



West Lothian
Council

Education Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

6 November 2014

A meeting of the **Education Executive** of West Lothian Council will be held within **Council Chambers, West Lothian Civic Centre** on **Tuesday 11 November 2014** 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. Minutes
 - (a) Confirm Draft Minute of the Meeting of the Education Executive held on Tuesday 30 September 2014 (herewith).
 - (b) Confirm Draft Minute of the Special Meeting of the Education Executive held on Tuesday 14 October 2014 (herewith).

Public Items for Decision

5. Home Educated Children and Young People Policy - Report by Head of Education (Quality Assurance) (herewith)
6. School Excursion Policy - Report by Head of Schools with Education Support (herewith)

7. Partnership Agreement with Education Scotland - Report by Head of Education (Quality Assurance) and Head of Schools with Education Support (herewith)
8. Consultation on Adoption of Admission Arrangements - Specialist Provision - Report by Head of Education (Quality Assurance) (herewith)

NOTE **For further information please contact Elaine Dow on 01506 281594 or email elaine.dow@westlothian.gov.uk**

MINUTE of MEETING of the EDUCATION EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE on 30 SEPTEMBER 2014.

Present – Councillors Lawrence Fitzpatrick (Chair), David Dodds, Stuart Borrowman, Tony Boyle, Harry Cartmill, Tom Conn, Alexander Davidson, Carl John, Peter Johnston, Dave King, John McGinty, Anne McMillan, Andrew Miller, Angela Moohan, George Paul, Frank Toner, Greg McCarra substituting for Jim Walker; Appointed Representative - Myra MacPherson

Apologies – Councillor Danny Logue, Jim Walker; Appointed Representatives - Eric Lumsden, Graham Stormont, Lynne McEwen, John Hendrie and Elsie Aitken

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

1. The Chair advised that a report in respect of Primary School Accommodation – Livingston Village which was expected to be on the Education Executive agenda had to been submitted to the Council Executive as it involved budget decisions.
2. The Chair advised that Graham Stormont had resigned from his post with West Lothian Council and therefore would no longer be the Secondary School Representative on the Education Executive. It was also advised Committee Services would commence the election process to appoint a replacement Secondary School Representative.
3. The Chair advised that a report on the Additional Special Needs Review would be considered at a Special Meeting of the Education Executive prior to the October school break.

2. DECLARATIONS OF INTEREST

Agenda Item 5 – Review of Early Learning and Childcare Workforce and Out of School Care Workforce – Councillor David Dodds declared a non-financial interest as his wife was a nursery nurse with West Lothian Council

3. MINUTE

The Education Executive confirmed the Minute of its meeting held on 19 August 2014 as a correct record. The Minute was thereafter signed by the Chair.

4. REVIEW OF EARLY LEARNING AND CHILDCARE WORKFORCE AND OUT OF SCHOOL CARE WORK FORCE

The Education Executive considered a report (copies of which had been

circulated) by the Head of Schools with Education Support providing a response to the Scottish Government's Consultation on the review of the early learning and childcare workforce and out of school care workforce.

The report advised that following concerns that there may not be adequate availability of a trained workforce to meet the demand created by the expansion of early learning and childcare, the Scottish Government appointed Professor Siraj to chair an independent review.

The report advised that the Scottish Government was seeking the views of individuals and organisations with an interest in and responsibility for the delivery of Early Learning and Childcare and Out of School Care.

The consultation asked a number of questions based around the necessary skills and qualities, appropriate training and the status of the workforce as a profession. Appendix 1 to the report contained the response to the consultation.

In conclusion the report advised that in responding to the consultation a clear assessment of the present situation within the council had been provided along with carefully considered suggestions as to the most appropriate steps to achieve the aims.

Decision

To approve the terms of the report.

MINUTE of the SPECIAL MEETING of the EDUCATION EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE on 14 OCTOBER 2014.

Present – Councillors Lawrence Fitzpatrick (Chair), David Dodds, Tony Boyle, Harry Cartmill, Tom Conn, Alexander Davidson, Carl John, Dave King, Danny Logue, John McGinty, Anne McMillan, Andrew Miller, Angela Moohan and Frank Toner; Appointed Representatives Elsie Aitken, Myra MacPherson, Lynne McEwen and Eric Lumsden.

Apologies – Councillors Stuart Borrowman, Peter Johnston and Jim Walker; Appointed Representative John Hendrie.

Absent – Councillor George Paul.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

2. WEST LoTHIAN COUNCIL EDUCATION SERVICES: ADDITIONAL SUPPORT NEEDS REVIEW 2014

The Education Executive considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) seeking authorisation to progress to formal public consultation from 16 October 2014 on proposals to ensure equitable, high quality and sustainable provision to meet the needs of increasing numbers of pupils with additional support needs.

The Education Executive was advised that in recent years, additional support needs provision within West Lothian Council had increased to meet the demand of a rising population and an increase in the number of pupils with significant additional support needs. It was anticipated that there would continue to be an increasing demand for places within specialist provision. Formal public consultation on proposals to review Additional Support Needs (ASN) education in West Lothian commenced in November 2013 which was withdrawn by the decision of the Education Executive at its meeting held in February 2014. Interim arrangements to accommodate the P1 intake of pupils with Severe and Complex Needs (SCN) from August 2014 were then agreed. The proposals which were developed were outlined within the report with a view to carrying out formal public consultation in order to meet longer term service requirements.

The Head of Education (Quality Assurance) then advised the Education Executive that Ogilvie School Campus faced the challenge of providing education for the following three distinct profiles:

- Social Emotional and Behavioural Needs provision – 4 primary special

classes (maximum class size 6 pupils)

- Autistic Spectrum Disorder provision – 3 primary special classes (maximum class size 6 pupils); and
- Severe and Complex Needs provision – 4 primary special classes (maximum class size 8 pupils).

The Education Executive was then provided with an update on the proposals outlined in the review of existing ASN provision undertaken to consider the most appropriate provision for pupils, to meet their needs and to ensure efficient deployment of resources which provided optimal use of provision for the benefit of pupils and their families within West Lothian. The Consultation Document October 2014, attached as appendix 1 to the report, contained West Lothian Council's proposals on how to help achieve this. A pre-consultation stakeholder engagement in advance of a statutory consultation was carried out, details of which was attached as appendix 2 to the report. Appendix 3 to the report provided details of the proposed formal consultation timeline.

In conclusion, the Head of Education (Quality Assurance) advised that implementation of the proposals would create an equitable, high quality and sustainable provision across West Lothian for pupils with additional support needs, providing the highest quality of learning and teaching experiences that would enable children and young people to enjoy their education and develop positive attitudes towards learning.

Recommendation

The Education Executive was asked to:

1. Authorise Education Services to undertake a formal consultation exercise commencing on 16 October on the following:
 - a) A proposal to establish Connolly School Campus, a new primary school for Additional Support Needs (ASN) located at Connolly House, Blackburn from August 2015 containing 4 primary special classes (for the provision of Social, Emotional and Behavioural Needs (SEBN) education across P1 to P7) under the management of the Principal of the West Lothian Behaviour Support Service;
 - b) A proposal to re-locate the existing 4 Social, Emotional and Behavioural Needs (SEBN) primary special classes (providing education across P1 to P7) from Ogilvie School Campus, Knightsridge, Livingston to Connolly School Campus, Blackburn; this relocation process from Ogilvie School Campus to Connolly School Campus to be completed by August 2015;
 - c) A proposal to establish 3 primary special classes at St Mary's Primary School, Polbeth (for the provision of primary education for children with Autism Spectrum Disorder (ASD) across P1 to P7) under the management of the Head Teacher of St Mary's Primary School, Polbeth; 2 classes commencing from August 2015 and a

3rd class commencing from August 2018; and

- d) A proposal to re-locate the existing P1 to P3 pupils from the Autism Spectrum Disorder (ASD) special classes at Ogilvie School Campus, Knightsridge, Livingston to St Mary's Primary School, Polbeth with effect from August 2015; the existing P4 to P6 pupils from the ASD classes at Ogilvie School Campus to complete their primary schooling within Ogilvie School Campus.
2. It was recommended that the above individual proposals be published in a single consultation paper (attached as Appendix 1 to this report), due to the strong links between them. Following the consultation, the council could consider the appropriateness of implementing all or any one or more of the proposals and adjust the timetable of individual proposals separately if necessary.
3. It was recommended that the Education Executive
- a) Note the intention for Pinewood School Campus to continue as a 5-18 all-through school;
 - b) Note the intention for Ogilvie School Campus to become a 5-18 all-through school for children with severe and complex needs which will necessitate a further consultation, to be brought by Education Services to a future meeting of the Education Executive, on the establishment of secondary education within special classes for children with severe and complex needs in Ogilvie School Campus; and
 - c) Note the intention to bring a further report to a future meeting of the Education Executive regarding the formal naming of the Connolly School Campus provision following appropriate discussion with stakeholders.

Decision

The Education Executive approved the terms of the report.



EDUCATION EXECUTIVE

HOME EDUCATED CHILDREN AND YOUNG PEOPLE POLICY

REPORT BY HEAD OF EDUCATION (QUALITY ASSURANCE)

A. PURPOSE OF REPORT

To invite the Education Executive to consider the outcome of a review of the Home Educated Children and Young People Policy.

B. RECOMMENDATION

- 1) To recommend to the Education Executive that it note the outcome of the review of the Home Educated Children and Young People Policy that:-
 - i) West Lothian Council's Home Educated Children and Young People Policy is compatible with current Scottish Government Guidance.
 - ii) West Lothian Council is amongst those Authorities offering a greater level of flexibility to the parents of home educated children and young people.
 - iii) West Lothian Council is at the forefront of Authorities in terms of offering clarity to parents on how requests for flexible access to Authority school courses or classes by children educated at home will be dealt with.
 - iv) The Home Educated Children and Young People Policy is resulting in an appropriate level of flexibility for parents of home educated children and young people.
- 2) To recommend to the Education Executive that the policy be amended as set out:-
 - i) to clarify the ages of children to which each section of the advice on flexible access to school classes and courses applies,
 - ii) to provide guidance on the Council's duty to intervene if it believes that an efficient education is not being provided for a child,
 - iii) to reflect changes in structure
 - iv) to take account of changes suggested by parents as set out in Appendix 4.

C. SUMMARY OF IMPLICATIONS

I Council Values

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

II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Scottish Government Guidance on Home Education. Equality Relevance Assessment Completed.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	Entry of home educated children and young people into specific classes or courses may have some resource implications for the Authority. It Should be noted, however, that should these children opt to enter a local authority school full time, the Authority would be obliged to make provision for them. The number of home educated children and young people is very small (25 in session 2013/14, 27 in session 2014/15). Only two were accessing local authority provision on a flexible basis in session 2013/14, and two were accessing local authority provision on a flexible basis in session 2014/15.
VII	Consideration at PDSP	The PDSP agreed to accept a typographical correction to recommendation 2(ii) above; and asked that the role of the Additional Support Needs Manager in the process flow diagram on pages 13 and 23 be clarified.
VIII	Other consultations	All parents of home educated children.

D. TERMS OF REPORT

Background

The Home Educated Children and Young People Policy was last updated in October 2013. This update was undertaken following the investigation of a complaint by the Scottish Public Services Ombudsman which found that the information that the parent of a home educated child had received had been inconsistent and unclear. The Scottish Public Services Ombudsman asked West Lothian Council to develop written guidelines regarding access to Community Schools in relation to home education.

As a result, the Education Executive agreed, at its meeting of 1 October 2013, to insert the following section in the Policy:-

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 to 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 register for the class. 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.

The Education Executive also asked that the policy be reviewed during 2014.

Review

The review of the Home Educated Children and Young People Policy focussed on the following four areas:-

- 1) Compatibility with Scottish Government Guidance.
- 2) Practice in other Local Authority Areas.
- 3) Outcomes for West Lothian home educated children and young people.
- 4) Minor revisions to further increase clarity.

Scottish Government Guidance

Current Scottish Government Guidance (Appendix 1) was published in 2007. The guidance covers:-

- 1) the legislative position
- 2) the procedure for parents to follow if they wish to withdraw their child from school including requests for flexi schooling
- 3) contact between home educating families and local authorities including how child protection and other concerns should be addressed

- 4) good practice for local authorities including the provision of practical support and resources
- 5) suggested characteristics of an efficient and suitable education
- 6) information for parents, including education maintenance allowance and examinations
- 7) further information for parents of children with additional support needs.

The Home Educated Children and Young People Policy (Appendix 2) covers the same content. The policy sets out:-

- 1) who needs consent to withdraw a child from school
- 2) the procedure for dealing with a request from a parent to withdraw their child from school
- 3) movement between local authority areas
- 4) flexi schooling
- 5) children with additional support for learning needs
- 6) child protection.

Legislation, information on an efficient and suitable education including contact and monitoring, and a guide for parents including information for parents on provision of practical support, education maintenance allowance and examinations are included as appendices.

There is, therefore, a very high level of compatibility between Scottish Government Guidance and the Home Educated Children and Young People Policy both in terms of structure and content. The Home Educated Children and Young People Policy makes explicit to parents the procedures followed within West Lothian, with additional clarity following the insertion of the additional section regarding flexi schooling in October 2013.

Practice in Other Local Authority Areas.

In October 2013 West Lothian Council asked other Local Authorities through the Association of Directors of Education in Scotland (ADES) for sight of any formal policy or guidance in relation to Children Educated at Home over and above that provided by the Scottish Government. In particular, Authorities were asked for any policy or guidance in relation to flexible access to Authority school courses or classes by children educated at home.

Fourteen Authorities responded, and the responses in relation to flexible access to Authority school courses or classes is set out in Appendix 3.

Authorities are split between the six which either mention flexible access to Authority school courses or classes in their policy, or would allow such an approach (Dumfries and Galloway, East Dumbartonshire, East Renfrew, Orkney, South Lanarkshire and West Dumbartonshire) and the eight which make no mention of such flexible access or do not facilitate it (Argyle and Bute, East Ayrshire, Edinburgh, Glasgow, Midlothian, North Ayrshire, Renfrewshire and Shetland)

West Lothian Council makes specific mention of flexible access to Authority school courses or classes in its policy, placing it amongst those Authorities offering a greater level of flexibility to the parents of home educated children and young people. West Lothian Council offers specific guidance on the factors to be considered when considering whether such an arrangement in each case is feasible, placing it at the forefront of Authorities in terms of offering clarity to parents.

Outcomes for West Lothian Home Educated Children and Young People

In session 2013/14 13 primary aged pupils were educated at home. In 2014/15 the figure is 12.

In session 2013/14 12 secondary pupils were educated at home. Two were 'flexi schooling' as defined in Paragraph 3.6 of the Scottish Government Guidance; that is the pupils are attending school only on certain days or for certain subjects. In 2014/15, 15 pupils were educated at home with 2 'flexi schooling', one at Bathgate Academy (S4) and one at Cederbank (S4).

Entry of home educated children and young people into specific classes or courses may have some resource implications for the Authority. It should be noted, however, that should these children opt to enter a local authority school full time, the Authority would be obliged to make provision for them.

The granting of flexible entry into specific classes or courses demonstrates that the policy is resulting in flexibility for parents of home educated children and young people, subject to necessary constraints.

Minor Revisions to Further Increase Clarity

- 1) At the meeting of the Education of Executive of 1 October 2013, there was some confusion between the application of the first and second paragraphs inserted into the policy. The paragraphs were felt by some members to be incompatible. Paragraph 1 refers to young people aged over 16. Paragraph 2 refers to children and young people of 'school age'. 'School age' is defined by Section 31 of the Education (Scotland) Act 1980 as a child who has attained the age of 5 years and not yet attained the age of 16 years. The paragraphs refer, therefore, to different groups of children and young people.

In order to increase clarity for parents it is proposed that the first sentence of the second paragraph be revised to read:- "Requests from parents/carers of home educated children and young people of school age (that is 5 or over but not yet 16) for access to West Lothian schools including Community High Schools will be considered on their own merit."

- 2) Section 37(2) of the Education (Scotland) Act 1980 and Scottish Government Guidance make clear that if the local authority has reason to believe that an efficient education is not being provided for a home educated child, they have a duty to intervene. This duty applies equally in relation to all children, regardless of whether or not they have previously attended a local authority school in the area.

In order to increase clarity for parents, it is proposed to include this wording in Appendix 4 of the policy under the heading Contact/Monitoring.

Revisions to Reflect Changes in Structures

The opportunity has been taken to update the policy to reflect the current job titles of the council officers who undertake particular functions. These revisions do not affect the operation of the policy.

Revisions Suggested by Parents

All parents of children and young people educated at home were consulted on the policy, and two replied. The comments of parents and the responses of the Council are included in Appendix 4 to this report.

A concern expressed by both parents who commented related to the use of the job title Child Protection Officer within the policy, as they felt that this implied that the Council saw home education as a child protection issue. It is normal practice within Education Services for centrally based officers to perform a range of duties. The service does not employ one person to work exclusively on child protection issues, and the officer with the title Child Protection Officer performs other roles for the service including certain duties relating to children missing from education and children and young people educated at home. In order to remove this confusion, and the potential for offence, the job title 'Child Protection Officer' has been removed from the report.

An additional concern related to sharing of information. The comments indicated that the primary concern was sharing information with the Child Protection Officer. As stated above, this was not because the Council sees home education as a child protection issue, but rather because officers employed in the central education service typically perform more than one role. The title Child Protection Officer has been removed from the policy to prevent any misunderstanding that information is being shared for the purposes of child protection in any inappropriate way.

The responses to other comments are included within appendix 4, and where appropriate, these are included in the draft revised policy attached as appendix 2.

E. CONCLUSION

The Home Educated Children and Young People Policy is compatible with Scottish Government guidance; offers a greater level of flexibility to the parents of home educated children and young people than available in many Council areas; is at the forefront of Authorities in terms of offering clarity to parents on how requests for flexible access to Authority school courses or classes by children educated at home will be dealt with; and is resulting in an appropriate level of flexibility for parents of home educated children and young people, subject to necessary constraints.

