

Sent Thu 16/08/2018 10:04

From [REDACTED – 38(1)(b)]

RE: CONSENT FOR REMOVAL FROM THE SCHOOL ROLE & HOME EDUCATION

To [REDACTED – 38(1)(b)]

CC [REDACTED – 38(1)(b)]

[REDACTED – 38(1)(b)]

It was good to speak yesterday about home education policy, and the experience you have had in your authority. I mentioned the complaint we were handling from [REDACTED – 38(1)(b)], and I now attach, for your information, the response I have sent [REDACTED – 38(1)(b)]. I will be in touch if [REDACTED – 38(1)(b)] does decide to pursue a further complaint with the Scottish Government and we conclude that it is a valid section 70 complaint (the legislation is complicated, so it is not clear from the information provided so far whether a valid complaint could be made).

As we discussed, the issues here are complex, and it is important that the authority satisfies itself that it is complying with all the duties on it and, for example, that any steps it takes to consider whether there are child protection concerns in relation to a home education request are proportionate and do not exceed the authority's powers. As you will be aware, the Scottish Government cannot provide legal advice to authorities but I would recommend that you do take your own legal advice on these issues to ensure that the Council's actions are appropriate.

I am sorry that I cannot be more helpful here, and do hope that our forthcoming review of the Home Education Guidance will provide an opportunity to consider the difficult issues your authority has grappled with and to provide greater clarity and certainty on these.

I will be in contact in due course when we are able to take forward the review.

Kind regards,

[REDACTED – 38(1)(b)]

[REDACTED – 38(1)(b)] | Workforce, Infrastructure & Reform Division | Learning Directorate | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ

[REDACTED – 38(1)(b)]

From: [REDACTED – 38(1)(b)]

Sent: 13 August 2018 09:24

To: [REDACTED – 38(1)(b)]

Subject: RE: CONSENT FOR REMOVAL FROM THE SCHOOL ROLE & HOME EDUCATION

Good morning [REDACTED – 38(1)(b)].

I shall call you on your landline number below on Wednesday morning at 09:30. I look forward to our discussion.

Best Wishes

[REDACTED – 38(1)(b)]

From: [REDACTED – 38(1)(b)]
Sent: 13 August 2018 08:27
To: [REDACTED – 38(1)(b)]
Cc: [REDACTED – 38(1)(b)]
Subject: FW: CONSENT FOR REMOVAL FROM THE SCHOOL ROLE & HOME EDUCATION

Hello [REDACTED – 38(1)(b)]

Apologies for the delay in responding to your email below. I would appreciate the opportunity to discuss the issue you outlined to my colleague, and a separate complaint that I have received, as well as the Government's plans to review the Home Education guidance.

Would you be available on Wednesday for a phone call? Please let me know a time that would be convenient, or suggest another day.

Kind regards

[REDACTED – 38(1)(b)]

[REDACTED – 38(1)(b)] School Funding, Infrastructure & Organisation Unit | Learning Directorate | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ

[REDACTED – 38(1)(b)]

From: [REDACTED – 38(1)(b)]
Sent: 06 July 2018 12:11
To: [REDACTED – 38(1)(b)]
Subject: FW: CONSENT FOR REMOVAL FROM THE SCHOOL ROLE & HOME EDUCATION

From: [REDACTED – 38(1)(b)]
Sent: 06 July 2018 12:09
To: [REDACTED – 38(1)(b)] [REDACTED – 38(1)(b)]
Subject: CONSENT FOR REMOVAL FROM THE SCHOOL ROLE & HOME EDUCATION

Dear [REDACTED – 38(1)(b)], thanks for taking the time to discuss the above with me. [REDACTED – 38(1)(b)] for consideration and happy to discuss.

I outlined to you that this Council are currently in dispute with a family regarding consent to be removed from the school role. This has attracted the attention of local and national representative organisations of Home Educators. It is the subject of legal correspondence with the Council. I am interested in this area of work and have specific interest in the revision of guidance as relating to this as it affects an element of my working life. I would happily engage with you further in this regard.

