

**PE1730/C**

Petitioner submission of 30 November 2019

I still strongly urge the Scottish Government to conduct an urgent review to identify and protect children who are not registered with an education authority in Scotland and are not receiving an education suitable to their age, ability and aptitude.

I wish to start my comments by stating that I agree that the Scottish Government indeed should support the rights of parents to choose to home educate their children. Home education is a key aspect of parental choice and is an equally valid choice alongside the option to send a child to school.

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

However, this word "conditional" holds no meaning when the education provided by a parent falls absolutely below acceptable standards of what is suitable for the age, ability and aptitude of the child.

In your response you state "there is no statutory duty upon local authorities to monitor on going home education or hold records on home educated children in their area" yet you further state that they "do have a duty to ensure that the parents... are providing their children with a suitable education".

Could you please explain to me how local authorities can fulfil their duty to ensure parents are providing suitable education when they have no duty to monitor or even keep records on these children?

My next concern is that the Scottish Government consider that the lack of provision of Education is a separate issue from well being concerns regarding children. Surely a child who is being denied a basic right to education is suffering from intolerable abuse?

Both Human Rights and Children's Rights Act's exist solely to ensure that these abuses of power cannot happen.

In your response you state that "local authorities have a duty to safeguard and promote the welfare of children in their area regardless of where they are educated" and that "if a parent wishes to withdraw a child from education being provided by their local authority they must seek, in accordance with Section 35 of the 1980 Act, the authority's consent before doing so."

In my experience children are being withdrawn from schools without consent and educational and welfare concerns regarding the withdrawn children are not being recognised or addressed.

Can you explain how the Scottish Government feels it is acceptable that the 32 Local Authorities in Scotland do not or will not adopt a cohesive approach to child protection and the rights of children.

Surely it is wrong that children who have

- never attended a public school
- never attended a public school in that authority's area
- been withdrawn from an independent school
- finished primary education in one school but have not yet started secondary education in another
- been attending a school that has been closed

are simply discarded by the local authority and Scottish Government as not worth protecting or educating?

In 2019, in a country as forward thinking as Scotland, I find it absolutely abhorrent that this negligent approach to children's welfare, education and basic rights is allowed to prosper.

I spoke with the Deputy First Minister at the National Parents Forum of Scotland in Perth on the 5th of October 2019, during a Q&A, with regards to Section 30, 35 and 37 of the Education (Scotland) Act 1980.

The Q&A was recorded and can be seen at the following link: <https://bit.ly/351jxa1>  
John Swinney responded to my questions at 26, 33,45,56 min

John Swinney. "If we sign up to a policy called getting it right for every child GIRFEC. It has to mean every child. It has to mean what it says on the tin. We must get it right. It cannot just be lip service. Every local authority has signed up to this. That shall be governing the approach being taken by the local authority. A number of the questions raised today refer to the legal provision. I am old fashioned; I believe in the rule of law. Public Authorities must be acting within the rule of law. They should not be taken to court to prove and demonstrate they are acting within the law. The key principle must be assessment as to the need of the appropriateness of the education setting to meet the needs of the individual children. The law is crystal clear. Every child should have an education informed by dialogue with their **parents** that meets their needs. A local authority has to be satisfied that they have an appropriate provision in place for every child and they have to be engaging in a dialogue."

Please can the committee consider how any local authority can be satisfied when there is no register, no dialogue with both parents, no method for assessment or monitoring and no required level of attainment. When unilateral decisions to home educate non-registered children are not being challenged or acted upon?

The Scottish Government's response has certainly clarified its position on Home education but has categorically failed to address any of the concerns highlighted. It simply outlines to me, again, information that I already know. The existing legislation fails to protect children.

I conclude where I began, urging the Scottish Government to please, please URGENTLY review their existing home education policy in order that they might begin to protect societies most vulnerable children. Children who are being denied their basic right to education by parents who understand, and know how to exploit, the legislative loop holes, you have evidenced in your own response, to the detriment of their children's welfare.

I would welcome the opportunity to speak with the petitions team at the next meeting to answer any questions and provide additional information.