



REPORT TO EDUCATION AND CHILDREN'S SERVICES COMMITTEE – 29 AUGUST 2019

HOME EDUCATION POLICY

1 Recommendations

The Committee is recommended to:

- 1.1 Approve the updated policy 'Working Together to Support Home Education – A Guide for Parents, August 2019'.**
- 1.2 Agree to receive a paper on 'Flexi-Schooling', which officers will submit to the Education and Children's Services Committee at a future date.**

2 Background / Discussion

- 2.1 At the Education and Children's Services Committee meeting of March 21, 2019, the Member Promoted Issue, "A Detailed Analysis of Flexi-schooling", was discussed under the appropriate direction of the Scheme of Governance. The result of this discussion was that;

"...the Committee acknowledge that the Council's Home Education Policy was currently being reviewed by officers and should be brought back to the Committee for consideration at the appropriate time".

- 2.2 The policy on Home Education has been updated, agreed with the team in Legal and Governance, and a section on flexi-schooling has been included (Appendix 2). This update includes revisions for service titles, contact details and supporting organisations. No significant changes have been necessary. However, as the matter of flexi-schooling is complex and far reaching, officers have commenced an extensive piece of work involving collaboration with other local authorities in Scotland and beyond, consultation with parents and staff across Aberdeenshire and the formation of a joint working group to include parents, teaching staff, senior officers from Education and Children's Services and representatives from national organisations. The outcome of this work and emerging guidance from Scottish Government will be collated and brought back to this Committee at an appropriate date.
- 2.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make.

3 Scheme of Governance

- 3.1 The Committee is able to consider and take a decision on this item in terms of Section E.1 1.1(b) of the List of Committee Powers in Part 2A of the Scheme of Governance.

3.2 This policy review has been carried out in accordance with the Policy Development and Review Framework in Part 4B of the Scheme of Governance.

4 Implications and Risk

4.1 An equality impact assessment has been carried out as part of the development of the proposals set out above. It is included as Appendix 1 and

- the following impacts have been identified which cannot be fully mitigated as follows:

Younger children may miss vital elements within the curriculum and may not encounter necessary socialisation vital for development to adulthood.

Children with a disability may not be able to access specialised equipment designed to meet their specific needs.

- there are positive impacts as follows:

Younger children may benefit by spending more quality time with their parents and experience a curriculum that is more specific to their individual needs.

Children with a disability may be in an environment more appropriate to their needs.

4.2 There are no staffing and financial implications.

4.3 The following Risks have been identified as relevant to this matter on a Corporate Level: ACORP007 Social risk (e.g. population changes, poverty and social inequality, demographic changes) *link to Corporate Risk Register*. The following Risks have been identified as relevant to this matter on a Strategic Level: ECSR002 Developing excellence and equality, ECSSR003 Embedding GIRFEC and ECSSR004 Support inclusive, healthy and vibrant communities *link to Directorate Risk Registers*.

Laurence Findlay
Director of Education and Children's Services

Report prepared by Vincent A Docherty, Head of Education
Date 29 July, 2019

EQUALITY IMPACT ASSESSMENT

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions).	
Service	Education and Children’s Service
Section	Education
Title of the activity etc.	“Working Together to Support Home Education – A Guide for Parents, August 2019”
Aims of the activity	Approval of a policy update.
Author(s) & Title(s)	Vincent A Docherty, Head of Education
Stage 2: List the evidence that has been used in this assessment.	
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	Home Education policy from Angus and Fife Council. Home Education Guidance – Discussion paper. Detailed analysis of Flexi-Schooling paper submitted to ECS Committee March 2019. Flexi-schooling in Scotland: Prevalence, policies and the experiences of parents and teachers.
Internal consultation with staff and other services affected.	Discussion with colleagues in legal services. Discussion with Quality Improvement Officers/Managers. Discussion with Principal Educational Psychologist.
External consultation (partner organisations, community groups and councils).	Education colleagues from other local authorities including all Northern Alliance authorities
External data (census, available statistics).	Census data. SEEMIS home-schooling data.
Other (general information as appropriate).	

Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	No.

Stage 4: Measures to fill the evidence gaps.		
What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:

Stage 5: Are there potential impacts on protected groups? Please complete for each protected group by inserting "yes" in the applicable box/boxes below.				
	Positive	Negative	Neutral	Unknown
Age – Younger	Yes	Yes		
Age – Older				
Disability	Yes	Yes		
Race – (includes Gypsy Travellers)	Yes			
Religion or Belief				
Gender – male/female				
Pregnancy and maternity				
Sexual orientation – (includes Lesbian/ Gay/Bisexual)				
Gender reassignment – (includes Transgender)				
Marriage and Civil Partnership				

Stage 6: What are the positive and negative impacts?		
Impacts.	Positive (describe the impact for each of the protected characteristics affected)	Negative (describe the impact for each of the protected characteristics affected)
Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.	Younger children may benefit by spending more quality time with their parents and experience a curriculum that is more specific to their individual needs.	Younger children may miss vital elements within the curriculum and may not encounter necessary socialisation vital for development to adulthood.
	Children with a disability may be in an environment more appropriate to their needs.	Children with a disability may not be able to access specialised equipment designed to meet their specific needs.