F. BACKGROUND REFERENCES

Home Educated Children and Young People Policy – Report to Education Executive 1
October 2013

Appendices/Attachments:

1. Scottish Government Guidance On Home Education
2. Home Educated Children and Young People Policy
3. Practice in Other Local Authorities
4. Comments of Parents.

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Elaine Cook

Head of Education (Quality Assurance)

Date of meeting: 11 November 2014

home education guidance



CHOICE



DIVERSITY

FLEXIBILITY

DECISIONS

home education guidance

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1. 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.

Home education is a key aspect of parental choice, and is an equally valid choice alongside the option to send a child to school. However, it is a choice which only a minority of parents make. Each individual enquiry about home education, request to withdraw a child from school, or contact between a local authority and a home educating family should be dealt with as fairly, consistently, timeously and accurately as possible.

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

This guidance applies to home education provided by parents, not to education being provided outwith school by local authorities.

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

Guidance was first published in 2004. This revised guidance has been developed following consultation with interested parties.



2. Legislative position

This section sets out the legislation relevant to home education. It covers the statutory nature of this guidance, a child's right to an education, the parent's responsibility for providing that education, the need for consent to withdraw from a public school, and a local authority's responsibility to satisfy itself that suitable and efficient education is being provided. It also provides references to case law and international law that are of relevance to home education. Most of the topics covered are expanded upon in later sections of this guidance.

2.1 This guidance

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.

This guidance is issued under Section 14 of the Standards in Scotland's Schools etc Act 2000. This means that education authorities must have regard to the guidance.

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



2.3 Parents are responsible for providing their child with an 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 parents providing an efficient education suitable to the age,

ability and aptitude of the child, and choosing this option does not

in itself require permission. A child is defined as being of

school age (i.e. education must be being provided) if

he or she has attained the age of 5 years but has

not yet attained the age of 16 years. However,

the exact rules surrounding school starting

and leaving dates are complex and are

set out in sections 32 and 33

respectively of the Education

(Scotland) Act 1980. For example,

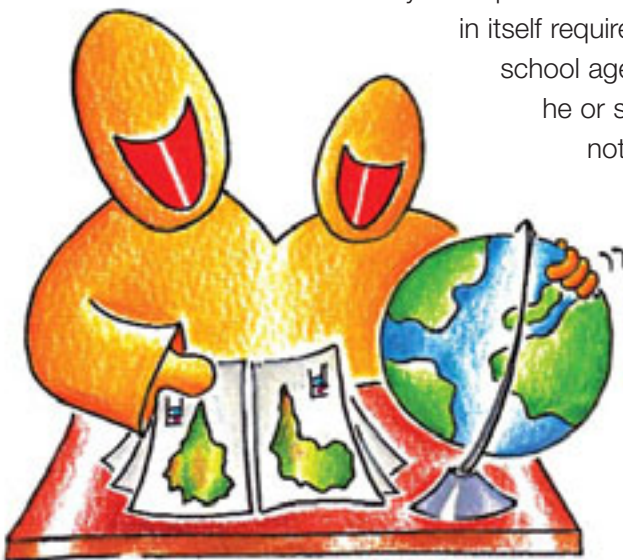
the rules surrounding leaving dates

may mean that a child who has

already attained the age of sixteen

may still require consent to be

withdrawn from school.¹



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

2.4 Duties placed on local authorities

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

In the exercise and performance of their powers and duties under this Act, the Secretary of State² 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 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.

² Since the advent of the Scottish Parliament references to the Secretary of State have been replaced by Scottish Ministers



In all their educational responsibilities, local authorities should have regard to the views of parents and the decisions that they make in relation to their child's education. Authorities should seek to support parents in the choices that they make by offering advice, clear and accurate 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 a public school. Section 37 requires an authority to take action where they are not satisfied that an efficient and suitable education is being provided.

2.5 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:

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

The Judge defined the outcomes of a suitable education as

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

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

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

2.6 International Law

European Convention on Human Rights – Article 2 of Protocol 1

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

UN Convention on the Rights of the Child – Article 12³

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.

UN Convention on the Rights of the Child – Article 28

Parties recognise the right of the child to education.

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

³ 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.



3. Withdrawing a child from school

3.1 Why parents choose to home educate

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

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

It may be helpful for the local authority to know if the reason is dissatisfaction with the school, or problems, such as bullying, being faced by the child at school.

3.2 Who needs consent?

Under Section 35 of the Education (Scotland) Act 1980, parents of a child who has been attending a public school⁴ must seek the local authority's consent before withdrawing their child from that school, and the authority must not unreasonably withhold consent. It should be noted that while consent is needed for withdrawal from school, consent is not needed to home educate in itself.

Consent is not needed in the following situations:

- › The child has never attended a public school.
- › The child has never attended a public 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.

⁴ Public school means any school under the management of a local authority.

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

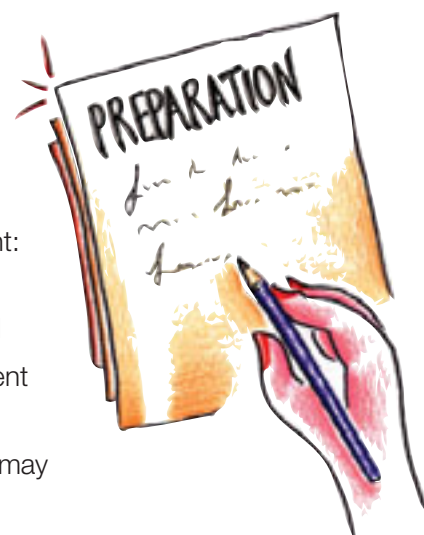
3.3 Withdrawing the child from school – the process

Procedures for considering a parent's request to withdraw a child from school should be fair, clear, consistent and without delay. Local authorities should remember that home education is a key aspect of parental choice, and that consent to withdraw a child from school should not be unreasonably withheld. On the other hand, sufficient time must be allowed for local authorities to take an informed decision on an important matter which will have an effect on the child's future learning.

The following checklists are suggested as good practice:

For parents

- Establish whether consent is needed.
- If consent is needed, write to the local authority 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.



For local authorities

Is there anything in the child's record to cause concern?

- On receipt of a request from a parent, you should consider quickly whether there is any existing evidence, either in an authority's own records or from other services or agencies, indicating that there may be good reason to refuse consent. Previous irregular attendance is not of itself a sufficient reason for refusing consent. Specific instances where consent may not be able to be granted immediately are:
 - 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.

Is there evidence of the intention to provide efficient and suitable education?

- › If information exists casting doubt on whether an efficient and suitable education can be provided, or if the parent has failed to provide outline proposals on the proposed educational provision, the authority should seek to gather any relevant information that will assist them in reaching a decision. This should include seeking further information from the parents about their plans for education provision. Parents should be given the opportunity to address any specific concerns that the authority has. The child should also be given the opportunity to express his or her views.
- › If no evidence exists of reasonable grounds to withhold consent, and parents have provided some indication of their educational objectives and proposed resources, consent can be granted immediately.

Timescales

- › **The aim should be to issue a decision within 6 weeks of the receipt of the original application.**
- › The majority of applications can and will be dealt with well within this timescale.
- › In a small minority of cases, where information has to be sought from various sources, it may not be possible for a decision to be issued within 6 weeks. The parent should be kept informed of the progress of the application, the reason for any delay, and the likely timescale to reach a decision. The authority should seek to issue a decision as soon as possible.
- › Authorities should have regard to any problems a child is experiencing at school, and should endeavour to issue as quick a response as possible in those cases where a child may be suffering distress or experiencing some kind of problem as a result of continued attendance at school.

Points to bear in mind

- › The local authority may not unreasonably withhold consent. The authority should notify the parents in writing of their decision, setting out reasons and the grounds for refusal if consent is withheld.
- › If consent is withheld, the parents should be given the opportunity, within a reasonably practicable period, to address the grounds for refusal and resubmit their request for reconsideration.
- › In reaching a decision the authority may wish to have regard to the suggested characteristics of an efficient and suitable education set out in Section 6 of this guidance. However, authorities should bear in mind that, in these early stages, parents' proposals may not be detailed and they may not yet be in a position to demonstrate all of the characteristics suggested.

- In the period between receipt of an application to withdraw the child and a decision being issued, the authority should take a reasonable approach to attendance procedures. In most cases it would be inappropriate to initiate or pursue attendance procedures in respect of a child awaiting consent to be withdrawn from school.
- Local authorities should acknowledge that potential home educators come from all social, economic, racial and religious backgrounds, and that these factors should not bear upon the authority's decision.
- Parents are not required to have any qualifications or training to home educate their children.

3.4 Appeals by parents against a local authority's decision

There is no statutory right to appeal against an authority's decision to withhold consent to withdraw a child from school. However, all decisions should be reviewed internally by local authorities on request. Local authorities should provide parents with details about their complaints procedure. 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. Some local authorities have mediation services and the existence of these should be made known to home educating families. Parents may also choose to pursue the matter with the Scottish Public Services Commissioner (Ombudsman).

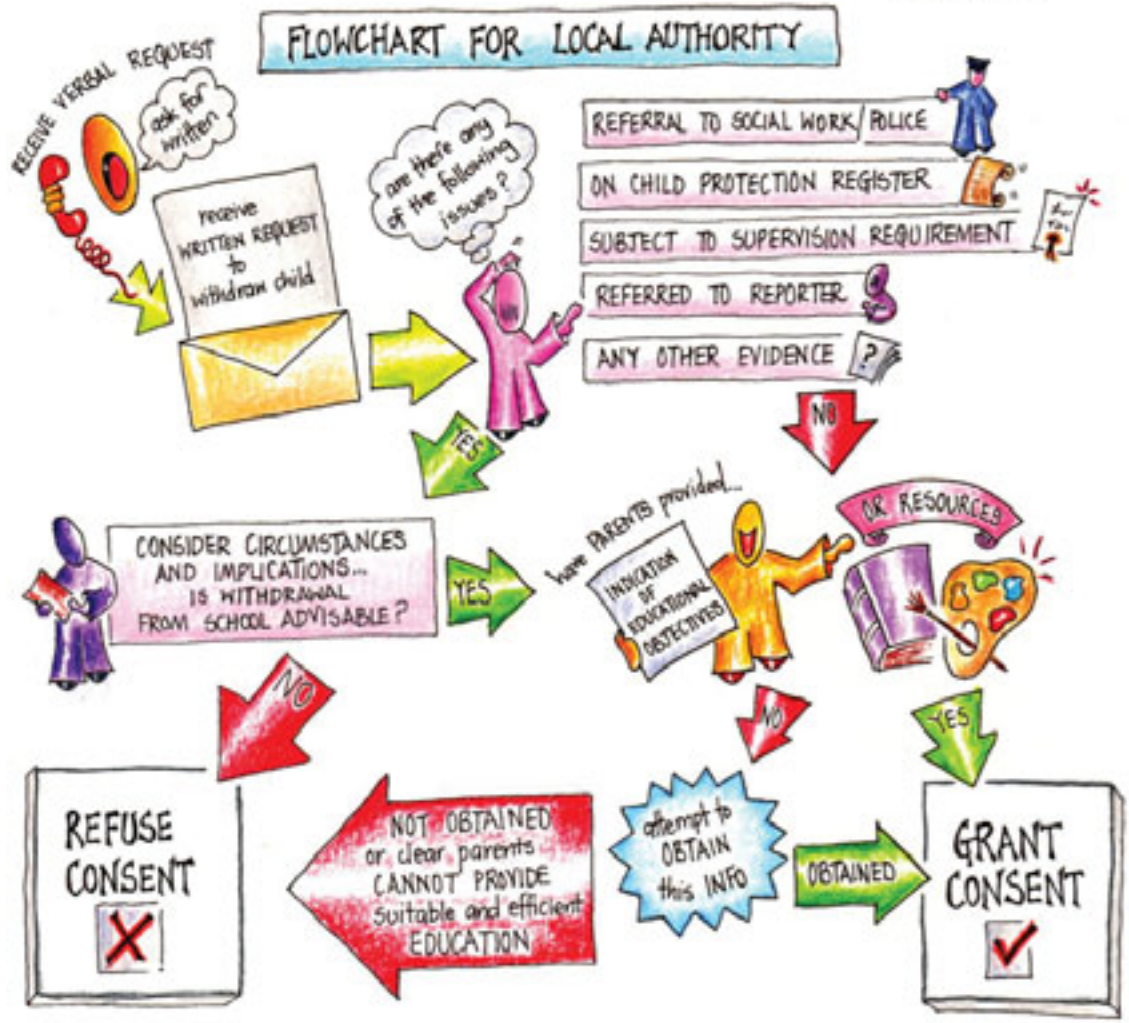
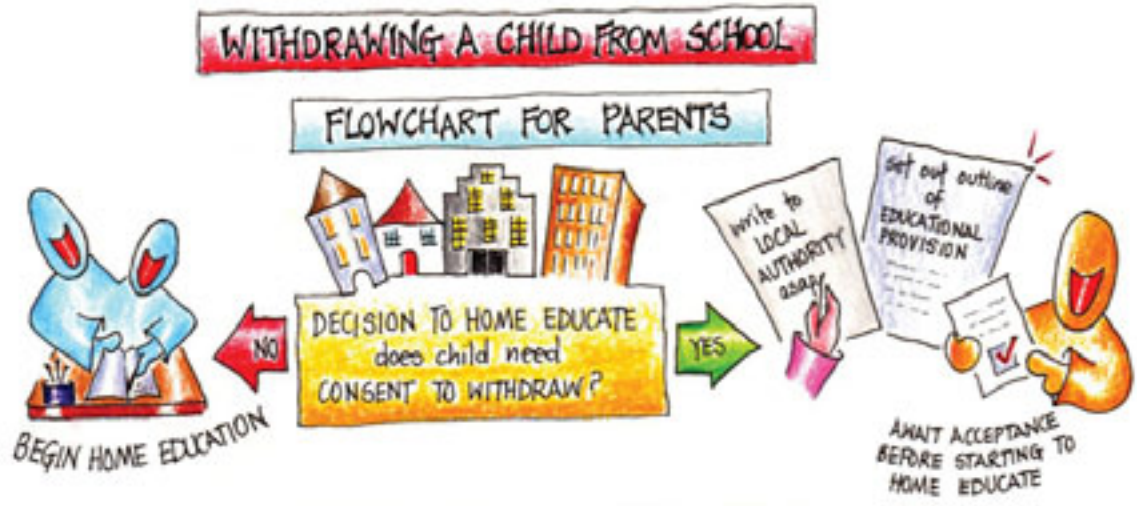
3.5 Movement between local authority areas

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 Gypsies and Travellers. The same considerations for consent to withdraw from school, and for ongoing contact, apply to these families. Some Traveller families have arrangements in place whereby children are on a school roll and attend for part of the year, using means other than home education to maintain continuity in learning while travelling. Only 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.

3.6 Flexi schooling

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





4. Contact between home educating families and local authorities

4.1 Legal duty on local authorities

It is worth repeating here the relevant legislation which relates to ongoing contact between home educating families and local authorities.

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 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.

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

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





4.2 Contact

We recommend that authorities should ordinarily make contact on an annual basis with those families they know to be home educating in their area. This annual contact is not a statutory requirement. However, it is a suggestion as to how authorities may reasonably inform themselves in order to fulfil their duty to serve a notice on any parent who is not providing efficient and suitable education.

We recommend that contact is made in writing initially to the family, seeking a meeting or requesting an updated report. The primary purpose of the contact should be for the authority to satisfy themselves that suitable and efficient education is being provided. This can be done either through a meeting, at a mutually agreed location, or through other means, e.g. the submission by the family of written, recorded or electronic material. Authorities should not be prescriptive about the format in which information can be submitted. The important factor is whether the information can demonstrate that suitable and efficient education is being provided.

Following this contact, the local authority should write to the family letting them know the outcome, i.e. whether or not the educational provision was seen to be suitable and efficient. If there was no problem with the educational provision, there will be no need for further contact until the following year. Where there are concerns about the efficiency or suitability of the education being provided, the local authority should make the exact nature of these concerns clear to the parent.

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

4.3 Access to the child and home

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

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

4.4 Exceptional circumstances

Where the authority 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 they may request to do so. However, the authority must have demonstrable grounds for concern and must outline those grounds to the parent when requesting access to the home. If, in these circumstances, the parent refuses to allow access to the home, the 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.



4.5 Making an attendance order

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

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

Under Section 37, notice will allow between 7 and 14 days for the parent to provide the education authority 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 authority in person, or by supplying the information in writing. The authority should make an attendance order where the parent, on whom notice has been served, fails to satisfy the authority that efficient education is being provided, suitable to the age, ability and aptitude of the child, or that there is reasonable excuse for his or her failure to do so.

4.6 Child protection concerns by local authority officers

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

5. Good practice for local authorities

5.1 Clear information

Local authorities should provide clear and accurate written information and website information on home education. Contact details for home education support organisations should also be provided (see end of this guidance). All written information should be made available to parents in community languages and alternative formats on request.

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

Local authorities should, as far as practicable, ensure that staff who may be the first point of contact for a potential home educating parent, e.g. answering telephone enquiries, understand the right of a parent to choose home education. Authorities generally should aim to ensure that parents are provided with accurate information from the outset.

5.2 Record keeping

Local authorities should keep a written record setting out any discussions, recommendations or agreements made with parents, and where relevant the reasons for them. Any written report should be copied to the parents, and where appropriate, the child. In exceptional cases, where there is a reasonable concern that a passage in any written record might cause serious harm to the physical or mental health or condition of any person concerned, consideration should be given to withholding that part of it. The authority will be aware of the need to comply with data protection and freedom of information principles.



