



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01730

Name of petitioner

Kenneth Drysdale

Petition title

Registration of home educated children in Scotland

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to conduct an urgent review to identify children who are not registered with an Education Authority in Scotland and are being denied a basic human right to access an education suitable to age, ability and aptitude.

Action taken to resolve issues of concern before submitting the petition

Over the last five years I have raised this issue with MPs and MSPs from across the political parties.

I have also raised the issue with Scottish Government, education authorities, the Children's Commissioner and the Law Society of Scotland.

Petition background information

In recent years there have been many examples and reports of children across the UK who are missing from education and have no access to services and facilities.

Professor Alexis Jay, chair of the Independent Inquiry into Child Sexual Exploitation in Rotherham stated on the BBC news that two to three thousand children go missing every year in Scotland.

There is a loophole in the legislation in Scotland whereby if any child is moved between any of the 32 regional educational authorities, that child does not have to be registered with either the local educational authority or the local healthcare practice by their primary carer. Therefore, have no access to a Named Person under GIRFEC and the child simply goes missing. A parent does not have to have any teaching qualifications or demonstrate an ability to teach. The child does not need to be assessed or benchmarked against peers, achieve any level of attainment and there are no PVG checks with those in daily contact with missing children.

Since 2015 I have highlighted this loophole in the legislation to key people. In my opinion Local Authorities are to consistently act under section 37(1) of the Education (Scotland) Act 1980: Duty of the Authority to intervene if there is not a suitable and sufficient provision of education in place according to age, ability and aptitude. From 2015 – 2018 only 30 Section 37(1) have been implemented across 32 Regional Educational Authorities. Only 30 children in Scotland were deemed not to be receiving a suitable sufficient or adequate education out with school according to age ability and aptitude.

It is of deep concern that children who are minors and do not have the capacity to access education or understand the potential benefits and outcomes of receiving an appropriate education are being dismissed and abandoned by the very people responsible for their welfare. Solicitors in my experience, do not reference or acknowledge Section 37(1) and local authorities will not engage with missing children or state what is a suitable education or bench mark against their peers in order to ascertain neglect.

Missing children are not being registered, assessed or monitored. It is therefore essential that every responsible person fulfils their legal and professional responsibility to ensure every child has equal access to services, facilities and education. As children come under the Protection of Vulnerable Groups, and Adult and Child Protection Legislation it is legal requirement that no child is denied access to an education suitable to age, ability and aptitude under the Human Rights Act 1988. Every child should mean every child, not just those who attend a local authority school.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/PE01730>

Related information for petition

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

20 / 08 / 2019

Comments to stimulate online discussion

What are your views on the fact that children do not have to be registered with the local education authority or health care practice when moved between any of the education authorities?

authorities:

What potential consequences do you think this loophole brings?

Do you have any suggestions on how the situation should be addressed?