Stage 7: Have any of the affected groups been consulted?	
If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?	No. Decisions around mitigating steps for children and young people will be arrived at in consultation with parents and carers and professionals in line with current procedures and legislation.

Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?		
These should be included in any action plan at the back of this form.	Mitigating Steps	Timescale
	Parents/carers will be consulted.	As required.
	Council policy will be adhered to.	As required.
	Legislation will be adhered to.	As required.

Stage 9: What steps can be taken to promote good relations between various groups?	
These should be included in the action plan.	This matter should be considered from the perspective of meeting the needs over every individual child. Research findings should be considered to allow the best decisions to be made in a respectful, child-centred way.

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?

The policy clearly states the rights that parents have in relation to the education of their own children. It allows opportunities to be explored within the legislative guidelines set out.

Stage 11: What equality monitoring arrangements will be put in place?

These should be included in any action plan (for example customer satisfaction questionnaires).

Careful Quality Improvement contact and monitoring.

Stage 12: What is the outcome of the Assessment?

Please complete the appropriate box/boxes	1	No negative impacts have been identified –please explain.
	2	Negative Impacts have been identified, these can be mitigated - please explain. Section 13
	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen

* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

Any negative impact on children and young people can be monitored and addressed by the area Quality Improvement Officer who has a duty to ensure that each home-educated child is reviewed on an individual level.

Stage 14: Sign off and authorisation.			
Sign off and authorisation.	1) Service and Team	Education and Children's Services	
	2) Title of Policy/Activity	"Working Together to Support Home Education – A Guide for Parents, August 2019"	
	3) Authors: I/We have completed the equality impact assessment for this policy/activity.	Name: Vincent A Docherty Position: Head of Education Date: 29 July 2019 Signature:	Name: Position: Date: Signature:
		Name: Position: Date: Signature:	Name: Position: Date: Signature:
	4) Consultation with Service Manager	Name: Anne-Marie Davies Macleod Date: 29 July 2019	
	5) Authorisation by Director or Head of Service	Name: Laurence Findlay Position: Director of Education and Children's Services Date: 29 July 2019	Name: Position: Date:
	6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee. e.g. Social Work and Housing Committee.		
7) EIA author sends a copy of the finalised form to: equalities@aberdeenshire.gov.uk			Date:
(Equalities team to complete) Has the completed form been published on the website? YES/NO			Date:

DRAFT

Working Together to Support Home Education

A Guide for Parents

August 2019

HOME EDUCATION

Aberdeenshire Council Education and Children's Services are committed to working with parents to make sure that their children can get the best possible start in life.

This includes providing all children with education that meets their needs and recognising that some parents may wish to educate their children at home.

It is hoped that the following information is helpful to parents who wish to opt for this route.

HOME EDUCATION

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HOME EDUCATION

The Legal Position

There is extensive legislation and guidance relating to the education of young people including home education. Particular reference should be made to the Children and Young People's Act (2014) as well as the Education (Scotland) Act 1980 and the Additional Support for Learning (Scotland) Act 2004 (Amended) 2009.

The main points can be summarised as follows:

- Every child of school age has a right to education which must be directed to the development of the personality, talents and mental and physical abilities of the child to their fullest potential. Furthermore, if children wish to express a view on their education then this should be considered taking into account their age and maturity.
- Parents have a responsibility to provide efficient education for their children of school age suitable to their age, ability and aptitude. This can be done by regular attendance at a school or by other means (e.g. home education).
- Education authorities are required to take into account the parent's views in relation to their children's education.
- Where children attend local authority schools, then the education authority must give consent before parents withdraw their children from school for home education. See page 2 for information on occasions when consent is not required.
- If an education authority has concerns over the home education being provided, then they must take action.
- Where a child may have additional support needs and is being educated at home, parents have the right to ask the education authority to find out if their child has additional support needs and to assess what level of support they might need. The education authority may at its discretion agree with the request and provide the necessary support but does not have a legal duty to do so.

How do parents withdraw a child from school for home education?

Consent is not required to home educate, but only to withdraw a child from school for home education. However, there are exceptions which are outlined on page 2.