5.3 Practical support and resources

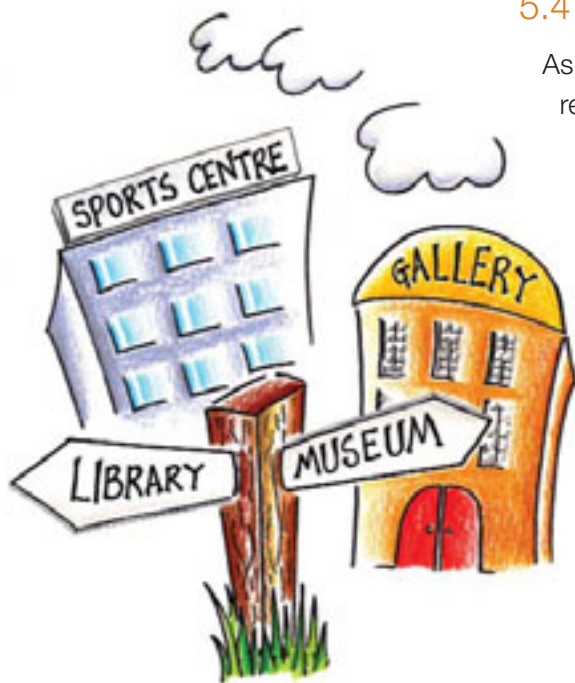
Authorities are not legally obliged to provide any resources for home educated children. However, they may choose to do so, particularly where there are minimal resource implications.

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

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

5.4 Review

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



6. Efficient and suitable education

6.1 Acknowledging diversity

Parents' educational provision will reflect a diversity of approaches and interests. Some parents may wish to provide education in a formal and structured manner, following a traditional curriculum and using a fixed timetable that keeps to school hours and terms. Other parents may decide to make more informal provisions that are responsive to the developing interests of their child. One approach is not necessarily any more valid than another. Although some parents may welcome general advice and suggestions about resources, methods and materials, local authorities should not specify a curriculum which parents must follow.

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

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



6.2 Suggested characteristics of efficient and suitable education

There is no definition of suitable and efficient education set out in primary legislation. However, as set out in section 2, the following examples of case law may be helpful in forming definitions:

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

The Judge defined the outcomes of a suitable education as

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

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

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

In their consideration of parents' provision of home education, authorities may reasonably expect the provision to include the following characteristics:

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

School education is changing with the introduction of the Curriculum for Excellence, which is not primarily about prescriptive curriculum content or structures. Rather it is about focussing on the outcomes that learning and teaching will achieve for young people. This chimes well with the philosophy of many home educating parents, and local authorities may also find it useful to consider the principles which govern Curriculum for Excellence as characteristics of suitable and efficient education.

To summarise, these principles are that every child:

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



7. Information for parents

7.1 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 local authority in which the home education is based. Applications should be made to the local authority. 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.

7.2 Examinations for home educated children

There is no legal requirement for children to sit a particular set of examinations. If parents want a child to take a particular qualification, they should investigate thoroughly whether, and how easily, their child will be able to access examination and assessment arrangements. The internal assessment component of many qualifications such as Standard Grades, National Qualifications, GCSEs and A Levels can restrict the certification of external candidates. For instance, many National Qualifications courses at Intermediate 1 and 2, Higher and Advanced Higher require candidates to pass unit assessments as well as an external assessment to achieve a course award. These are not, however, the only types of qualification available and parents may wish to investigate alternative options which may be better suited to home education. Some study options are set out below.

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

7.3 Study options for educational qualifications

Enrolment at a Further Education College

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

Enrolment at college has the advantage that all the work and entry for qualifications is organised by the college, but it does require at least some attendance at classes which will not appeal to all home educating families. If a student enrolls at a college, their parents will be liable

to pay all of the course fees themselves unless the education authority is willing to provide funding. Colleges also have the discretion to waive fees, which they tend to do for low income families in accordance with Scottish Funding Council's fee-waiver policy.

Self-Study

Many home educating families choose to work independently towards qualifications. Because of compulsory internal assessment components, there are many subjects and qualifications which are not available to external candidates unless an appropriate arrangement can be made with an approved centre which meets with the examining board's requirements. Some centres and examining boards may be willing to accept coursework which has been marked and authenticated by a private tutor.

Families who study for qualifications from home will need to:

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

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

Correspondence Courses

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



7.4 Child protection assurances for parents

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

8. Children with additional support needs

8.1 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 consent to withdraw a child from school. Additional considerations do, however, apply. It is reasonable for an education authority to ask parents to indicate how they propose to cater for their child's additional support needs at home.

When considering a request for consent, or considering whether the education is suitable, taking account the age, ability and aptitude of the child, the authority 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.

Local authorities have no statutory obligation to provide financial or other support for the education of children with additional support needs whose parents elect to home educate.

8.2 The law and children with additional support needs

The Education (Additional Support for Learning) (Scotland) Act 2004 came into force in November 2005. It replaced the system of assessment and recording of children and young people with '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. Education authorities are 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 NHS Boards and social work services also have duties placed on them to help education authorities when asked to do so.

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

Useful contacts

Home Education Organisations – Scotland

Schoolhouse Home Education Association

Contact:

Address: PO Box 18044, Glenrothes, Fife KY7 9AD

Tel: 01307 463 120

Email: info@schoolhouse.org.uk

Website: www.schoolhouse.org.uk

North of Scotland Home Educators

Contact:

Email: norscothe@hotmail.co.uk

Home Education Organisations – UK wide

Education Otherwise

Contact:

PO Box 325, Kings Lynn PE34 3XW

Tel: 0845 478 6345

Email: eoemailhelpline@education-otherwise.org

Website: www.education-otherwise.org

Home Education Advisory Service

Contact:

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

Tel: 01707 371 854

Email: enquiries@heas.org.uk

Website: www.heas.org.uk

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



Other useful contacts

Disclosure Scotland

Contact:

Disclosure Scotland, PO Box 250, Glasgow G51 1YU

Tel: 0141 282 5000 Fax: 0141 282 5050

Email: info@disclosurescotland.co.uk

Website: www.disclosurescotland.co.uk

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: 0870 609 6006 Fax: 0870 609 6996

Email: enquiries@ltscotland.org.uk

Website: 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

Website: 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

Website: www.sqa.org.uk



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Policy: **HOME EDUCATED CHILDREN
AND YOUNG PEOPLE**

Author: Alison Raeburn
Service: Education Development

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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 home education, West Lothian Council must ensure that it allows the child to express any views in an appropriate way.

Parents choose home education for their children 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 for home education for a child should be submitted to the Additional Support Needs Manager, 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 home educate them 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:

Additional Support
Needs Manager
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. Additional Support Needs Manager :

- acknowledges receipt of notification within 3 working days (pro forma letter attached as Appendix Three (i)); and
- copies all correspondence to the Education Officer.
- 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.
- 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 Additional Support Needs Manager.

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 Child Protection Officer 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) Additional Support Needs Manager to 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 Additional Support Needs Manager seeks to gather any relevant information that will assist in reaching a decision and refers the matter to the Additional Support Needs Manager.**

Additional Support Needs Manager 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 Additional Support Needs Manager, 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 Additional Support Needs Manager 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 Additional Support Needs Manager to make decision based on information provided.**

The Additional Support Needs Manager will consider all 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, Additional Support Needs Manager to write to parents, outlining agreed monitoring procedures.**

6(b) If consent is withheld, Additional Support Needs Manager to notify parents in writing of decision.

The Additional Support Needs Manager 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 to SQA registration and exam entrance

2. Requests from parents/carers of home educated children and young people of school age (that is 5 or over but not yet 16) 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 register for the class. 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 home educate a child 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 for home education.

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.*

Note - A child is defined as being of school age (i.e. education must be being provided) if he or she has attained the age of 5 years but has not yet attained the age of 16 years. However, the exact rules surrounding school starting and leaving dates are complex and are set out in sections 32 and 33 respectively of the Education (Scotland) Act 1980. For example, the rules surrounding leaving dates may mean that a child who has already attained the age of sixteen may still require consent to be withdrawn from school.

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:

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

The Judge defined the outcomes of a suitable education as 1. To prepare the children for life in a modern civilised society; and 2. To enable them to achieve their full potential

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

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

International Law

European Convention on Human Rights – Article 2 of Protocol 1

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

UN Convention on the rights of the Child – Article 12 ()*

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.

UN Convention on the Rights of the Child – Article 28

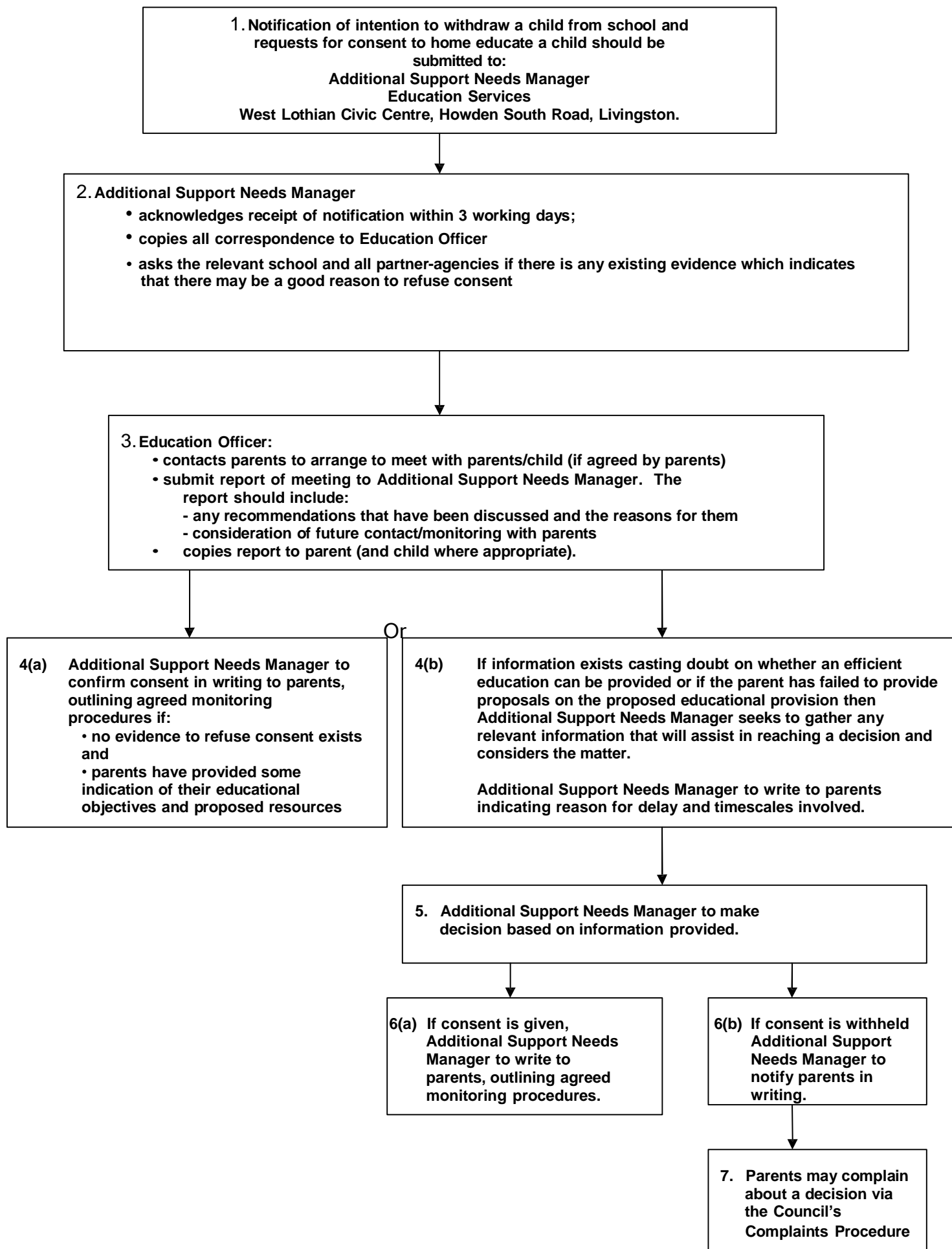
Parties recognise the right of the child to education.

International law gives children a right to education. This right is enshrined in Scots law in

Sections 1 and 2 of the Standards in Scotland's Schools etc act 2000 and qualified by Section 30 (2) of the Education Scotland Act 1980.

**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

HOME EDUCATION – INITIAL EDUCATION PROPOSAL

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

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 home educate **name** 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, Additional Support Needs Manager on telephone Number 01506 282 634.

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

Additional Support
Needs Manager

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

 <p>West Lothian Council Education Services</p>	<p>PARENTS' INITIAL EDUCATION PROPOSAL</p>
<p>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 home education. Other ways by which you can give or expand on this information include:</p> <ul style="list-style-type: none">• 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.• 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. <p>SECTION A - PERSONAL DETAILS</p> <p>Name of Child: _____ DOB _____</p> <p>Address: _____ _____</p> <p>School attended (if applicable) _____</p>	

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 Additional Support Needs Manager 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, Section 37(2) of the Education (Scotland) Act 1980 and Scottish Government Guidance make clear that if the local authority has reason to believe that an efficient education is not being provided for a home educated child, they have a duty to intervene. This duty applies equally in relation to all children, regardless of whether or not they have previously attended a local authority school in the area. 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 Home Education Officer 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 Home Education Officer 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 home educate a child 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

Data Label: Public

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 home educating their children. 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.

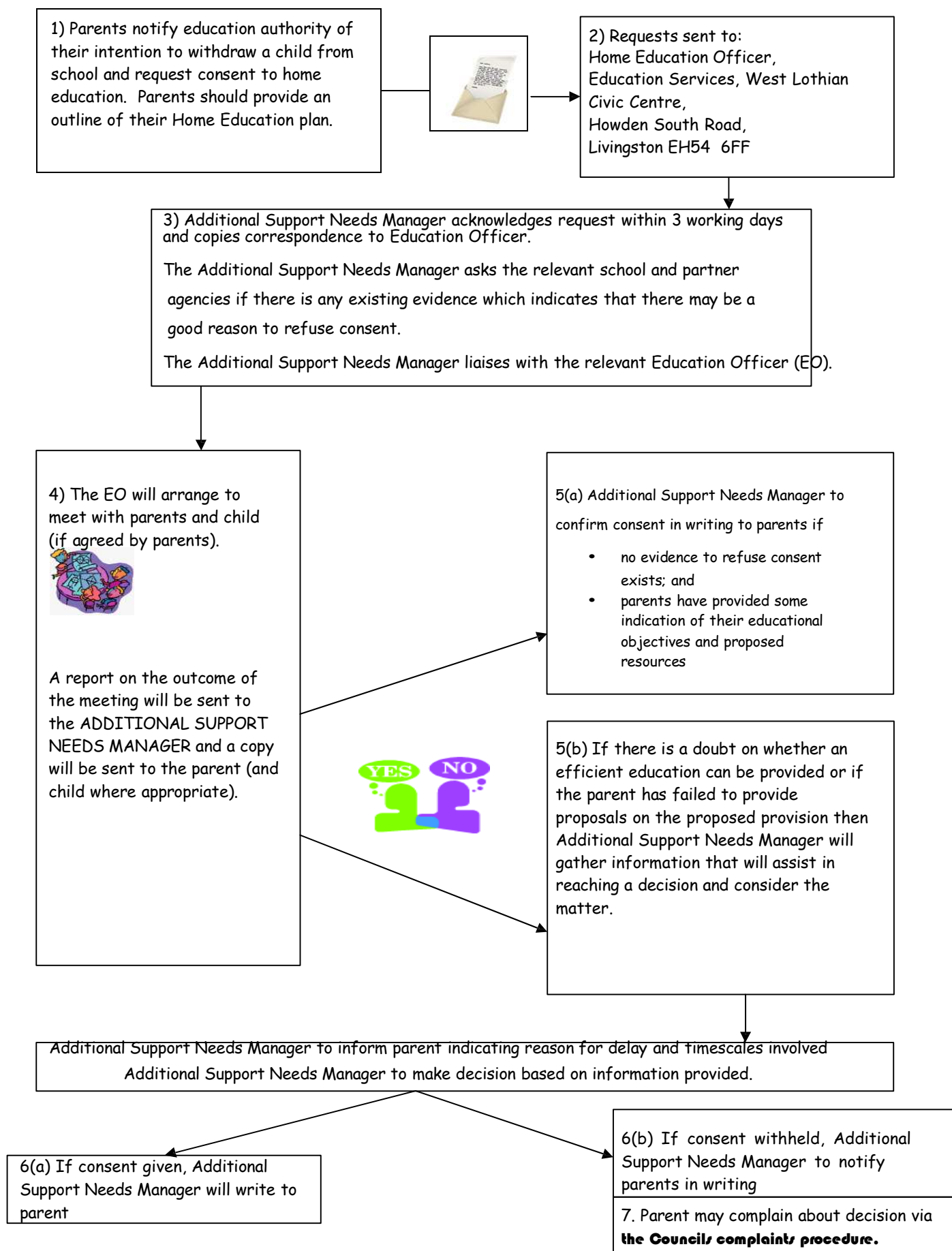
Consent is not needed if

- 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 home educate a child 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

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

Home Education Organisations - Scotland

Schoolhouse Home Education Association

Contact:

Schoolhouse Home Education Association

c/o Eighteen And Under

Room 10

1 Victoria Road

Dundee

DD1 1EL

01307 463120

Email: info@schoolhouse.org.uk

Website: www.schoolhouse.org.uk

North of Scotland Home Educators

Contact:

Email: 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

Website: 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

Website: 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

Website: 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

Website: 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

Website: 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

Website: 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

Website: www.commongroundmediation.co.uk

Appendix 3

Practice in Other Local Authorities

Local Authority	Guidance in Relation to Flexible Access to Authority School Courses or Classes by Children Educated at Home.
Argyle and Bute	No mention of flexible access to Authority school courses or classes by children educated at home.
Dumfries and Galloway	The feasibility of each request for 'Flexi-schooling' in terms of paragraph 3.6 of the Scottish Government Guidance will be considered on its own merits. Arrangements will be negotiated between the parents and the school and must be manageable for the school.
East Ayrshire	No mention of flexible access to Authority school courses or classes by children educated at home. The policy states that 'Education Authorities are not legally obliged to provide any resources for home education. They may however wish to provide advice or access to resources.'
East Dumbartonshire	<p>The policy states that East Dumbartonshire Council is happy to provide advice on a curriculum similar to that offered in schools.</p> <p>The Council may, at times and dependent on local availability, offer flexibility including:-</p> <ul style="list-style-type: none"> • Providing general advice • Allowing access to learning centre resources • Allowing access to school resources where feasible • Allowing access to examination centres where feasible • Facilitating access to any discounted rates for educational materials • Providing access to local authority owned community and sports facilities on the same basis as for school children
East Renfrewshire	Responsibility for equipment and other costs lies with the parent. East Renfrewshire Council would be prepared to loan specific equipment to support home learning and offer reduced entry costs to sports facilities if appropriate. Any child or young person accessing school courses or classes on a less than full time basis would continue to be enrolled in the school. This arrangement requires the permission of a Head of Service.