With best wishes

[REDACTED – 38(1)(b)]



T: [REDACTED - 38(1)(b)]
E: [REDACTED - 38(1)(b)]

[REDACTED – 38(1)(b)]
By email: [REDACTED – 38(1)(b)]

16 August 2018

Dear [REDACTED – 38(1)(b)],

Thank you for your email of 23 July 2018, raising concerns about the policies and practices of Dumfries and Galloway Council in relation to home education, and alleging maladministration by the Council. You ask the Scottish Government to intervene to address your concerns. My Unit in the Scottish Government's Learning Directorate is responsible for policy on home education and I have been asked to respond.

I need to explain that the Education (Scotland) Act 1980 (the 1980 Act) states that the statutory responsibility for the provision of education in Scotland rests with individual local authorities, including Dumfries and Galloway Council. In discharging these duties, including the Council's duties in relation to a request to withdraw a child from school, it is the authority's responsibility to meet all the legal requirements on it. It would not be appropriate for Scottish Ministers to intervene or comment on local authority decisions.

We understand that sometimes things go wrong in a family's experience of working with a local authority, and in these cases the correct procedure is to follow the authority's complaints process. Dumfries and Galloway Council's complaints procedure is set out here: <http://www.dumgal.gov.uk/article/15382/Complaints-procedure> .

Should you remain dissatisfied with the Council's response following making a formal complaint, you can contact the Scottish Public Services Ombudsman (SPSO) at the following link to carry out a further investigation: <http://www.spsso.org.uk/complaining-spsso> If the SPSO agrees that the something has gone wrong, it can make recommendations to help put things right and to try to stop the same thing happening to someone else.

A further option which you may want to consider, if you continue to feel that Dumfries and Galloway Council is failing to meet its statutory duties in relation to home education, would be to consider making a complaint under section 70 of the Education (Scotland) Act 1980 (the 1980 Act). This legislation allows any interested person to make a complaint that an education authority or another responsible body has failed to discharge any duty under the 1980 Act or any other enactment relating to education. Scottish Ministers may make an order requiring the education authority to carry out that duty, but before they do so they must be satisfied that there has been a failure to discharge it. The Scottish Ministers are empowered, but not obliged, to make an order declaring an education authority to be in default.



Should you feel that you do have a relevant complaint under section 70 of the 1980 Act, you can ask the Scottish Government to investigate it by replying to this letter. Your request should provide detailed information about your objections to Dumfries and Galloway Council's policies and practices, with close reference to section 70 **and the statutory duty you consider the Council is failing to discharge**. You may find the following guidance on section 70 helpful, and you may also want to take independent legal advice on this option and how to frame your complaint.

<https://www.gov.scot/Resource/0052/00523455.pdf>

Turning to the detailed points which you raise in your letter, you note that Dumfries and Galloway Council do not currently have a local Home Education Policy, as they are considering legal challenges that were made to their previous policies. I hope that this will be resolved soon and a new local policy made available. As you note, there is Scottish Government Home Education Guidance, published in 2007, which is still in force and provides guidance to the authority (and parents) on how home education requests should be considered. You mention that the Council has commented on its legal duties in relation to the guidance and I can confirm that the Council is required, under section 14 of the Standards in Scotland's Schools etc Act 2000, to "have regard" to the statutory guidance.

The statutory guidance is now more than 10 years old, and there have been various relevant developments in legislation and practices which mean it would be helpful to review and update it. My team hopes to undertake this review later in the year, and I can assure you that the review will seek to understand concerns from home educating families regarding the current guidance.

Yours sincerely

[REDACTED – 38(1)(b)]

[REDACTED – 38(1)(b)]

[REDACTED – 38(1)(b)]
Children, Young People & Lifelong Learning (CYPLL)

Dumfries and Galloway Council
122 – 124 Irish Street | Dumfries | DG1 2PB

[REDACTED – 38(1)(b)]