The procedure for Aberdeenshire Council Education and Children's Services where consent is required is as follows:

- Parents must write to the Quality Improvement Officer for the area of Aberdeenshire in which they live (addresses are in the useful contacts section on page 8) informing that they wish to home educate and requesting consent to withdraw their child from school. This should be done as early as possible and before the date they wish to withdraw their child from school.

The letter should also include proposals on how they intend to provide efficient education for their child. An explanation of efficient education is provided on page 3. Any views expressed by their child must be considered. In the meantime, the child should continue to attend school until consent is granted.

- The Quality Improvement Officer will acknowledge the request and consider as soon as possible whether there is any evidence indicating that there may be good reason to refuse consent.
- If there is no evidence to suggest that consent should be withheld, and parents have provided an indication of how they would provide efficient education through home education and where possible the proposed resources they would use, then consent can be granted immediately.
- If more information is required before a decision can be made, including further details from parents on how they intend to provide an efficient education, then this will be gathered. Parents will also be given the opportunity to address any specific concerns the authority may have. The child should also be given the opportunity to express any views.
- Education and Children's Services will try to issue a decision within six weeks of the original request. However, in a small number of cases, it may not be possible to do this. Parents will be advised of the reason for the delay and the likely timescale to reach a decision.
- If the Quality Improvement Officer is concerned that the information provided by the parent indicates that efficient education cannot be provided, then parents will be notified in writing that consent is being withheld and reasons for the decision and grounds for refusal will be set out. Parents will be invited to address the grounds for refusal and re-submit their request for reconsideration.
- Instances where consent may not be granted immediately include:
 - where a child has been referred to social work or the police for child protection reasons, and the matter is being investigated
 - where the child is on the child protection register
 - where a child has been referred to the reporter on care and protection grounds, and the referral is being considered
 - where the child is the subject of a supervision requirement.

In these cases, the Quality Improvement Officer will gather any relevant information that will assist in reaching a decision.

- Parents may wish to meet with the Quality Improvement Officer at a mutually acceptable location to discuss their proposals or provision. The child may attend this meeting to give their views or their views can be given in other ways. A written summary of the meeting will be sent to the parents.

Do parents always have to seek consent to home educate?

Parents do not have to seek consent to home educate if

- their child has never attended a local authority school
- their child is being withdrawn from an independent school
- their child has finished primary education in one school but has not started secondary education in another
- the school the child has been attending has closed.

In the above cases and where home educating parents move into Aberdeenshire it is helpful if parents notify the Quality Improvement Officer of the area in which they live that they intend to home educate. This can enable appropriate support and advice to be given if required. In all other cases, parents must write to their Quality Improvement Officer requesting consent to withdraw their child from school in order to home educate. If there is evidence to suggest there may be concerns over the welfare of the child then the Quality Improvement Officer may make enquiries to ascertain the whereabouts of the child.

Can parents request flexi-schooling?

Parents may occasionally make a request to withdraw a child part time from school, e.g. for the child to attend school only on certain days, or for certain subjects. The feasibility of each request will be considered on its own merit with reference to Section 28 of the Education (Scotland) Act 1980. However, it will be a decision for the authority and school as to whether they can support such an arrangement, having taken account of individual circumstances and operational arrangements.

Can parents appeal against the Education and Children's Services decision?

If parents are not happy with the decision, having already provided additional information, then they should write to the Head of Education with details of their complaint. Addresses are in the useful contacts section on page 8. If the Head of Education is unable to resolve their complaint there will be the opportunity to use a mediation service, if the parent and education service are in agreement. The mediation service will be provided by an independent organisation.

Alternatively, or if the parents are not satisfied with the outcome of mediation, they may ask the Head of Education for a report to be written and presented to Aberdeenshire Council's Education of Children at Home Sub-Committee for consideration. Parents will be given a copy of the report and will be strongly encouraged to meet with the Sub-Committee. Should the Sub-Committee not support the parents, then the education service will serve an attendance order on the parents. Parents have 14 days to appeal to the Sheriff, who may confirm, vary, or annul the order. The Sheriff's decision is final.

What is efficient and suitable education?

There is no specific definition of efficient and suitable education. One approach to education is not necessarily more efficient than another and parents' educational provision will reflect a diversity of approaches and interests. However, it would be expected that any education provision would include all of the following:

- an approach or ethos that shows commitment and enthusiasm for the child's education and recognises the child's needs, attitudes and aspirations.
- consistent involvement of parents in their child's education, although they may not actively be involved in providing the education. This, for instance, could be through distance learning packages or using tutors. Additional information on using tutors can be found on page 7 under Child Protection.

- opportunities for the child to be stimulated by their learning experiences.
- involvement in a wide range of activities appropriate to the child's stage of development.
- access to appropriate resources and materials. This would include paper, pens, books, libraries, art and craft materials, physical activity, computer technology.
- opportunities to mix with other children and adults.