Edinburgh	<p>‘The education authority will aim to adopt a reasonable and flexible approach to the provision of resources where possible. However it should be noted that the authority is not legally obliged to provide any resources for home educated children.</p> <p>Some of the ways in which the education authority might support home educating families include:</p> <ul style="list-style-type: none"> • Providing general advice • Accessing learning centre resources • Providing information on educational materials • Accessing local authority owned community and sports facilities on the same basis as for school children • Guidance for families who apply for Education Maintenance Allowance.’
Glasgow	No mention of flexible access to Authority school courses or classes by children educated at home.
Midlothian	No mention of flexible access to Authority school courses or classes by children educated at home. ‘Parents are responsible for providing any books, equipment and materials needed to educate a child at home. The Education and Children’s Services Division will provide information and advice to any parent...’
North Ayrshire	No mention of flexible access to Authority school courses or classes by children educated at home in policy. Current practice is that children or young people educated at home would not be involved with Local Authority Schools unless there were very exceptional circumstances.

Orkney	<p>‘Although there are no legal obligations to provide any resources for home educated children. However, the education authority will adopt a reasonable and flexible approach in this respect, particularly where there are minimal resource implications.</p> <p>In addition to providing general support and advice, the approach taken may include:</p> <ul style="list-style-type: none"> • Allowing planned access to centrally held resources • Allowing access to school resources where feasible • Facilitating access to any discounted rates for educational materials • Providing access to local community and sports facilities or arts events on the same basis as school children • Providing some access to school-based extra-curricular activities. <p>Orkney Council also supports children who are educated at home because of the location of their home and extreme remoteness from the nearest educational establishment, including part-time attendance with enhanced support.</p>
Renfrewshire	<p>No mention of flexible access to Authority school courses or classes by children educated at home in policy. Current practice is that access to authority school courses and classes is not offered.</p>
Shetland	<p>Current practice is that access to authority school courses and classes is not offered. A home-link teacher works with individual families of children whose parents decide to home educate based on individual circumstances. Opportunities for home educating families and children to meet up are provided, as is access to some events such as Science Festivals that take place out with schools.</p>
South Lanarkshire	<p>No mention of flexible access to Authority school courses or classes by children educated at home in policy. A very small number of children have combined home education and school. These cases were dealt with on their individual merits.</p>

West Dumbarton	<p>‘Education authorities are not legally obliged to provide any financial support or resources for home educated children but it will be the role of the named education authority officer to provide the family with information on the available local authority resources and other programmes or organisations that may be able to provide support.</p> <p>The support generally available to home educating families will include:-</p> <ul style="list-style-type: none"> • General advice on curriculum issues, resources and assessment • Access to learning and teaching resources where appropriate • Access to some school resources where appropriate • Access to local sports development initiatives on the same basis as school children. • Links with other home educating parents in the local area.’
West Lothian	<p>‘Some of the ways in which West Lothian Council may be able to support home educating families include:</p> <ul style="list-style-type: none"> • Providing general advice • Allowing access to school resources where feasible • Allowing access to examination centre 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 educating children.”

Appendix 4

Comments from Parents A

Comment	Response
<p>PAGE2, A. INTRODUCTION</p> <p>The wording of the first bullet point should be revised to provide accurate information in accordance with the Guidance on Home Education “The consent of the Education Authority is required for a child to be withdrawn from a WLC council school which she/he has attended on one occasion or more.”</p>	<p>This section refers to Appendix 1 which gives a full quotation from the Education (Scotland) Act 1980 for the avoidance of doubt.</p>
<p>B. WHO NEEDS CONSENT?</p> <p>This is a, misleading title, as parents are never required to seek the council’s consent to home educate per se. The duty in law to provide compulsory education is exclusively parental. It should read: “Parents are not obliged to notify the council of their decision to home educate if the following circumstances apply:”</p> <p>Neither consent nor notification is mandatory in the last two examples cited, so “should notify” needs to be removed, but the council might reasonably suggest that it would be “helpful” for parents to notify them of the fact that they do not require a school place.</p>	<p>This section is consistent with the language used in Paragraph 3.2 of the Scottish Government Guidance.</p> <p>The reference to notification is consistent with Paragraph 3.2 of the Scottish Government Guidance and appropriate to allow the Council to satisfy itself that the parent is providing and efficient education, a duty imposed on the Council by Section 37 (1) of the Education (Scotland) Act 1980.</p>
<p>PAGE 3</p> <p>First sentence: The council has no power to compel a child to express his/her views, but should allow the opportunity where expressed voluntarily by the child, who need not engage with any council employee. In the interests of balance, the council should also provide an opportunity for every school pupil to express a view on his/her education, but should make it clear that, in law, the final decision is made by parents. Given that a schooling parent would in no circumstances be expected to accede to their child’s wish to be home educated parents who choose to provide a suitable and efficient education “by other means” are equally fulfilling their legal duty.</p>	<p>The Council’s policy is to give the child the opportunity to express any views in every case. The word ‘must’ refers, therefore, to Council staff and not the child.</p> <p>The Council has a wide range of methods of engaging with pupils including the Pupil Voice policy, focus groups with senior staff and annual surveys.</p>

<p>C. PROCEDURE FOR DEALING WITH A REQUEST...</p> <p>Trusting relationships are unlikely to be established or maintained if WLC persist in using a child protection officer to engage with home educating parents. This has previously been described by parents as “grossly offensive”, and the council should seriously consider re-naming the role as something more acceptable, e.g. elective home education liaison officer, in the interests of building good relationships. Section (and all such similar references) should be re-worded in the spirit of the above, e.g. “...requests for consent for withdrawal should be submitted to the elective home education liaison officer.” “</p>	<p>The Council agrees that the use of the job title ‘Child Protection Officer’ in the policy could give the impression that home education was seen as a child protection issue. This is not the case, and was intended to provide clarity of the job title of the person undertaking specific functions in relation to the policy, along with the other duties undertaken by this post holder.</p> <p>In order to avoid confusion and offence, this job title has been removed.</p>
<p>PAGE4</p> <p>First paragraph: Please make it clearer that parents need not use the council’s pro forma, and may provide an outline of their proposed provision by alternative means.</p>	<p>The policy does make clear that the proforma is available to help them make initial proposals.</p>
<p>Bullet point 3, 1 paragraph: “asks the relevant school and partner-agencies if there is any existing evidence”. This data processing activity is likely to be in breach of the Data Protection Act, if informed consent from the data subjects has not been lawfully obtained. Where the child protection threshold is met, concerns would already be recorded or shared, with or without consent. ‘Fishing expeditions’ however, where the tests of “necessary” and “proportionate” have not been met, have been ruled unlawful under Article 8 of the European Convention on Human Rights (ECHR), and the Data Protection Act (DPA), both of which apply across the UK (ref. Judge Thornton’s ruling in the Haringey case). Informed consent must be obtained for the processing of all personal data in all other circumstances and should not be presumed. Exercising a lawful educational choice does not constitute a child protection concern, and a robust consent process should be initiated to ensure council compliance. It is contended that, even with a consent process in place, relationships are likely to be compromised by such a disproportionate response to parents who are exercising an entirely lawful educational choice.</p>	<p>The Council has put in place Data Sharing Protocols to ensure legislative compliance. Specific legal guidance shall be sought, however, out with the scope of this policy review on the data sharing arrangements outlined.</p> <p>The focus of the data sharing outlined is to provide evidence to support Council decision making, and the exercise of the Council’s statutory duties, rather than solely on child protection.</p>

<p>Acknowledgment letter bullet points:- The inference that a meeting between council officers and parents/child(ren) is mandatory should be removed in order to make the lack of obligation clear. No arrangements for any meeting should be made without the prior written agreement of parents. Information about the (proposed) home education provision may be submitted in writing or by any other means deemed appropriate by parents.</p>	<p>Compulsion to arrange a meeting is not inferred by the policy which makes it clear that a meeting will only take place if agreed by parents.</p>
<p>PAGE 5 3. The Education Officer This section requires significant review. A meeting is being assumed where this may not always (or ever) be the case if parents are fully informed. The Education Officer should form a view on the basis of the outline of home education provision submitted by parents, and process consent immediately where it demonstrates that it satisfies the characteristics of a suitable education. There is no need to process further personal data by sharing it with a child protection officer who has no remit within education unless a child is deemed “at risk of significant harm”.</p>	<p>Compulsion to arrange a meeting is not inferred by the policy which makes it clear that a meeting will only take place if agreed by parents.</p> <p>The policy is consistent with Section 3.3 of the Scottish Government Guidance.</p>
<p>A meeting is again being assumed in the paragraph which notifies parents that two council officers will be (future, not conditional tense) in attendance. Surely this is a poor use of public funds when the council’s role is limited to forming a view of the provision submitted and seeking clarification on any specific questions.</p>	<p>Compulsion to arrange a meeting is not inferred by the policy which makes it clear that a meeting will only take place if agreed by parents.</p> <p>The Council considers it appropriate for two officers to attend a wide variety of meetings as standard practice, for example to ensure personal safety, to allow note taking etc.</p>
<p>N.B. In the spirit of ‘partnership’, and as a matter of good practice, it would be useful here to include a short resume of the council officers’ qualifications, training and experience in elective home education, which rarely bears any resemblance to schooling and therefore demands a higher level of knowledge and experience on the part of officers undertaking such a role Note that this would be in keeping with the spirit of the Guidance on Home Education Section 5.1 which states: Local authorities should provide parents who are, or who are considering, home educating with a named contact within the authority who is familiar with home education policy and practice and has an understanding of a range of educational philosophies.</p>	<p>As the staff undertaking the roles outlined in this policy will have a variety of qualifications, backgrounds and length and range of experience, and will change over time, the Council does not consider it appropriate to include this information.</p>

Paragraph beginning “Following any meeting with parents...” is unduly convoluted and poorly constructed. The data protection principles referred to in this document apply to every instance of data processing, and parents should be informed of their right to appeal any decision to withhold all or part of a report on them, and their child(ren), to the Information Commissioner.	The right to refer matters to the Information Commissioner exists in law and is not included, as a matter of course, in West Lothian Council policy.
Paragraph beginning “the frequency with which...” should make clear under which circumstances some parents may be treated differently from others in terms of frequency of contact with the council, so that they can satisfy themselves that their rights under equalities legislation are being properly upheld.	<p>The policy states (P6) that “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.”</p> <p>The policy will be applied in a manner consistent with the Council’s equality duties.</p>
“...outlining agreed monitoring procedures if:” The council has no duty or right to monitor elective home education on a routine basis, which is made clear in statutory guidance, and reference to monitoring should be removed in order to make this clear. The duty to provide education rests with the parents, not the council, whose remit following the withdrawal of a child from a council school is limited to seeking updates of ongoing provision at reasonable intervals.	The Council had a duty under Section 37 (1) of the Education (Scotland) Act 1980 to satisfy itself that the parent is providing and efficient education. Legislation does not specify how the Council will discharge this duty. The West Lothian Council Policy is consistent with Paragraphs 4.1 and 4.2 of the Scottish Government Guidance.
PAGE 6 5. ‘Why so many hoops? One report by the education officer to the education officer’s line manager with the relevant decision making authority should be sufficient, given public sector resource constraints.	The process envisaged is that one officer of the education service will report to their line manager in order to reach a decision, as suggested.
PAGE 8 3. “In all cases, pupils enrolled at a West Lothian School.” Prioritising a council school pupil over a child or young person who is home educated in terms of course access might be seen to amount to unlawful discrimination, most especially if the young person is a member of a group with protected characteristics under equalities legislation and/or who may have previously been educated out with school due to a disability or other protected characteristic.	<p>The duties of the Council in relation to children with additional support for learning needs including disability are covered by separate legislation and policy.</p> <p>The duties of the Council in relation to protected characteristics are set out in legislation, and the Council will follow and apply these duties. It is unclear how possession of a protected characteristics including Sex, Race, Religion or belief, Pregnancy and maternity, Marriage and civil partnership, Sexual orientation Gender reassignment would give rise to any priority for access to a school. Education establishments are permitted to differentiate service on the basis of age, and in relation to denominational schools religion or belief.</p>

<p>F The right to home educate</p> <p>In order to obtain parental agreement for the involvement of an education psychologist in advising on EHE provision, there should be a process in place for the council to obtain informed consent from parents.</p>	<p>The policy states that educational psychologist involvement is with the agreement of the parents.</p>
<p>PAGE 9</p> <p>“It should not be assumed that child protection issues are more likely to arise for children who are home educated”</p> <p>This sentence, which is copied directly from section 4.6 of the Government’s Home Education Guidance, is inconsistent with the tone of this Policy document. The practise of using a Child Protection Officer to deal with elective Home Education within West Lothian is at direct odds with the above Guidance statement.</p>	<p>The Council agrees that the use of the job title ‘Child Protection Officer’ in the policy could give the impression that home education was seen as a child protection issue. This is not the case, and was intended to provide clarity of the job title of the person undertaking specific functions in relation to the policy, along with the other duties undertaken by this post holder.</p> <p>In order to avoid confusion/offence, this job title has been removed.</p>
<p>APPENDIX ONE</p> <p>It may be useful to include here the primary legislative definition of “school age” - Education (Scotland) Act 1980 - since there is considerable confusion over this. No consent is required to withdraw from a council school a child who has not attained compulsory education age (ordinarily the August following the child’s fifth birthday) and in particular, no consent is required to withdraw a child from a council nursery.</p>	<p>A definition of school age will be included in section E of the report, and in this section.</p>
<p>APPENDIX TWO</p> <p>I The flow chart needs to use the correct terminology; see “consent to withdraw a child from a council school”. No consent is required to home educate per se as the provision of education in the compulsory years is a parental duty.</p>	<p>This section is consistent with the language used in Paragraph 3.2 of the Scottish Government Guidance.</p>
<p>APPENDIX THREE (1) PRO FORMA LETTER</p> <p>Paragraph 1: Replace “permission” with “consent”.</p>	<p>Agreed.</p>
<p>Paragraph 4: It is strongly inferred that a meeting is defacto compulsory when it is up to parents to decide the means of submitting an. outline of their provision.</p>	<p>Compulsion to arrange a meeting is not inferred by the policy which makes it clear that a meeting will only take place if agreed by parents.</p>
<p>APPENDIX THREE (2)</p> <p>Introduction: It should be made clear that there is no need for parents to use the given pro forma, and the “other ways” by which they can give information should include submitting an outline of provision in writing, since a meeting is not mandatory for the council to satisfy itself as to suitability and the efficiency of the provision.</p>	<p>The policy does make clear that the proforma is available to help them make initial proposals.</p>

Section C: This should refer parents to the suggested characteristics as outlined in the statutory guidance. School curriculum comparisons may not be appropriate. There is no obligation to provide an education that is “broad and balanced”, only one which is “suitable and efficient”. Many parents follow an autonomous/unschooling approach where no formal “assessment” is undertaken, and this should be acknowledged.	A parent can use this section to present their own approach, as outlined in the parental comment.
Section D: Space within the home has no relevance to the provision of elective home education, much of which occurs outside the home.	Parents can make this point on the form should they wish to.
APPENDIX FOUR Remove all references to “monitoring” for which the council has no statutory duty or responsibility.	The Council had a duty under Section 37 (1) of the Education (Scotland) Act 1980 to satisfy itself that the parent is providing and efficient education. Legislation does not specify how the Council will discharge this duty. The West Lothian Council Policy is consistent with Paragraphs 4.1 and 4.2 of the Scottish Government Guidance.
Access to the child at home. The wording of this section title might be construed as coercive. Access to a private family home and/or child is entirely at the discretion of the parents and/or child, full stop. Parents might never choose to allow such access, regardless of the level of trust attained in their relationship with a council employee.	The policy makes clear that there is no right of access to the home and the child, and that 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.
WLCDRAFT—PART3 The font suggests this Guide is designed for a child.	Noted.