Website: <http://www.dumgal.gov.uk>

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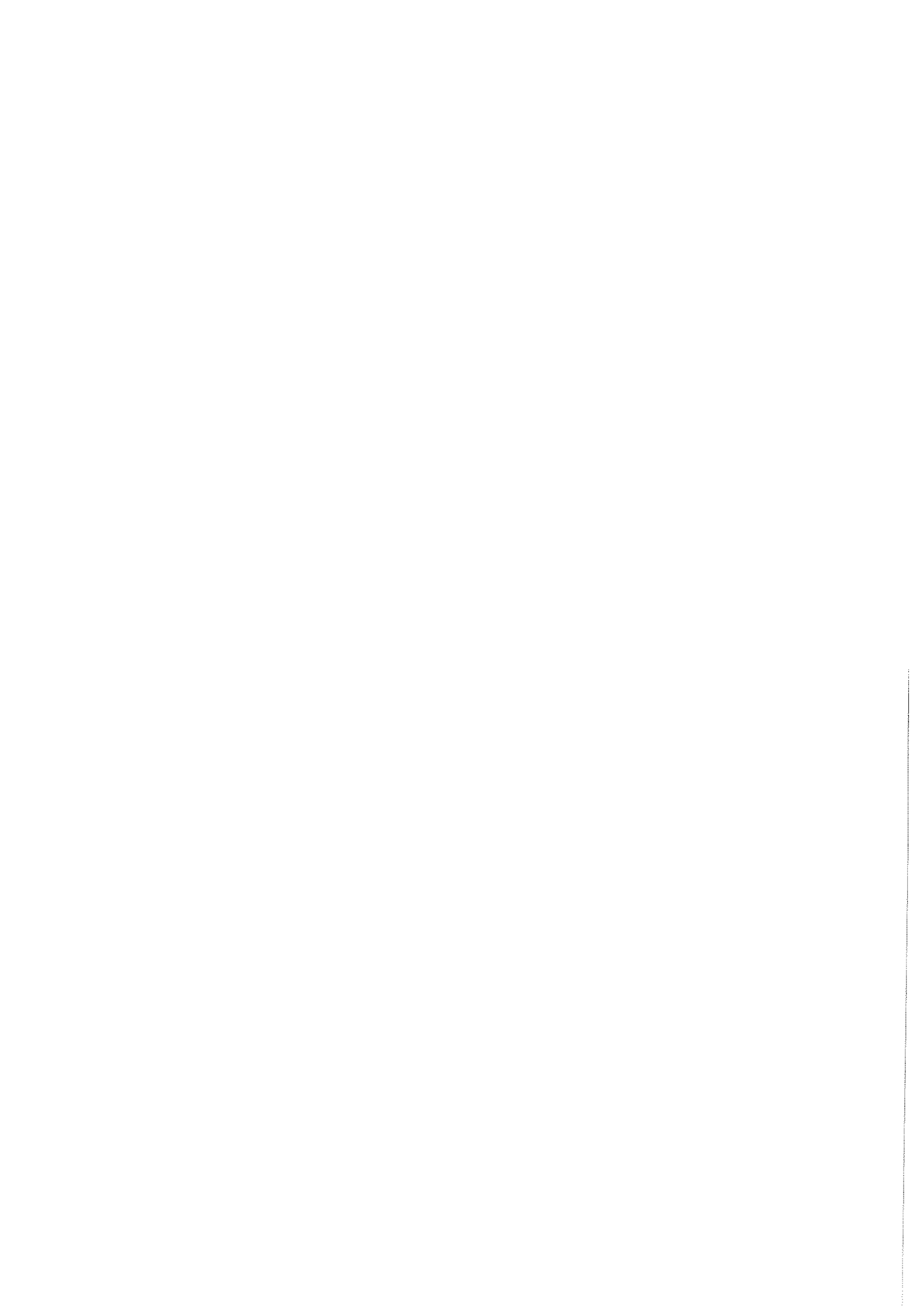
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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Sent: Wed 31/10/2018 09:05

From [REDACTED – 38(1)(b)]

RE: CONSENT FOR REMOVAL FROM THE SCHOOL ROLE & HOME EDUCATION

To [REDACTED – 38(1)(b)]

CC [REDACTED – 38(1)(b)]

[REDACTED – 38(1)(b)]

I have responded to you previously on this matter. I do so again to ask for your guidance and advice. This matter continues, albeit, on a lesser scale to cause issue as a consequence of its complexity and underlying legal issues

