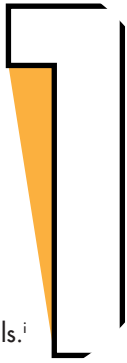


1 School leaving age is sixteen, more or less. A young person will be entitled to leave school at either the winter leaving date (the first day of the Christmas school holidays) or the summer leaving date (31st May) – depending on when their 16th birthday falls.<sup>i</sup>



2 A young person aged 16 or 17 has the right to remain at school until at least their 18th birthday. This is not at the discretion of the school, nor can it legally be made conditional on good academic progress or similar.<sup>ii</sup>



3 A child or young person cannot simply be told to attend an alternative educational provision, regardless of any behaviour or attendance issues. A formal exclusion is required to bring a school placement to an end if the parent or young person does not agree with the action proposed.<sup>iii</sup>



4 The failure of a child of school age to attend regularly at school “without reasonable excuse” is a criminal offence (for the parents) and grounds for referral to the Children’s Panel (for the child). If a child is unable to attend school due to ill-health, that is a reasonable excuse for non-attendance.<sup>iv</sup>



# TEN THINGS YOU NEED TO KNOW ABOUT THE LAW AND EDUCATION

5 The law still states that where a pupil has been absent from school for a period of 4 consecutive weeks “and cannot be traced”, they will be removed from the school register.<sup>v</sup>



6 Parents have a duty to educate their children, but may choose to send them to school or to home educate. The parent’s right to choose takes precedence over the child’s preferences in this matter, although the parent should have regard to the child’s views in making their decision.<sup>vi</sup>



7 Parents do not require permission to home educate their child but consent is required to withdraw a child from a local authority school if the child has begun attendance there.<sup>vii</sup>



8 Where a child is home educated, the parent must provide “efficient education” which is “appropriate to the age, ability and aptitude” of the child. If the education authority are not satisfied that this is the case, they may take further action, which may lead to an attendance order being served, or a referral to the children’s panel.<sup>viii</sup>



9 The education authority are not responsible for the school education of home educated children within their area. However, they do have a discretionary power to provide additional support to such children where they have additional support needs.<sup>ix</sup>



10 There is no right to “on site education.” However, the authority must ensure that the education they do provide is “adequate and efficient” and includes “adequate and efficient” provision for the additional support needs” of any children with such needs.<sup>x</sup>