Comments from Parent B

Comment	Response
Firstly, could the reason be given to why it is a child protection officer rather than an education officer who is the recipient of the proposals and the main correspondent with the parents. I was pleased to note that the council policy determines that child protection issues should not be assumed to be more likely for home educated children (p.9), however the correspondence being through child protection officer does not give the impression of this consideration.	<p>The Council agrees that the use of the job title 'Child Protection Officer' in the policy could give the impression that home education was seen as a child protection issue. This is not the case, and was intended to provide clarity of the job title of the person undertaking specific functions in relation to the policy, along with the other duties undertaken by this post holder.</p> <p>In order to avoid offence, this job title has been removed.</p>
Secondly, regarding the paragraph on flexi-schooling (p.7). I feel the paragraph is biased towards home educated children requesting some time in school, and disregarding the complementary case of schooled children requesting some time at home for additional or alternative study.	The policy does provide for requests to withdraw a child part time from school (P7 Section E) and such a request would be considered in terms of the policy if received.
Thirdly, regarding support. A reconsideration of the council's policy to not meet the costs of examination (p.26) would in my opinion be appropriate, given the personal costs involved to home educate and the savings to the council when a place is not taken up. It seems feasible and practical to me for home educated children to attend their local school's exam centres at the appropriate times to join in with formal assessment when desired. I would be interested to know if this inclusive policy direction has been considered.	The Council has not identified any financial resources in its revenue budget to meet such expenses.
Finally, a general point regarding the respect and recognition within the policy for the different forms education and progress can take, and the restraint in requiring proof of learning to be in a particular form. I feel this is wholly appropriate to home education and as such am glad to see it sustained in this document.	Noted with thanks.



EDUCATION EXECUTIVE

SCHOOL EXCURSION POLICY

REPORT BY HEAD OF SCHOOLS WITH EDUCATION SUPPORT

A. PURPOSE OF REPORT

To invite the Education Executive to consider additions to the School Excursion Policy to clarify the national context within which it should be interpreted and applied.

B. RECOMMENDATION

To recommend approval of the amended School Excursion Policy.

C. SUMMARY OF IMPLICATIONS

I Council Values	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
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	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.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	The PDSP asked that generic risk assessments be prepared to help schools in the risk assessment process, and that the section on insurance be further clarified to provide more detail on when additional insurance was required. In addition, the sample code of conduct has been amended to make clear its application to pupils and parents.

VIII Other consultations

Comments received from schools and parents, Corporate Health and Safety Manager, Head of Internal Audit.

D. TERMS OF REPORT

- D1 The School Excursion Policy is designed to ensure that risks arising from trips and excursions are minimised, so that the safety and wellbeing of pupils is protected.

As such it is necessary to balance a robust approach to planning and organising trips and excursions with the disadvantages that could arise from an overly bureaucratic approach.

Our local policy is implemented within the framework of national Scottish Government Guidance. The Scottish Government recognises that while local authorities' guidance and regulations remain authoritative, it is expected that 'Going Out There', the national advice, should be adopted as a common framework across Scotland by all those managing or organising visits or providing activities and venues. A key feature of 'Going Out There' is that it adopts a low bureaucracy, enabling approach to outdoor experience and off-site visits, reflecting the step change in the approach to educational visits detailed in the HSE High Level Statement, '[School trips and outdoor learning activities: Tackling the health and safety myths](#)'. The HSE statement makes clear that:

- The focus should be on how the real risks arising from such visits are managed rather than a focus on paperwork
- There is a need for a proportionate and sensible approach for planning and organising off-site activities

- D2 Within West Lothian, a recent audit of the application of the School Excursion Policy found significant non-compliance. The Education Services Senior Management Team subsequently instructed all schools must comply with the policy.

The policy does, however, require to be interpreted and applied within the context of the above national advice.

Schools should take a sufficiently robust approach to planning and organising trips and excursions, whilst at the same time adopting a low bureaucracy, enabling approach to outdoor experience and off-site visits, and a proportionate and sensible approach. Schools should focus on how the real risks arising from such visits are managed rather than on paperwork, as required by national guidance. It is therefore proposed to incorporate the national guidance referred to above in the introduction of the policy, as the overriding framework within which the policy is applied.

In order to avoid any confusion about the paperwork necessary for audit purposes, a new section has been inserted into the policy specifying the minimum requirements. For audit purposes, the following documentation should be retained for a period of three months following the excursion, or the last of a series of repeat excursions:-

- Mandatory Checklist (which records the completion of all stages of the policy.)
- EE0 Form (where required)
- EE1 Form (where required)
- EE2 Forms
- Final Risk Assessment

E. CONCLUSION

The above approach will ensure that schools take a sufficiently robust approach to planning and organising trips and excursions, whilst at the same time adopting a low bureaucracy, enabling approach to outdoor experience and off-site visits, and a proportionate and sensible approach with a focus on how the real risks arising from such visits are managed rather than on paperwork, as required by national guidance.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: School Excursion Policy

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James Cameron, Head of Schools with Education Support

Date of meeting: 11 November 2014

**Policy:**

Author:
Service:
Last Updated:

School Excursion Policy

Andrew Sneddon
Education
October 2014

Education 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.

The School Excursion Policy is designed to ensure that risks arising from excursions are minimised, so that the safety and wellbeing of pupils is protected.

Our local policy is implemented within the framework of national Scottish Government Guidance. The Scottish Government recognises that while local authorities' guidance and regulations remain authoritative, it is expected that 'Going Out There', the national advice, should be adopted as a common framework across Scotland by all those managing or organising visits or providing activities and venues. A key feature of 'Going Out There' is that it adopts a low bureaucracy, enabling approach to outdoor experience and off-site visits, reflecting the step change in the approach to educational visits detailed in the HSE High Level Statement, ['School trips and outdoor learning activities: Tackling the health and safety myths'](#). The HSE statement makes clear that:

- The focus should be on how the real risks arising from such visits are managed rather than a focus on paperwork*
- There is a need for a proportionate and sensible approach for planning and organising off-site activities*

In implementing this policy, therefore, it is necessary to adopt a robust approach to planning and organising excursions whilst at the same time ensuring that the approach is proportionate and sensible, and focuses on managing real risk rather than on paperwork.

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"> Seek permission and advice as set out in Section 4 of the School Excursion Policy 		

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

FINAL PREPARATIONS		
<ul style="list-style-type: none"> Confirm and record staff roles and responsibilities including supervision. Brief all staff. 		
<ul style="list-style-type: none"> Confirm and record contingency and emergency contacts/procedures. Brief all staff. 		
<ul style="list-style-type: none"> 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. 		
<ul style="list-style-type: none"> Confirm travel arrangements. 		
<ul style="list-style-type: none"> Confirm accommodation. 		
<ul style="list-style-type: none"> Inform and prepare all participants on all aspects of excursion. Meeting(s) is/are recommended for overnight and foreign excursions, and should be considered for other excursions. 		
<ul style="list-style-type: none"> Conduct final risk assessment and submit to Headteacher, or designated member of SMT with responsibility for school excursions . 		

AT THE START OF THE EXCURSION		
<ul style="list-style-type: none"> Check and record presence of all participants and change list if necessary. Ensure school copy is also changed. 		
<ul style="list-style-type: none"> Remind participants of grouping and supervision arrangements 		
<ul style="list-style-type: none"> Remind participants of contingency and emergency plans and check understanding 		
<ul style="list-style-type: none"> Check that pupils have sufficient supplies of any necessary medication with them, e.g. inhaler for asthma 		
<ul style="list-style-type: none"> Check equipment 		
<ul style="list-style-type: none"> Check weather forecast and road conditions 		
<ul style="list-style-type: none"> Take a copy of all EE2s, copies of travel documents, insurance documents, medical papers on excursion 		

AFTER EXCURSION		
<ul style="list-style-type: none"> Inform school contact/emergency contact of safe return if the excursion is out with the school day 		
<ul style="list-style-type: none"> Return resources 		
<ul style="list-style-type: none"> Review the excursion, record and implement any action required on the Debrief Form 		
<ul style="list-style-type: none"> Submit incident reports if necessary 		

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 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/carers 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 (01506 280000) and must not make any comment to the</i></p>

		<i>media.</i>
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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.

- Travel Insurance should be taken out for any excursion in excess of 24hrs or where there is a significant cost element to the excursion. i.e. Residential camps, foreign travel etc.
The Council has School Journey Insurance available, to obtain a quotation contact the Financial Management Unit.
- Prior to attending any externally operated facility the Excursion Leader should check and confirm that the service provider has appropriate insurance in place.
i.e. The transportation provider has Motor & Public Liability insurance and the establishment you are visiting has Public Liability insurance in place.

Should staff be unsure or require advice the Financial Management Unit can provide schools with further guidance on 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. AUDIT

For audit purposes, the following documentation should be retained for a period of three months following the excursion, or the last of a series of repeat excursions:-

- *Mandatory Checklist*
- *EE0 Form (where required)*
- *EE1 Form (where required)*
- *EE2 Forms*
- *Final Risk Assessment*

21. 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

West Lothian Council Health and Safety Guidance (available on My Toolkit)

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

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

FUNDING	
Total Cost of Excursion (Including entrance & transport)	
Funding from other sources	
Cost per student	
Funding Requested from School	
Approval by SMT	
Funding Granted from School	Signed..... Date.....

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

Establishment Name	
Head of Establishment Name	
Full Address	

SECTION 2 – TO BE COMPLETED BY ALL APPLICANTS

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

Form of Transport (i.e. hired/self drive and type of vehicle)	
---	--

SECTION 3 – TO BE COMPLETED FOR FOREIGN TRAVEL

Details of Insurance Arrangements	
-----------------------------------	--

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	
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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)	
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Date	
------	--

Excursion Approved	
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Excursion Not Approved	
------------------------	--

Additional Letter	
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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 - **Other -**



--

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

Pupil's 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

Code of Conduct – Parental Responsibility

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 by it at all times.

Signed (pupil)

Signed (parent/carer)

Date

Return to

SAMPLE EMERGENCY ACTION CARD

Party Leader Ensure this card is available at all times	Warnings and advice
School Contact Person/s: School Contact Telephone Number(s) Authority Emergency Telephone Number:- Out of Hours Emergency Telephone Number: Calls from abroad:	<ul style="list-style-type: none"> • Co-operate fully with emergency services • Do not admit liability • Do not make comment to the media – refer to West Lothian Council (01506 280000) • Keep a written record of all facts • Preserve vital evidence - photos might be helpful • Inform school emergency contact who will ensure school SMT and Education Services SMT are aware of the situation • Seek and follow advice from school/education SMT • Do not contact parent/carers – school contact will take charge of this.

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			

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



EDUCATION EXECUTIVE

PARTNERSHIP AGREEMENT WITH EDUCATION SCOTLAND

REPORT BY HEAD OF EDUCATION (QUALITY ASSURANCE) AND HEAD OF SCHOOLS WITH EDUCATION SUPPORT

A. PURPOSE OF REPORT

To seek approval of the proposed Partnership Agreement with Education Scotland for 2014-15.

B. RECOMMENDATION

The Education Executive is asked to approve the Partnership Agreement with Education Scotland 2014-15.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; Being honest, open and accountable; Making best use of our resources; Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Standards in Scotland's schools etc. Act 2000 Education (Additional Support for Learning) (Scotland) Act 2004 as amended.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	Education Scotland quality indicators are used to measure the performance of schools.
V Relevance to Single Outcome Agreement	Our young people are better educated and have access to increased and better quality learning and employment opportunities.
VI Resources - (Financial, Staffing and Property)	Within existing resources.
VII Consideration at PDSP	This report was considered at PDSP on 9 September 2014. Committee should note that further changes have been made as outlined in section D2 of this report.
VIII Other consultations	None.

D. TERMS OF REPORT

D.1 Local Partnership Agreement, Education Scotland and West Lothian Council 2014-15

This partnership agreement sets out a number of areas of development support and activity between Education Scotland and West Lothian Council which will assist both organisations in taking forward priority objectives designed to improve outcomes for learners, families and communities.

West Lothian Council and Education Scotland worked together on a Validated Self-Evaluation (VSE). The report was published in September 2013. HM inspectors expressed a high degree of confidence in West Lothian's approach to quality improvement in schools. As a result of the VSE, West Lothian officers undertook work to develop a new improvement strategy, applying some of the principles of validated self-evaluation. This work provides a sound basis for developing a culture of effective partnership working between West Lothian Council and Education Scotland focusing on improving outcomes.

West Lothian's Partnership Agreement for session 2014-15 was developed with Education Scotland and is attached as Appendix 1.

The priorities will focus on:

1. Planned action to secure improvement through effective self-evaluation with partners.
2. Developing capacity for effective self-evaluation and planning for improvement in specific secondary schools.
3. Support for Community Learning and Development (CLD) and learning community partnerships and building capacity to implement CLD regulations.
4. Improving the capacity for effective curriculum planning and recognising the clear leadership role required to design and deliver an effective curriculum.
5. Enabling clusters and schools to achieve coherent planning, assessment and reporting practices which ensure that all learners make appropriate progress in their learning, taking account of national guidance.
6. Developing the capacity for effective self-evaluation for improvement in early years provision and taking forward national guidance for the implementation of the Scottish government publication "Building the Ambition-National Practice Guidance on Early Years and Childcare".

D.2 Changes since this report was considered at PDSP on 9 September 2014.

Committee should note that further changes have been made to this report since consideration at PDSP in September. These relate to the change in management of Community Youth Services, now under the management of the Head of Education (Quality Assurance) and the addition of an Early Years Workstream. Changes are denoted in 6 above and are highlighted in italics in Appendix 1. These amendments reflect the need to be responsive to required developments in light of national and local circumstances and guidance and expectations.

E. CONCLUSION

The Council will continue to work closely with Education Scotland to develop this partnership approach for continuous improvement to ensure positive outcomes for West Lothian's children and young people.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: One

Appendix 1 : Local Partnership Agreement Improvement, Assurance and Support Plan - Education Scotland and West Lothian Council 2014-15

Contact Person: Elaine Cook, Head of Education (Quality Assurance)
Email: Elaine.cook@westlothian.gov.uk Tel: 01506 283050

Elaine Cook, Head of Education (Quality Assurance)
James Cameron, Head of Schools with Education Support

Date of meeting: 11 November 2014

DRAFT (August 2014, Updated October 2014)

**LOCAL PARTNERSHIP AGREEMENT
IMPROVEMENT, ASSURANCE & SUPPORT PLAN
EDUCATION SCOTLAND AND WEST LoTHIAN COUNCIL
2014-2015**

LOCAL AUTHORITY:	West Lothian
AREA LEAD OFFICER:	Peter Hamilton

This Partnership Agreement sets out a number of areas of development support and activity between Education Scotland and West Lothian Council which will assist both organisations in taking forward priority objectives designed to improve outcomes for learners, families and communities.

The Partnership Agreement should be seen within the context of the following national outcomes:

- We are better educated, more skilled and successful, renowned for our research and innovation
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens
- Our children have the best possible start in life and are ready to succeed
- We have tackled the significant inequities in Scottish society
- We have improved the life chances for children, young people and families at risk
- We have strong resilient and supportive communities where people take responsibility for their own actions and how they affect others
- Our public services are high quality, continually improving, efficient and responsive to local people's needs
- We realise our full economic potential with more and better employment opportunities for our people

Education Scotland's corporate plan sets out six strategic objectives 2013-2016.

1. Build a world class curriculum for all learners in Scotland
2. Promote high-quality professional learning and leadership
3. Build the capacity of education providers to improve their performance continuously
4. Provide independent evaluation of education provision
5. Influence national policy through evidence-based advice
6. Improve our organisational capability and invest in our people

West Lothian Council and Education Scotland worked together on a Validated Self-Evaluation (VSE). The report was published in September 2013. HM inspectors expressed a high degree of confidence in West Lothian Council's approach to quality improvement. As a result of the VSE, West Lothian officers undertook work to develop a new improvement strategy, applying some of the principles of validated self-evaluation. This work provides a

sound basis for developing a culture of effective partnership working between West Lothian Council and Education Scotland focused on improving outcomes.

West Lothian Council has produced *Moving Forward in Learning in West Lothian: Transformational Change*, emphasising the importance of a collaborative partnership approach to service and school improvement.

West Lothian Council's corporate plan sets eight priorities:

1. Delivering positive outcomes and early interventions for early years
2. Improving the employment position in West Lothian
3. Improving attainment and positive destinations for school children
4. Improving the quality of life for older people
5. Minimising poverty, the cycle of deprivation and promoting equality
6. Reducing crime and improving community safety
7. Delivering positive outcomes on health
8. Protecting the built and natural environment

The Education Service Management Plan aims to improve opportunities for children and young people by:

- Raising standards of attainment and achievement
- Improving employability and positive destinations for all school leavers
- Improving the learning environment
- Promoting equality of access to education
- Developing values and citizenship
- Promoting learning for life and encouraging a creative, enterprising and ambitious outlook.

The Moving Forward in Learning document sets out 3 workstreams to implement transformational change:

- The Quality Improvement Framework Workstream
- The Curriculum Framework Workstream
- Assessment and Reporting Workstream

An Early Years Workstream was subsequently added in September 2014. These 4 workstreams will provide the main focus for the Education Scotland/West Lothian Council Partnership Agreement 2014-2015

The template below sets out a number of areas of activity and development support linking West Lothian's workstream approach to Education Scotland's strategic objectives. Focused areas of support are influenced by analysis of inspection and other evidence which identify specific areas for improvement.

In addition, taking forward continuing engagement activity following inspections of establishments and services will, where appropriate, involve HMI in working alongside

West Lothian Council officers to achieve a proportionate and targeted approach focused on securing improvement.