[REDACTED – 30(b)(ii)]

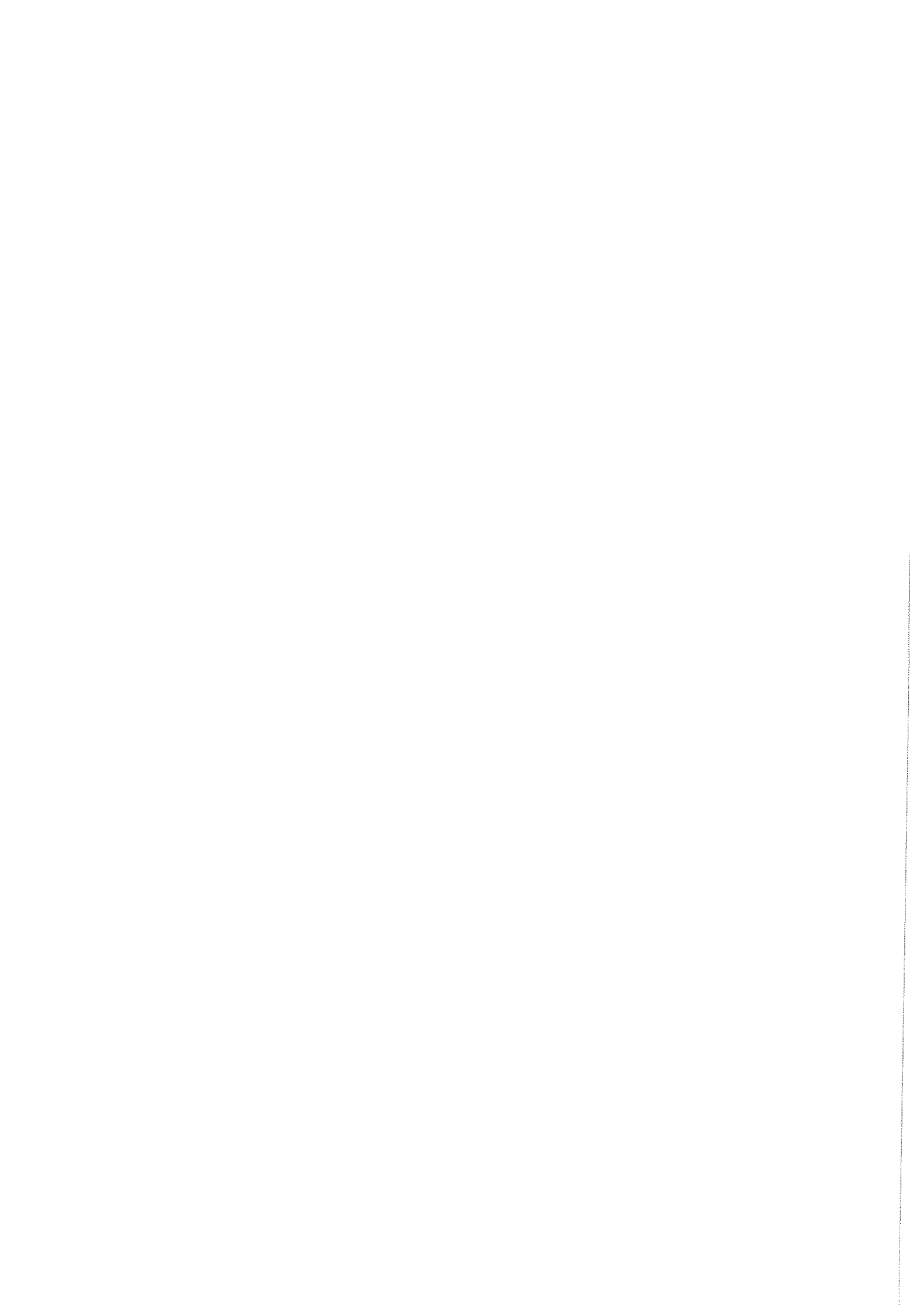
We are due to report to committee in November on the Policy and Home Education in general. [REDACTED – 30(b)(ii)]

Is there an approximate timescale for review of National Guidance.

