	1 October
Knife Crime		
Linlithgow Bridge HMI		
Lowport NS – progress report		
Medication in Schools Policy	22 October	12 November
PE – 2 hours/2 periods – Sheila McEwan	10 September	
Pupil Consultation Report – Amanda	10 September delayed due to absence	n/a
Pupil Placement Update		
Raising Attainment Strategy		
SQA results – pre-appeal	8 October	n/a
S & Q Report		
School Employer Connections – Elaine with D Dodds – presentation		
School Excursions Policy	27 August	1 October
School Review programme 2013-2014 – Ann	10 September	n/a
Session Dates 2015-16		
Simply Play	8 October	n/a
VSE	10 September	n/a

Thursday, 22 August 2013

Work Experience

n/a

20 August