The Quality Improvement Workstream ES Objective: Build the capacity of education providers to improve their performance continuously
What is the specific priority? To ensure that schools and services take planned action to secure improvement through effective self-evaluation with partners
Nature of support required? HMI will work alongside West Lothian Council in their VSE approach to school and service improvement. Joint capacity building work informed by analysis of inspection outcomes.
Who will be involved – target audience? <ol style="list-style-type: none"> 1) Specific recently inspected schools where continuing engagement activity is taking place or planned both in relation to improvements required and in effective practice identified. 2) Recently inspected learning communities where progress reports are due: Broxburn Academy, James Young High School and Linlithgow Academy 3) Other primary and secondary schools identified through West Lothian's VSE programme.
Key council contact(s): Elaine Cook, Jim Cameron.
Key support from Education Scotland: <ol style="list-style-type: none"> 1. HMI engagement in planned VSE at Low Port School April 2015. Elizabeth Montgomery HMI (primary specialist) 2. HMI will work with Area Services (principally with the Community Learning & Development (CLD) Adults Team, Education (principally Community Youth Services), schools and partners to build capacity for improvement. This will involve working together to tackle systemic issues related to self-evaluation, planning for improvement and measuring progress against outcomes in the learning community. 2 x HMI x 5 days January- March 2015. (2 days with service managers and partners plus 1 day focused on each learning community). 3. HMI engagement in an agreed number of planned VSE visits to primary and secondary schools. (Specific number and dates to be confirmed)
What is the expected outcome? A VSE approach to improvement in West Lothian results in improved outcomes for learners. Improved capacity by service provider to undertake effective self-evaluation. Enhanced ability of head teachers and service managers to look inwards, outwards and forwards.
The Quality Improvement Workstream ES Objective: Build the capacity of education providers to improve their performance

continuously
What is the priority? To improve capacity for effective self-evaluation and planning for improvement in specific secondary schools
Nature of support required? <ul style="list-style-type: none"> Input by HMI secondary specialist on understanding quality indicators, evidence and establishing evaluative rather than descriptive statements in plans.
Who will be involved – target audience? <ul style="list-style-type: none"> West Calder and Linlithgow schools. Headteachers and Senior Management Team (SMT) members
Key council contact(s): Elaine Cook, David McLean
Key support from Education Scotland: David Gregory HMI will provide input in September 2014 at West Calder and in October 2014 in Linlithgow.
What is the expected outcome? Enhanced understanding of systematic, evidence based self-evaluation. Better planning for improvement.
The Quality Improvement Workstream ES Objective: Build the capacity of education providers to improve their performance continuously
What is the priority? Focused support for CLD and learning community partnerships. Building capacity to implement the CLD Regulations. To strengthen needs analysis and evidence based self-evaluation in partnership in West Lothian learning communities.
Nature of support required? <ul style="list-style-type: none"> Input on CLD Regulations Development support on needs analysis, strategic planning and effective self-evaluation
Who will be involved – target audience? CLD service staff, learning community partners, schools
Key council contact(s): Elaine Cook, Steve Field
Key support from Education Scotland: Jackie Halawi, Senior Education Officer and CLD Development Team. Specific support in line with CLD Regulations to build capacity for effective strategic planning. Linking West Lothian's CLD Strategy to Economic Strategy (skills and learning). Advice on preparation of West Lothian's CLD Strategy to be produced by September 2015. Development support sessions focused on effective needs analysis, setting clear priorities and preparing an effective CLD Strategy. Some activities will be undertaken jointly with Falkirk Council staff.
What is the expected outcome? Improved capacity for strategic planning and self-evaluation. Improved focus on outcomes. Improved ability to evaluate impact of partnership work in West Lothian's learning communities.
The Curriculum Framework Workstream ES Objective: Build a world class curriculum for all learners in Scotland

<p>What is the priority?</p> <p>To improve capacity for effective curriculum planning. Recognising the clear leadership role required to design and deliver an effective curriculum.</p>
<p>Nature of support required?</p> <p>Specialist input from Education Scotland on curriculum design, planning and delivery in primary schools.</p>
<p>Who will be involved – target audience?</p> <p>Primary head teachers in all schools</p>
<p>Key council contact:</p> <p>James Cameron and Quality Improvement Officer (QIO) team. (Phyllis Wood, Meg Morrison)</p> <p>Education Scotland Contact – Alison Drever, Senior Education Officer</p>
<p>Key support from Education Scotland:</p> <p>Alison Drever will work with the West Lothian Quality Improvement Team. Proposed to deliver a two to three day participative programme on curriculum design and delivery to primary head teachers in Autumn 2014. Half of each day for Education Scotland input, second half of each day for West Lothian Council. Specific dates and plans to be developed between Alison Drever and WLC QIO team. Content will draw on the Broad General Education (BGE) toolkit developed by Education Scotland.</p>
<p>What is the expected outcome?</p> <p>Improved capacity for effective curriculum design and planning in the primary sector. Improved consistency in the ability of primary heads to exercise effective leadership and take a strategic approach to curriculum.</p>
<p>The Curriculum Framework Workstream</p> <p>ES Objective: Build a world class curriculum for all learners in Scotland</p>
<p>What is the priority?</p> <p>To improve capacity for effective curriculum planning in secondary schools. Recognising the clear leadership role required to design and deliver an effective curriculum.</p>
<p>Nature of support required?</p> <ol style="list-style-type: none"> 1. Specialist input from Education Scotland on curriculum design, planning and delivery in secondary schools. 2. Input on specific subject areas
<p>Who will be involved – target audience?</p> <p>Head teachers, SMT members and identified teaching staff in secondary schools.</p>
<p>Key council contact:</p> <p>Elaine Cook and QIO team (Phyllis Wood, Meg Morrison).</p> <p>Education Scotland Contact – to be confirmed by Education Scotland</p>
<p>Key support from Education Scotland:</p> <ol style="list-style-type: none"> 1. Work with secondary head teachers and QIO team on broad general education, tracking of progression and planning for senior phase. Input from Dave Gregory HMI. 2. Specific Education Scotland Senior Education Officer targeted support in Social Subjects, Music and Computing in specific schools. 3. Input from Education Scotland on Science. (Main focus on Chemistry, details to be confirmed)

<p>What is the expected outcome?</p> <ul style="list-style-type: none"> • Improved capacity to deliver the full entitlement to broad general education in West Lothian secondary schools • Improved ability to monitor and track progress • Improved Senior Phase planning • Improved understanding of Curriculum for Excellence (CFE) requirements in specific subjects • Improved learner experience and better learning outcomes.
<p>Assessment and Reporting Workstream ES Objective: Build a world class curriculum for all learners in Scotland</p>
<p>What is the priority? To enable clusters and schools to achieve robust and coherent planning, assessment and reporting practices which ensure that all learners make appropriate progress in their learning, taking account of national guidance</p>
<p>Nature of support required?</p> <ul style="list-style-type: none"> • Input on national guidance • Support to use the professional learning resource on Assessing Progress and Achievement
<p>Who will be involved – target audience? Assessment Coordinators and networks</p>
<p>Key council contact: - Elaine Cook / Dorothy Fleming. Education Scotland contact : Assessment Team, (Claire Harvey, Education Officer)</p>
<p>Key support from Education Scotland: 1) National level workshops for local authority Assessment Coordinators August – September. This will inform assessment and reporting support priorities. 2) Three days input to practitioners, providing an overview of the professional learning resource, developing exemplification and quality assuring exemplars to share standards. The specific content of each day to be developed in consultation with the assessment coordinator chair of the working groups?</p>
<p>What is the expected outcome? Improved understanding and effective approaches to :</p> <ul style="list-style-type: none"> • Applying and sharing standards in assessment: quality assurance and moderation • Recognising achievement and profiling • Monitoring, tracking and reporting progress and achievement in the broad general education
<p>Early Years Workstream ES Objectives: Build the capacity of education providers to improve their performance continuously and Build a world class curriculum for all learners in Scotland</p>
<p>What is the priority? To improve capacity for effective self-evaluation to secure improvement, recognising the clear leadership role required to achieve quality early years provision, taking account of</p>

<i>national guidance.</i>
<p>Nature of support required?</p> <ul style="list-style-type: none"> • <i>Input on national guidance, in particular “Building the Ambition”</i> • <i>Input by HMI on effective and robust approaches to self-evaluation, and specific key messages from outcomes of inspections across Scotland.</i>
<p>Who will be involved – target audience?</p> <p><i>Head Teachers and senior staff –Primary Schools and Early Years Centres, Education internal and external partners, including West Lothian College and Social Policy .</i></p>
<p>Key council contact: - James Cameron/Alison Watson.</p> <p>Education Scotland contact : to be confirmed by Education Scotland</p>
<p>Key support from Education Scotland:</p> <p><i>1) National level workshops for local authority on “Building the Ambition” – November 2014. This will inform priorities for further support from Education Scotland.</i></p> <p><i>2) Advice on the content of the Early Years Practice Framework currently being developed by the Early Years Workstream and then working collaboratively to strengthen its implementation across West Lothian early years provision.</i></p> <p><i>3) Input at Early Years Head Teacher meetings on effective use of quality indicators and robust approaches to self-evaluation, and specific key messages from outcomes of inspections across Scotland.</i></p>
<p>What is the expected outcome?</p> <p><i>Improved understanding and increased capacity of school/centre senior managers and staff to:</i></p> <ul style="list-style-type: none"> • <i>Implement “Building Ambition”.</i> • <i>Monitor and evaluate their early years provision through systematic, evidence based self-evaluation. More accurate inbuilt self-evaluation to inform ongoing planning for improvement.</i>



EDUCATION EXECUTIVE

CONSULTATION ON ADOPTION OF ADMISSION ARRANGEMENTS – SPECIALIST PROVISION

REPORT BY HEAD OF EDUCATION (QUALITY ASSURANCE)

A. PURPOSE OF REPORT

To advise the Education Executive on proposals for formal public consultation on the adoption of Admission Arrangements for Specialist Provision to ensure equity in the admission of children and young people to Specialist Provision, and to ensure high quality decision making regarding admission.

B. RECOMMENDATION

It is recommended that the Education Executive authorises a formal consultation in accordance with the Schools (Consultation) (Scotland) Act 2010 on the Admission Arrangements for Specialist Provision Consultation Document (attached as Appendix 1 to this report).

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Education (Scotland) Act 1980 Education (Additional Support for Learning) (Scotland) Act 2004 as amended Scottish Schools (Parental Involvement) Act 2006 Standards In Scotland's Schools etc Act (2000) Equality Act 2010 Schools (Consultation) (Scotland) Act 2010 as amended Children and Young People (Scotland) Act 2014 UN Convention on the Rights of the Child (Article 12)
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	The educational benefits resulting from the proposals will impact positively on a range of performance indicators including attainment and increasing equity.
V Relevance to Single	Outcome 1, 2 and 5

Outcome Agreement

VI Resources - (Financial, Staffing and Property)	Within existing Resources
VII Consideration at PDSP	The report is submitted directly to the Education Executive. Elected and Appointed Members will have the opportunity to comment on the outcome of the consultation at PDSP prior to consideration by the Education Executive.
VIII Other consultations	Legal Services; Additional Support Needs Team; Senior Officer's Review Group. Consultation is planned in compliance with the Schools (Consultation) (Scotland) Act 2010.

D. TERMS OF REPORT

D1. Background

Education Services is currently undertaking a public consultation on proposals to ensure equitable, high quality and sustainable provision to meet the needs of increasing numbers of pupils with additional support needs. This review presents a timely opportunity to undertake public consultation in relation to admission arrangements for specialist provision.

D2. Admission Arrangements for Specialist Provision within West Lothian

The adoption of the proposed admission arrangements will ensure equity in the admission of children and young people to Specialist Provision, and also ensure high quality decision making regarding admission. The formal adoption of a single catchment area for all Specialist Provision will ensure equity within West Lothian for all children and young people with additional support needs. This will help the Council discharge its duty to meet the needs of children and young people, to the benefit of children and young people with additional support needs, and their parents/carers.

The proposed admission arrangements and catchment area will apply to all Specialist Provision.

E. CONCLUSION

The Education Executive is asked to authorise formal consultation in accordance with the Schools (Consultation) (Scotland) Act 2010 on the Admission Arrangements for Specialist Provision Consultation Document (attached as Appendix 1 to this report).

F. BACKGROUND REFERENCES

- Review of Additional Support Needs (ASN) Provision, Education Executive 22 September 2014

Appendices/Attachments:

Appendix 1 Proposed Consultation Document.

Contact Persons: Andrew Sneddon, Customer and Information Manager and Alison Raeburn, Additional Support Needs Manager

Elaine Cook, Head of Education (Quality Assurance)

Date of meeting: 11 November 2014

**WEST LOTHIAN COUNCIL, EDUCATION SERVICES,
ADMISSION ARRANGEMENTS FOR SPECIALIST
PROVISION 2014**

**CONSULTATION DOCUMENT
NOVEMBER 2014**

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SECTION ONE

BACKGROUND

West Lothian Council has a range of well-established specialist provision for nursery, primary and secondary children and young people with additional support needs. This includes both specialist schools and the specialist classes that are located within particular mainstream schools across the authority. All specialist provision in West Lothian is non-denominational. This means that the provisions are not affiliated to a particular religious denomination, including those located within a Roman Catholic School. A Roman Catholic School in this position retains its Roman Catholic identity and ethos.

In addition to providing specialist schools and classes, West Lothian Council also has a strong commitment to building capacity within mainstream schools to meet the needs of children and young people with additional support needs. This is achieved through effective staff training, adapting facilities and resources and through the support of multi-agency partners and council outreach services. The council recognises its responsibility for “Getting It Right for Every Child” (GIRFEC); and, through Curriculum for Excellence, the responsibility to design appropriate learning experiences across the curriculum in every context and setting, enabling all children and young people to achieve at their highest level. In recent years, additional support needs provision within West Lothian Council has been increased to meet the demand of a rising population and an increase in the number of children and young people with significant additional support needs. It is anticipated that there will continue to be an increasing demand for places within specialist provision. West Lothian Council is committed to ensuring that equitable, high quality and sustainable specialist provision for children and young people with additional support needs is available to meet demand.

CONSULTATION ON ADDITIONAL SUPPORT NEEDS REVIEW OCTOBER-DECEMBER 2014

The Council is currently undertaking a separate consultation exercise, which runs from Thursday 16 October 2014 until Thursday 18 December 2014.

This separate consultation relates to the four proposals set out below. Any comments on these proposals should be submitted as set out in the separate consultation document on these proposals. The web address for these comments is: www.westlothian.gov.uk/asn-review

Proposal 1

A proposal to establish Connolly School Campus, a new primary school for Additional Support Needs (ASN) located at Connolly House, Blackburn from August 2015 containing 4 primary special classes (for the provision of Social, Emotional and Behavioural Needs (SEBN) education across P1 to P7) under the management of the Principal of the West Lothian Behaviour Support Service.

Proposal 2

A proposal to re-locate the existing 4 Social, Emotional and Behavioural Needs (SEBN) primary special classes (providing education across P1 to P7) from Ogilvie School Campus, Knightsridge, Livingston to Connolly School Campus, Blackburn; this relocation process from Ogilvie School Campus to Connolly School Campus to be completed by August 2015.

Proposal 3

A proposal to establish 3 primary special classes at St Mary's Primary School, Polbeth (for the provision of primary education for children with Autism Spectrum Disorder (ASD) across P1 to P7) under the management of the Head Teacher of St Mary's Primary School, Polbeth; 2 classes commencing from August 2015 and a 3rd class commencing from August 2018.

Proposal 4

A proposal to re-locate the existing P1 to P3 Children and young people from the Autism Spectrum Disorder (ASD) special classes at Ogilvie School Campus, Knightsridge, Livingston to St Mary's Primary School, Polbeth with effect from August 2015; the existing P4 to P6 Children and young people from the ASD classes at Ogilvie School Campus to complete their primary schooling within Ogilvie School Campus.

PRE-CONSULTATION EXERCISE

As recommended in statutory guidance, West Lothian Council undertook a two-phase programme of pre-consultation engagement with key stakeholders (June and September 2014) in advance of statutory consultation. The aim of the engagement was to inform key stakeholders of the intention to progress a statutory consultation on the review of ASN provision, including the adoption of admission arrangements, in the autumn of 2014, to outline possible options, address identified issues and finalise proposals for consultation. The council found this exercise to be very valuable and consultees commented favourably on having the opportunity to engage with Education Services at this early stage.

Following this pre-consultation exercise it was decided to undertake separate consultations, the first in relation to proposals 1-4 above, and the second in relation to the adoption of admission arrangements.

EQUALITY IMPACT

Equality Impact Assessment initial screening has been carried out using the council Equality Impact Assessment Toolkit. This indicates that a full assessment is required and information gathered during the consultation exercise will inform the assessment of impact on protected groups. The Equality Impact Assessment will inform the report on the outcome of the consultation.

SUMMARY OF PROPOSALS - ADMISSION ARRANGEMENTS FOR SPECIALIST PROVISION

The adoption of admission arrangements will ensure equity in the admission of children and young people to Specialist Provision, and ensure high quality decision making regarding admission. The adoption of a single catchment area for all Specialist Provision will ensure equity within West Lothian for all children and young people with additional support needs. This will help the Council discharge its duty to meet the needs of children and young people, to the benefit of children and young people with additional support needs, and their parents/carers.

The proposed admission arrangements and catchment area will apply to all Specialist Provision.

GLOSSARY OF TERMS

This section provides information on the meaning of some of the words and abbreviations used throughout this document.

Continuum of Support	For the purposes of planning appropriately for children and young people with additional support needs, West Lothian Council operates a clearly defined Continuum of Support with 4 levels under which children's needs are assessed, identified and addressed.
GIRFEC	<p>"Getting it Right for Every Child" (GIRFEC) is the Scottish Government's response to the need for better multi-agency planning and provision for meeting the needs of all children and young people. Recent GIRFEC guidance makes the role of all partners working with children and young people very clear.</p> <p>The GIRFEC approach seeks to ensure that anyone providing support for children and young people puts the child or young person – and their family – at the centre.</p>
ASN	Additional Support Needs
SEBN	Social, Emotional and Behavioural Needs
ASD	Autism Spectrum Disorder
SCN	Severe and Complex Needs
SORG	The Senior Officer Review Group (SORG) is West Lothian Council's multi agency group which considers the needs of Children and young people for whom, following assessment, specialist provision may be deemed appropriate. SORG is also responsible for the consideration and determination of parental placing requests submitted to the authority for specialist provision.
Specialist Provision	Special Schools and Special Classes managed by West Lothian Council.
Catchment Area	The proposed catchment area is the area enclosed by the boundary of West Lothian Council (see map attached to the consultation document as Appendix 1)
Additional Support Needs Tribunal	The Additional Support Needs Tribunals for Scotland consider appeals (references) made by parents and young people against decisions of Education Authorities regarding the provision of educational support. The Tribunal will also in certain circumstances hear references about placing requests.