Let me know

Best Wishes

[REDACTED – 38(1)(b)]



Sent: Wed 31/10/2018 11:51
From [REDACTED – 38(1)(b)]
FW: Withdrawal from the School Role and Home Education Policy
To [REDACTED – 38(1)(b)]

For information and HE file please

[REDACTED – 38(1)(b)]
Workforce, Infrastructure & Reform Division
SG: Learning Directorate
[REDACTED – 38(1)(b)]

From: [REDACTED – 38(1)(b)]
Sent: 31 October 2018 11:20
To: [REDACTED – 38(1)(b)]
Subject: Withdrawal from the School Role and Home Education Policy

[REDACTED – 38(1)(b)]As discussed, for your information and consideration
Happy to discuss

[REDACTED – 38(1)(b)]
Children, Young People & Lifelong Learning (CYPLL)

Dumfries and Galloway Council
122 – 124 Irish Street | Dumfries | DG1 2PB

[REDACTED – 38(1)(b)]

Website: <http://www.dumgal.gov.uk>

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[Attachment (draft Withdrawal from School Roll and Home Education Policy)
REDACTED – 30(b)(ii)]

Sent Wed 31/10/2018 11:30

From [REDACTED – 38(1)(b)]

RE: CONSENT FOR REMOVAL FROM THE SCHOOL ROLE & HOME EDUCATION

To [REDACTED – 38(1)(b)]

CC [REDACTED – 38(1)(b)]

Hello [REDACTED – 38(1)(b)]

As discussed just now on the phone, while the Scottish Government is still committed to reviewing the current Home Education Guidance there is no specific timescale for that review. Resource difficulties in our team mean that we can't be sure when we will be able to take it forward, and that is now going to be sometime in 2019. In the circumstances therefore, I would recommend that you proceed to put a policy in place that reflects the current guidance and legislation, even if it cannot be quite as comprehensive as you might have hoped. I think that clarity would be welcomed by those currently home educating or considering it in your area.

I will send you the contact details we discussed separately.

Kind regards

[REDACTED – 38(1)(b)]

Workforce, Infrastructure & Reform Division

SG: Learning Directorate

[REDACTED – 38(1)(b)]

Sent Wed 31/10/2018 11:50

From [REDACTED – 38(1)(b)]

Home Education policy

To [REDACTED – 38(1)(b)]

CC [REDACTED – 38(1)(b)]

Hello [REDACTED – 38(1)(b)],

I hope you don't mind me passing your contact details to [REDACTED – 38(1)(b)] (cc'd above), who works on home education policy in Dumfries and Galloway Council. [REDACTED – 38(1)(b)] might find it helpful to speak to other authorities about the home education policies and I mentioned your Home Education Network group, set up by the West Partnership earlier this year.

It was a very informative discussion we had last month with you and [REDACTED – 38(1)(b)]. I am sorry to report that resource difficulties in our team mean that we are no further forward in starting our review of the Home Education guidance. I still hope this will take place in 2019.

[REDACTED – 38(1)(b)] - [REDACTED – 38(1)(b)] is the Additional Support Needs Service Manager at East Dunbartonshire Council and his phone number is [REDACTED – 38(1)(b)].

Kind regards,

[REDACTED – 38(1)(b)]

[REDACTED – 38(1)(b)] | Workforce, Infrastructure & Reform Division | Learning Directorate | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ

[REDACTED – 38(1)(b)]

Sent Wed 28/11/2018 11:59

From [REDACTED – 38(1)(b)]

FW: WITHDRAWAL FROM THE SCHOOL ROLL AND HOME EDUCATION POLICY draft 2018

To [REDACTED – 38(1)(b)]

Dear [REDACTED – 38(1)(b)].

I write to provide an update.

We sought to have the attached Policy agreed at Council Committee yesterday. The Policy has now to be consulted upon with partners including home educators across Dumfries and Galloway

[REDACTED – 30(b)(ii)]

I attach the draft policy offered for introduction

[REDACTED – 38(1)(b)]

[Attachment – draft Withdrawal from the School Roll & Home Education Policy REDACTED – 25(1)]

