

Home Education



7-minute briefing

4 – A suitable & effective education

There is no definition of suitable and efficient education set out in primary legislation. However, the following examples from case law help form definitions:

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

(Harrison & Harrison v Stevenson, 1981)

and

‘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’

(R v Secretary of State for Education, 1985)

1 - Context

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. *Education (Scotland) Act 1980.*

Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) sets out the right of every child to an education.

Article 12 of the UNCRC sets out the right for every child to have their voice heard in relation to the provision of their education.

5 – Points to consider

Is there:

- consistent involvement of parents or other significant carers showing commitment, enthusiasm, and recognition of the child’s needs, attitudes and aspirations?
- presence of a philosophy or ethos?
- involvement in a broad spectrum of activities appropriate to the child’s stage of development?
- the opportunity for an appropriate level of physical activity?
- the opportunity to interact with other children and adults?

2 – Overview

Home education is a right conditional upon the parents providing an efficient education suitable to the age, ability and aptitude of the child.

Choosing the option of Home Education does not in itself require permission from the local authority.

Permission from the local authority is required, however, to withdraw a child/young person from a local authority school.

6- Safeguarding

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.

Parents will therefore wish to satisfy themselves, for example, by taking up appropriate references, or requesting that a Disclosure check is carried out.

3 – Consent

Parents of a child who has been attending a Fife Council school must seek Fife Council’s consent before withdrawing their child from that school.

Fife Council consent is **not** required when the child has:

- 1) Never attended a local authority school
- 2) never attended a Fife Council school
- 3) has completed primary education but has not started secondary education
- 4) the school the child has been attending has closed.

7 – Further information

On receipt of a request from a parent, Local Authorities consider 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, e.g. child on the Child Protection Register.

[Home Education Guidance \(www.gov.scot\)](http://www.gov.scot)

Email: home.education@fife.gov.uk