SECTION TWO

THE PROPOSALS AND THE EDUCATIONAL BENEFIT STATEMENTS

This section provides information on the proposals that the council believe will ensure equity in the admission of children and young people to Specialist Provision, and ensure high quality decision making regarding admission.

PROPOSAL

A proposal to adopt Admission Arrangements for Specialist Provision.

It is proposed that the following policy and procedure, including guidelines for admission to Specialist Provision, is adopted by West Lothian Council as its admission arrangements and catchment area for Specialist Provision.

1 Introduction

- 1.1 West Lothian Council is committed to meeting the needs of all learners in mainstream schools wherever possible. Where children and young people require a higher level of support than can be offered within mainstream schools, Specialist Provision, or a special school not managed by the Council, may be appropriate.
- 1.2 Specialist Provision (Special Schools and Classes managed by West Lothian Council) has a single catchment area covering the area enclosed by the boundary of West Lothian Council. Requests for placement in West Lothian Specialist Provision may be made by parents/carers of children with additional support needs, or by a young person having additional support needs, who reside both within and outwith West Lothian.
- 1.3 All Specialist Provision is non-denominational (not linked to any particular religion). No Specialist Provision is denominational (linked to a particular religion) including Specialist Provision located within a building or campus also used by a denominational school, or Specialist Provision under the management of the Headteacher of a denominational school.
- 1.4 Decisions regarding the level of support to be provided will take account of the presumption that children and young people will be placed within a mainstream school wherever possible, the requirement to meet the needs of all children and young people through the Getting it Right for Every Child (GIRFEC) framework, and will be made within the context of the Continuum of Support. Further details of these considerations are included in this Policy and Procedure.
- 1.5 Children and young people can be considered for Specialist Provision, or a special school not managed by the Council, through the annual transition process, through referral to the Senior Officer Review Group (SORG) by a Child's Planning Meeting or through a placing request made by their parent/care or by a young person having additional support needs.
- 1.6 A Child's Planning Meeting is a meeting of relevant professionals which co-ordinates and makes decision regarding appropriate support in terms of the GIRFEC framework. The parent/carer and child or young person are invited to attend and are key partners in the process.

- 1.7 The Admission to Specialist Provision Policy and Procedure will apply to admission to the full range of Specialist Provision including provision made to meet Specific Language Disorder, Autism Spectrum Disorder, Complex Needs, Severe and Complex Needs and Social, Emotional and Behavioural Needs.

2 Getting it Right for Every Child

- 2.1 Getting it Right for Every Child (GIRFEC) requires multi-agency planning and provision for meeting the needs of all children and young people. The GIRFEC approach is to put the child or young person and their family at the centre of decision making and to take action at the earliest opportunity in order to give all our children and young people the best possible start in life.
- 2.2 Getting it Right for Every Child (GIRFEC) is a national framework. All professionals working with children and young people will follow the same frameworks for assessment, planning and support.

3 The Continuum of Support

- 3.1 The Council operates within a clearly defined Continuum of Support with four levels under which the additional support needs of children and young people are identified, assessed, planned for and met.
- 3.2 The needs of children and young people at Levels 1 to 3 will generally be met in mainstream schools. All mainstream schools are provided with specific funding to meet the additional support needs of children and young people. Headteachers have responsibility for the relevant deployment of staff and resources to meet the needs of the children and young people in their school. In addition to this, a wide range of outreach services, both Education and multi-agency, can be accessed directly by mainstream schools to meet the needs of individual children and young people.
- 3.3 Children and young people thought to require Specialist Provision following assessment through the Child's Planning Meeting process will be considered by the Senior Officer Review Group (SORG) which will determine whether the child or young person's needs require to be met through access to Specialist Provision.
- 3.4 The four levels of the continuum of support are as follows:-

Level 1:	Needs are met within the classroom by the class teacher. Differentiation/modification to the curriculum/environment may be required.
Level 2:	A higher level of differentiation and other support strategies (possibly in consultation with other agencies out with education) are meeting the child or young person's learning needs. Should a high level of differentiation and other support strategies <u>not</u> meet the child or young person's learning needs then support through an Individual Educational Programme (IEP) (with or without consultation with another agency) is implemented.

	<p>If targeted input is needed from another support service, a request for service will be submitted to that service.</p> <p>As and when coordination of support is required, a Child's Planning Meeting will be held.</p> <p>The outcome of the Child's Planning Meeting will be the Child's Plan.</p> <p>The Child's Plan will be monitored and reviewed.</p>
Level 3:	<p>The child's additional support needs requires input from two or more support services and/or different agencies.</p> <p>At this level all children and young people will have a Child's Plan, continue to have an IEP (if appropriate) and should be considered for a Co-ordinated Support Plan.</p>
Level 4:	<p>Children and young people thought to require Specialist Provision following assessment through the Child's Planning Meeting process will be considered by the Senior Officer Review Group (SORG) which will determine whether the child or young person's needs require to be met through access to Specialist Provision, or a special school which is not managed by the Council.</p>

- 3.5 Although it is expected to be the norm that provision to meet the needs of children and young people will be made in terms of the four levels of the Continuum of Support as set out above, the Council will consider the needs of each child individually and provide supports assessed as necessary to allow each child or young person to achieve their full potential.

4 The Senior Officer Review Group (SORG)

- 4.1 All admissions to Specialist Provision, and requests to attend special schools not managed by the Council, are determined by the Senior Officer Review Group (SORG).
- 4.2 SORG comprises senior representatives from the following partner agencies:

Agency	Representatives
Education	<p>Additional Support Needs (ASN) Manager</p> <p>Education Officers (ASN)</p> <p>Principal Educational Psychologist</p>
Social Policy	<p>Senior Manager with responsibility for Practice Teams</p> <p>Senior Manager with responsibility for Residential Units</p> <p>Manager of Children and Young Peoples Teams</p> <p>Manager of Child Disability Team</p>
Health	<p>Consultant Community Paediatrician</p> <p>Manager of Speech and Language Therapy Service</p>
Reporter	Authority Reporter

Legal Services	Representative from service
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5 Annual Transition Process – Consideration by Senior Officer Review Group (SORG)

- 5.1 The Senior Officer Review Group (SORG) will consider referrals of children and young people at the key transition stages of entry to Pre-School; Pre-School to P1; P7 to S1; and post 16.
- 5.2 Dates for these meetings along with the associated deadlines for submission of appropriate assessment materials are communicated to Headteachers and partner agencies at the start of each school year. Multi-agency assessments will be co-ordinated by the school or pre-school establishment.
- 5.3 The Initial Review Group (IRG) is a group of multi-agency professionals set up by SORG that meets three times a year to make recommendations regarding the needs of children entering pre-school provision and how these can be met. Dates for these meetings along with the associated deadlines for submission of appropriate assessment materials are communicated to Headteachers and partner agencies at the start of each school year. Referrals to this group can be made by a range of multi-agency professionals.
- 5.4 Referrals of children and young people at the Pre-School to P1 and P7 to S1 transition stages are considered by a group of multi-agency professionals set up by SORG, and recommendations made to SORG. The professionals involved will be drawn from the same agencies as are represented on SORG. This group is set up due to the large number of children and young people to be considered at these key transition stages.
- 5.5 SORG will consider:-
 - Single Child's Plan (Assessment of wellbeing and outcome of Child's Planning Meeting from the previous six months)
 - Individualised Education Programme (IEP)
 - Education Chronology
 - Educational Psychology proforma (where appropriate)
 - Relevant up-to-date multi-agency reports (from within last 6 months)
 - Attendance information
 - Any other relevant information provided to or requested by SORG.
- 5.6 SORG will consider the individual needs of the child or young person and the support strategies required to ensure an appropriate learning and care environment for the child or young person, and determine a suitable placement based on the information submitted, and following the **Placing in Specialist Provision – Policy Guidelines**.
- 5.7 Attendance at any Specialist Provision or other school in the pre-school or primary stages does not guarantee placement in any Specialist Provision, or a particular Specialist Provision, at the primary and secondary stages. The exception is specialist provision which caters for children and young people of

ages 5-18 (i.e. Beatlie School and Pinewood School) where in most cases children and young people placed in the primary stage will progress to the secondary stage of the same provision.

- 5.8 SORG will inform parents/carers and schools of its transition decisions by letter by the end of April, following relevant statutory timescales.
- 5.9 There is no right of appeal against a decision of SORG following consideration of a referral of a child or young person at the key transition stages.

6 Referral by a Child's Planning Meeting – Consideration by Senior Officer Review Group (SORG)

- 6.1 Children and young people thought to require Specialist Provision following assessment through the Child's Planning Meeting process, will be considered by the Senior Officer Review Group (SORG) which will determine whether the child or young person's needs require to be met through access to Specialist Provision, or a special school which is not managed by the Council.
- 6.2 All other support available within the Continuum of Support should have been implemented in mainstream schools before referral to SORG.
- 6.3 SORG meets regularly throughout the year. Dates for these meetings along with the associated deadlines for referrals are communicated to Headteachers and partner agencies at the start of each school year.
- 6.4 Referrals to SORG by a Child's Planning Meeting should include the following for consideration:-
 - Single Child's Plan (Assessment of wellbeing and outcome of Child's Planning Meeting)
 - Individual Education Programme
 - Chronology
 - Educational Psychology proforma (where appropriate)
 - Relevant up-to-date multi-agency reports (from within last 6 months)
 - Attendance information
 - Any other relevant information provided to or requested by SORG.
- 6.5 SORG will consider the individual needs of the child or young person and the support strategies required to ensure an appropriate learning and care environment for the child or young person, and determine a suitable placement based on the information submitted, and following the **Placing in Specialist Provision – Policy Guidelines**.
- 6.6 SORG will inform parents/carers and schools of its decisions by letter following each meeting following relevant statutory timescales.
- 6.7 There is no right of appeal against a decision of SORG following consideration of a referral by a Child's Planning Meeting.

7 Placing Requests – Consideration by Senior Officer Review Group (SORG)

- 7.1 Parents/carers of children with additional support needs, or a young person having additional support needs, may make a placing request to the Council for admission to a school managed by the Council, or a special school not managed by the Council. SORG will consider all placing requests for specialist provision. A placing request can be made at any time, including at points of transition or when other consideration of the child's or young person's needs is being undertaken by the Council.
- 7.2 The Council will place the child in the school requested (or meet those reasonable fees and other reasonably necessary costs in relation to a special school not managed by the Council) unless a legal 'ground of refusal' exists. If the Council refuses a placing request, it must give a reason why, that complies with education law.
- 7.3 The 'grounds of refusal' are set out in the Education (Additional Support for Learning) (Scotland) Act 2004. The main 'grounds of refusal' are:-
- The education normally provided at the school is not suited to the age, ability and aptitude of the child or young person.
 - The child or young person does not have additional support needs requiring the education or special facilities provided at the school.
 - Admitting the child or young person would require the employment of an additional teacher.
 - Admitting the child or young person would require spending a lot of money, for example on providing an additional classroom.
 - Admitting the child or young person would be seriously detrimental to the child or young person's education or other children and young people's education.
 - Admitting the child or young person would require the employment of an additional teacher or the creation of an additional class in the future (primary requests only).
 - Admitting the child or young person would prevent the council reserving a place at the school for a child likely to move into the catchment area of the school.
 - Admitting the child or young person would mean that the capacity of the school would be exceeded in terms of child or young person numbers.
- 7.4 Where a placing request is made to a special school not managed by the Council it can be refused if the school is not a public school; the Council can meet the additional support needs of the child in a school other than the requested school and the Council has offered the child a place at that school; and it is not reasonable, considering both the suitability and cost (including necessary incidental expenses) to place the child in the school requested.
- 7.5 SORG will consider:-

- Single Child's Plan (Assessment of wellbeing and outcome of Child's Planning Meeting)
 - Individual Education Programme
 - Chronology
 - Educational Psychology proforma (where appropriate)
 - Relevant up-to-date multi-agency reports (from within last 6 months)
 - Attendance information
 - Any other relevant information provided to or requested by SORG.
- 7.6 SORG will consider the individual needs of the child or young person and the support strategies required to ensure an appropriate learning and care environment for the child or young person, and determine the placing request based on the information submitted, and following the **Placing in Specialist Provision – Policy Guidelines**.
- 7.7 SORG will inform parents/carers, or the young person having additional support needs, and schools of its decisions by letter following each meeting within the relevant statutory timescales.

8. Alternative Placement

- 8.1 If SORG determines that a catchment child (resident within the boundaries of West Lothian) or young person does not require a place in Specialist Provision, or a special school not managed by the Council, the child or young person will be offered a place in a mainstream school according to the **Pre-School Admission, Primary School Admission and Secondary School Admission Policies and Procedures**.

9 Placing Requests – Right of Appeal

- 9.1 If the Council refuses a placing request there is a right of appeal. Appeals are heard by either the West Lothian (Placing in Schools) Appeals Committee, or the Additional Support Needs Tribunals for Scotland. This committee and tribunal are independent of West Lothian Council. The letter informing parents/carers, or the young person having additional support needs, of refusal of their placing request will explain where an appeal should be made.

10 Application for Mainstream School Places

- 10.1 Not all children and young people considered by SORG are placed in Specialist Provision. For this reason it is necessary to make alternative arrangements for those children who may not be placed in Specialist Provision. This is done by holding a place for every child or young person considered for Specialist Provision in a mainstream school until such time as the requirement for placement in Specialist Provision has been determined following consideration by SORG. This procedure is not an indication that the Council does not consider Specialist Provision appropriate for any given child or young person. It is intended to protect the position of all children and young people and ensure that no child or young person is disadvantaged.

- 10.2 In particular circumstances, children and young people placed in Specialist Provision may also retain a place in a mainstream school where this is appropriate to meeting the needs of the individual child or young person.
- 10.3 At key transition stages (entry to Pre-School; Pre-School to P1; P7 to S1) the transition process for Specialist Provision will take place at the same time as the transition process for mainstream schools. For this reason, parents/carers must apply for a place at a mainstream school until placement in Specialist Provision. Once parents/carers have accepted a placement in Specialist Provision, or in a special school not managed by the Council, the mainstream place granted may be withdrawn where appropriate.
- 10.4 If a child or young person is referred to SORG by the Chair of a Child's Planning Meeting at or close to times of transition, the Chair must advise parents/carers to apply for a place at a mainstream school until placement in Specialist Provision, is confirmed. Once parents/carers have accepted a placement in Specialist Provision, or in a special school not managed by the Council, the mainstream place granted may be withdrawn where appropriate.
- 10.5 A parent/carers, or a young person having additional support needs, making a placing request for Specialist Provision should also apply for a place in a mainstream school. If the placing request for Specialist Provision, or in a special school not managed by the Council, is turned down, a delay in applying for a mainstream place may result in less choice of places being available. If a placement in Specialist Provision, or in a special school not managed by the Council, is granted, the mainstream place granted may be withdrawn where appropriate.
- 10.6 In all cases, the parent/carers should state on the mainstream application form that they are also going through the Specialist Provision admission process.
- 10.7 Further details of the application process for mainstream pre-school, primary and secondary schools can be found in the **Pre-School Admission, Primary School Admission and Secondary School Admission Policies and Procedures**.

11 Review of Placement

- 11.1 Once a placement in Specialist Provision or a special school not managed by the Council, has been agreed for a child or young person, the needs of each child or young person are reviewed regularly and links with mainstream schools and services are planned in accordance with child or young person need.

12 Oversubscribed Provision

- 12.1 Specialist Provisions in West Lothian may be oversubscribed. That means these Provisions receive more referrals than there are places available. In such circumstances the Senior Officer Review Group will prioritise placement according to the **Placing in Specialist Provision – Policy Guidelines**.

13 Reserved Places

- 13.1 The council may reserve places for children who will move into the catchment area of each Specialist Provision during the school year, if there are places available after all appropriate catchment children have been admitted (in line with the **Placing in Specialist Provision – Policy Guidelines**). The number of places reserved will depend on the number of children at each provision, and estimated future demand for places from catchment children.
- 13.2 The Council can change the number of places reserved due to particular circumstances. For example, if an unusually large number of houses are planned or being built in the catchment area, additional places may be reserved.

14 Looked After Children

- 14.1 In line with legislation, the Council has additional responsibilities for children who are 'looked after'. A child is 'looked after' if the child is cared for, either at home or away from home, as a result of the decision of a court or a children's hearing, or as a result of a voluntary agreement between the parent and the Council's Social Work Department. The Senior Officer Review Group (SORG) will take account of these responsibilities in its decision making.

15. Proof of Address and Age.

- 15.1 The Council may ask for proof of address or for a copy of a child or young person's birth certificate to be submitted.

16. Customer Satisfaction

- 16.1 The Council welcomes and values the views of parents on the service received. If parents have any views on the service they should contact the Additional Support Needs team. Each school year, the Additional Support Needs team may also ask a few parents to fill in a short questionnaire on their service.

17. Useful Contacts and Further Information

- 17.1 Details of all Specialist Provision in West Lothian are available on the Council's Website.
- 17.2 Handbooks which give useful information about Specialist Provision are available from each Provision. The Headteacher will supply a copy on request.

17.3 Further information on admission to Specialist Provision is available from:-

West Lothian Council www.westlothian.gov.uk

The Scottish Government www.scotland.gov.uk

Enquire www.enquire.org.uk

Common Ground Mediation www.commongroundmediation.co.uk

Additional Support Needs
Telephone: 01506 282634 or 01506 281665
E-mail: alison.raeburn@westlothian.gov.uk or
kathryn.jack@westlothian.gov.uk

Public Transport Team (School Transport)
Telephone: 01506 282322
E-mail: publictransport@westlothian.gov.uk

Pupil Placement (Mainstream School Placements)
Education Services
West Lothian Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF
Telephone: 01506 280000
E-mail: pupil.placement@westlothian.gov.uk

Placing in Specialist Provision – Policy Guidelines

In considering admission to Specialist Provision, or a special school not managed by West Lothian Council, the Council takes into account the following:

- the individual needs of the child or young person and the support strategies required to ensure an appropriate learning and care environment for the child or young person
- the design capacity of the school or class and the accommodation resources at the school or class
- the appropriate maximum class size as defined by legislation, in addition to which regard will be had to the Conditions of Service for Teaching Staff which form part of the Council's contract of employment with an individual teacher
- the need to maintain quality education provision within existing resources

Presumption of Mainstream Education:-

The Council is required to comply with the presumption that, unless exceptional circumstances exist, children and young people will be educated in a mainstream school. Before making a decision in relation to the educational provision appropriate for a child or young person, the Council will consider the views of the child or young person and the parent/carer. It will also take into account the specific educational requirements and any support needs of the child or young person. In particular, the Council will consider any or all of the following as appropriate:-

- assessed level of requirement for significant additional support to access the curriculum
- evidence of appropriate planning through levels 1-3 of the continuum of support as applied through the Child's Planning process
- assessed level of significant primary speech and/or language disorder requiring intensive speech and language therapy in conjunction with specialist teaching in a language enriched environment with a high adult to child ratio
- assessed level of social and communication needs with or without formal diagnosis
- assessed level of ability to access elements of the mainstream setting for at least part of the education experience

- assessed level of social, emotional and behavioural needs which will be a barrier to learning, and assessed level of additional vulnerabilities
- assessed level of severe additional support needs, and a complex profile including severe learning needs with autism spectrum disorder and/or social communication needs; severe physical and/or significant sensory loss or impairment; and/or challenging behaviour associated with learning and/or communication needs
- assessed level of very severe and complex additional support needs in combination with autism spectrum disorder and/or social communication needs; severe/significant physical/sensory loss or impairment; complex medical/nursing needs; and/or challenging behaviour associated with learning and/or communication needs
- assessed level of complex additional learning needs defined as general delay in learning across the curriculum, with children and young people likely to be working at the early stages of their development of literacy and numeracy skills, usually in combination with autism spectrum disorder and/or social communication needs; and/or significant difficulty in transferring their learning and skills across contexts; and/or a high level of social vulnerability; and/or some level of challenging behaviour associated with their learning needs
- views provided by the child or young person and parent/carer (in the Child's Planning process) and any relevant information submitted
- Where there are more children or young people assessed as having a level of need appropriate to the particular Specialist Provision, the child or young person assessed as having the highest level of need will be allocated the place.
- Those children and young people living within the catchment area of the Specialist Provision (covering the area enclosed by the boundary of West Lothian Council), will have priority over those children and young people living out with that catchment area

The above are not in any priority order. The assessed level of need will be the overriding consideration in most cases. It should be noted, however, that the Council has discretion to admit a child or young person to any school in special circumstances as determined by the Council.

EDUCATIONAL BENEFIT STATEMENT

The adoption of admission arrangements will ensure equity in the admission of children and young people to Specialist Provision, and ensure high quality decision making regarding admission. This will enable the Council discharge its duty to meet the needs of children and young people with additional support needs, to the benefit of these children and young people, and their parents/carers. Appropriate placement of children and young people with additional support needs through the application of robust admission arrangements will also have a benefit for the provision of efficient and effective education in mainstream schools.

The above benefit will accrue to children and young people currently in attendance at all Specialist Provisions, in relation to their transition, and to children and young people likely to be admitted to Specialist Provision, in relation to their admission. The appropriate placement of children and young people with additional support needs will benefit pupils at all West Lothian Schools, including the other users of Specialist Provision, and the mainstream schools where Specialist Classes are located.

The adoption of a single catchment area covering the area enclosed by the boundary of West Lothian Council, for all Specialist Provision will ensure equity within West Lothian for all children and young people with additional support needs.

All access to the council's Specialist Provision is considered and determined by the council's Senior Officer Review Group (SORG). Assessment by SORG may take place at the key transition stages of entry to Pre-School, Pre-School to P1, P7 to S1; and post 16; following referral by the Chair of a Child's Planning Meeting; or following a parent/carers, or young person, making a placing request.

The Admission to Specialist Provision Policy and Procedure sets out clearly the information that will be considered by the Senior Officer's Review Group in order to assess need.

The Admission to Specialist Provision Policy and Procedure also sets out clearly the guidelines that will be followed by the Senior Officer's Review Group in reaching its decisions.

This clarity is expected by West Lothian Council to increase both equity and the quality of decision making.

West Lothian Council recognises that any transition can be difficult for both Children and young people and their families. Successful transition requires appropriate and individualised planning. The adoption of robust admission arrangements will increase clarity for parent/carers and children and young people on the process that is followed, which is expected to be of benefit to them when undergoing transition.

Improved educational and other outcomes for children and young people are likely to result from their appropriate placement in Specialist Provision with staff, resources and a learning environment designed to their specific needs. More appropriate personalisation and choice will be achievable if the child or young person is placed within the appropriate learning environment. The opportunities to participate in paired and group activities is likely to be greater, and these activities more beneficial, if children and young people are placed within the appropriate learning environment.

The proposal is consistent with the Council's duties under equalities legislation, and by improving the quality of placement decisions, the Council expects that equality of opportunities will be increased as the needs of individual children and young people will be best met within the appropriate learning environment. The adoption of a single catchment

area covering the area enclosed by the boundary of West Lothian Council for all Specialist Provision will ensure equity within West Lothian for all children and young people with additional support needs.

The quality of placement decisions will be improved by formalising the systematic consideration by the Senior Officer Resource Group of the individual needs of the child or young person and the support strategies required to ensure an appropriate learning environment for the child or young person, within the context of GIRFEC and the Continuum of Support, and following the **Placing in Specialist Provision – Policy Guidelines**.

The adoption of robust admission arrangements is not expected to have any additional cost, or lead to any cost saving.

IMPACT OF IMPLEMENTATION

West Lothian Council will monitor the impact of the implementation of the proposal to ensure it leads to sustained educational benefits through effective implementation and application. The Council does not anticipate adverse effects resulting from the adoption of robust admission arrangements, but if these occur they will be identified through monitoring.

SECTION THREE

CONSULTATION PROCESS: HOW TO HAVE YOUR SAY

This section provides information on how West Lothian Council has organised the consultation process for the proposals contained within this document. It also provides information on how you can take part and give your views.

THE CONSULTATION PROCESS - HOW TO HAVE YOUR SAY

The Schools (Consultation) (Scotland) Act 2010, as amended by the Children and Young People (Scotland) Act 2014, sets out the statutory consultation requirements.

The statutory consultees are prescribed as follows:

- the Parent Council or Combined Parent Council of any affected school
- the parents of the Children and young people at any affected school
- the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper
- the Children and young people at any affected school (in so far as the education authority considers them to be of a suitable age and maturity)
- the staff (teaching and other) at any affected school
- any trade union which appears to the education authority to be representative of the persons mentioned in bullet point above
- the community council (if any)
- any body which has been established by a local authority, whether formally or informally, for the purpose of assisting it in carrying out its functions under Part 2 of the Local Government in Scotland Act 2003
- any other education authority that the education authority considers relevant
- any other users of any affected school that the education authority considers

relevant

- In relation to any relevant proposal which affects a denominational school, the Church, Denominational Body or Scottish Hierarchy of the Roman Catholic Church

The consultation period will run for a period of 35 school days (excluding the Christmas school holiday period) from Friday 14 November 2014 until Friday 16 January 2015. This is longer than the normal (statutory) consultation period for such circumstances which is 30 school days. The consultation paper will be made available electronically and in paper format.

A public meetings will be held in respect of the proposals as follows:

Public Meeting in Bathgate Academy, Livingston	Thursday 4 December 2014 at 7.00pm
Public Meeting in the James Young High School, Livingston	Wednesday 10 December 2014 at 7.00pm

This meeting will give interested parties a formal opportunity to express their views. Representatives of the council will be present at the meetings to outline the proposals, facilitate discussions and answer questions.

All comments received will be recorded and represented in the final consultation report, along with the council's response to those comments. The final consultation report will be made available and notification will be given to those individuals or groups that have made representations during the consultation period. The report will include a summary of written representations received during the consultation period and representations made at the public meetings along with the council response to representations made.

The council reports on the consultation progress to Education Scotland following the public consultation period and it is anticipated that the report on the outcome of the consultation will be presented to a meeting of West Lothian Council's Policy Development and Scrutiny Panel on 17 March 2015. The report will then be presented to the Education Executive on 24 March 2015

The council website will contain information on the consultation and this will be updated as necessary. The web address is:- www.westlothian.gov.uk/asn-review

During the consultation period any views on this proposal should be sent in writing to the address given below:

John Lockhart, Education Services, Civic Centre, Howden Road South, EH54 6FF

Responses can also be made by e-mail to Education.Consultation@westlothian.gov.uk

All responses to be received by no later than 5.00pm on **Friday 16 January 2015.**

Urdu

"ویسٹ لوٹھیان کونسل، ایجوکیشن سروسز، اضافی تعاون کی ضروریات کا جائزہ 2014۔"

اگر آپ کو اس دستاویز کی نقل کی ضرورت ہے تو برائے مہربانی اس پتہ پر لکھیں: JOHN LOCKHART, EDUCATION SERVICES, WEST Lothian Council, Civic Centre, Howden Road South, Livingston, EH54 6FF. برائے مہربانی اپنا نام، پتہ اور اس زبان کا نام لکھیں جس میں آپ کو اس دستاویز کا ترجمہ درکار ہے۔"

Polish

„WEST Lothian Council, Education Services (Usługi Edukacyjne), Przegląd potrzeb dodatkowego wsparcia w 2014 r. (Additional Support Needs Review 2014)."

Jeśli pragną Państwo otrzymać kopię tego dokumentu, prosimy skontaktować się pisemnie z: JOHN LOCKHART, EDUCATION SERVICES, WEST Lothian Council, Civic Centre, Howden Road South, Livingston, EH54 6FF. Prosimy podać swoje imię, nazwisko i adres, a także język, w którym chcieliby Państwo otrzymać dokument".

Lithuanian

"WEST Lothian Savivaldybė, Edukacinė tarnyba, Papildoma parama reikalauja peržiūros 2014.

Jei jums reikia šio dokumento kopijos, rašykite šiuo adresu: JOHN LOCKHART, EDUCATION SERVICES, WEST Lothian Council, Civic Centre, Howden Road South, Livingston, EH54 6FF. PRAŠOME PATEIKTI SAVO VARDĄ, PAVARDĘ, ADRESĄ IR KALBĄ, Į KURIĄ NORĖTUMĖTE, KAD ŠIS DOKUMENTAS BŪTŲ IŠVERSTAS."

Latvian

"2014. Gada pārskats par vestlotiānas padomi, izglītības dienestu, papildu atbalsta vajadzībām.

Ja vēlaties saņemt šī dokumenta kopiju, lūdzu, rakstiet uz: JOHN LOCKHART, EDUCATION SERVICES, WEST Lothian Council, Civic Centre, Howden Road South, Livingston, EH54 6FF. LŪDZU, NORĀDIET SAVU VĀRDU UN ADRESI UN VALODU, KURĀ JŪS VĒLATIES, LAI DOKUMENTS TIKTU IZTULKOTS. "

Chinese (Traditional)

「西洛錫安市政委員會（WEST LOTHIAN COUNCIL），教育服務，額外支持需要於 2014 年進行審閱。」

如果您想索取此文檔的副本，請寫信至：JOHN LOCKHART, EDUCATION SERVICES, WEST LOTHIAN COUNCIL, CIVIC CENTRE, HOWDEN ROAD SOUTH, LIVINGSTON, EH54 6FF. 請提供您的姓名和地址，以及您希望文檔譯成的語言。」

Chinese (Simplified)

“西洛锡安市政委员会（WEST LOTHIAN COUNCIL），教育服务，额外支持需要于 2014 年进行审阅。”

如果您想索取此文件的副本，请写信至：JOHN LOCKHART, EDUCATION SERVICES, WEST LOTHIAN COUNCIL, CIVIC CENTRE, HOWDEN ROAD SOUTH, LIVINGSTON, EH54 6FF. 请提供您的姓名和地址以及您希望文档译为的语种。”

Bengali

“WEST LOTHIAN COUNCIL, EDUCATION SERVICES, ADDITIONAL SUPPORT NEEDS REVIEW 2014 [ওয়েস্ট লোথিয়ান কাউন্সিলের এডুকেশন সার্ভিসেস, অতিরিক্ত সহায়তার প্রয়োজনের পর্যালোচনা ২০১৪।]”

আপনি যদি এই কাগজটার একটা প্রতিলিপি চান, তাহলে দয়া করে নিচের ঠিকানায় চিঠি লিখবেন:
JOHN LOCKHART (জন লকহার্ট), EDUCATION SERVICES, WEST LOTHIAN COUNCIL, CIVIC CENTRE, HOWDEN ROAD SOUTH, LIVINGSTON, EH54 6FF। দয়া করে আপনার নাম ও ঠিকানা এবং আপনি যে ভাষায় এই কাগজটির অনূবাদ চান তা জানিয়ে দেবেন।”

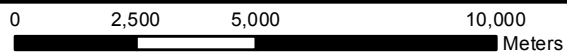
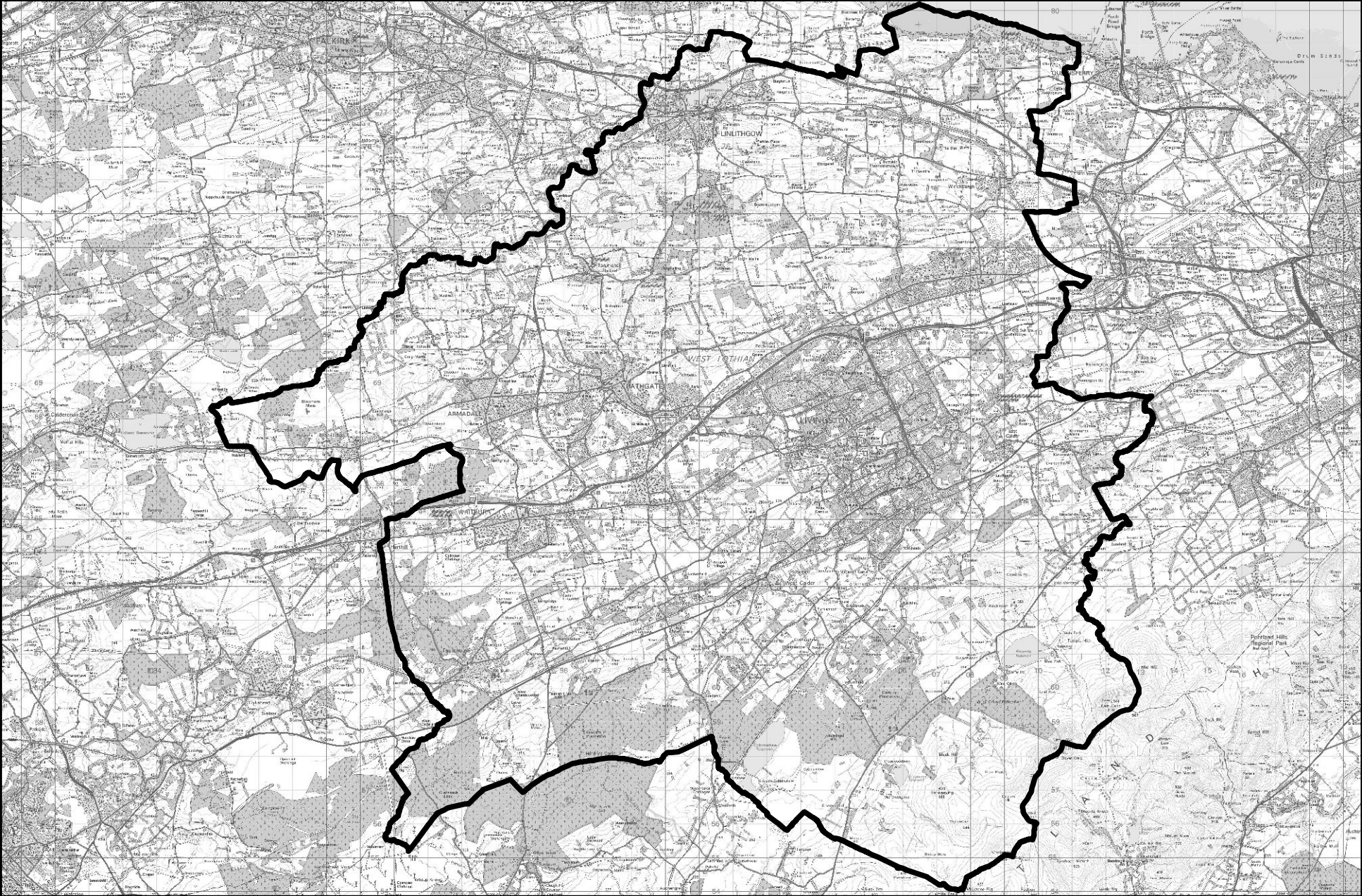
Arabic

مراجعة الخدمات التعليمية وإحتياجات الدعم الإضافية في بلدية ويست لوثيان WEST LOTHIAN لعام 2014.


في حال رغبتك بالحصول على نسخة من هذه الوثيقة فيرجى مراسلة العنوان التالي:

JOHN LOCKHART, EDUCATION SERVICES, WEST LOTHIAN COUNCIL, CIVIC CENTRE, HOWDEN ROAD SOUTH, LIVINGSTON, EH54 6FF.

ويرجى كتابة اسمك الكامل وعنوانك واللغة التي ترغب بأن تتم ترجمة الوثيقة إليها



Legend

 Proposed Catchment Boundary

PAndI 31/10/14