The Curriculum for Excellence also has a number of principles which would indicate efficient and suitable education. It would be expected that every child:

- Has the opportunity to develop as a successful learner, effective contributor, confident individual and responsible citizen.
- Knows they are valued and supported.
- Has the opportunity to develop skills for learning, vocational skills and skills for life.
- Has the opportunity to develop a range of knowledge and skills that adds up to a general education.
- Finds learning relevant and meaningful.
- Is challenged and engaged by their learning.

What about children with additional support needs?

Parents still have the same right to choose home education if their child has additional support needs.

Parents also have the right to ask Education and Children's Services to find out if their child has additional support needs and to assess the level of support they might need.

However, there will be other issues to consider by parents and Education and Children's Services, depending on the particular need of the child. These may include

- how the parents intend to meet the child's additional support needs.
- the environment in which the child is to be educated – this can be crucial for a child with autism.
- the involvement of an educational psychologist in assessing the proposed education provision with the agreement of parents.

What support can parents expect from the education authority whilst home educating?

Education and Children's Services at its discretion is able to support parents who choose to home educate. Advice can be provided:

- on curricular provision and resources that may be useful
- about resources that may be available through Aberdeenshire's Library and Information Service
- on work experience placements
- on computer hardware and software for children with additional support needs
- from the Educational Psychology Service.

Please note that Education and Children's Services has no statutory obligation to provide financial or other support for the home education of children with additional support needs.

Contact should be made with the appropriate Quality Improvement Officer in the first instance.

Will Education and Children's Services contact parents who are home educating?

Aberdeenshire Council, Education and Children's Services aim to be as supportive as possible to parents who are home educating. To do this a Quality Improvement Officer will write to parents, usually on an annual basis.

The purpose of this is to ascertain how the home education is progressing, that it is efficient and suitable to the child's age, ability and aptitude, to offer advice and support and to answer any question that parents may have.

Where at all possible it is helpful if the annual contact can take the form of a visit to the home situation. This enables the Quality Improvement Officer to see the child in their own learning environment and see the education provision first hand. However, such visits are not compulsory, and parents may provide details of their educational provision by alternative means, such as, written or electronic information.

Following these contacts, a report will be written by the Quality Improvement Officer and shared with parents. Parents should also feel free to contact their Quality Improvement Officer for information and advice and if necessary, to arrange a visit.

What happens if there are concerns about the home education?

If there are concerns about the education being provided, these will be made clear and more frequent contact may be made, with a view to helping parents improve their provision. Where information provided by parents together with ongoing discussions does not address concerns that Education and Children's Services may have about the education provision and that the only way that they can be addressed is through a home visit, then this will be requested. The reasons for a home visit will be clearly outlined to parents.

If there are serious concerns that the education being provided is not efficient, and despite parents having been given every opportunity to improve their provision and a home visit has been declined a report will be written by the Quality Improvement Officer and referred to Aberdeenshire Council's Education of Children at Home Sub-committee for consideration.

Parents would also be contacted in writing requiring them to provide information that Education and Children's Services may require regarding the ways in which education is provided. Parents will be allowed between seven and 14 days to provide this information that will enable the Education of Children at Home Sub-Committee to determine if the home education is efficient and suitable. The parents can either meet with the Education of Children at Home Sub-Committee in person to provide the information or provide the information in writing. Where parents do not satisfy the Education of Children at Home

Sub-Committee that efficient education suitable to the age, ability and aptitude of the child is being provided, then an Attendance Order will be made by the education service. The Attendance Order names a school that the child must attend and once an attendance order has been served, the parent has 14 days to appeal to the Sheriff, who may confirm, vary or annul the order, and whose decision will be final.

Education Maintenance Allowances (EMAs)

Home educated children are eligible for EMAs, subject to the same criteria as set out for school educated children. EMAs are available to eligible young people who are undertaking full-time non-advanced level study by home education. The EMA programme is administered by the local authority in which the home education is based. Applications should be made to the local authority. Students applying for an EMA as a home educated student must have a history of home education prior to reaching their official school leaving date. The Scottish Government publish updated guidance annually in March. Parents should refer to the latest guidance for more details.

Examinations for home educated children

There is no legal requirement for children to sit a particular set of examinations. If parents want a child to take a particular qualification, they should investigate thoroughly whether, and how easily, their child will be able to access examination and assessment arrangements. The internal assessment component of many qualifications such as National Qualifications, GCSEs and A Levels can restrict the certification of external candidates. For instance, many National Qualifications courses at Higher and Advanced Higher require candidates to pass unit assessments as well as an external assessment to achieve a course award. These are not, however, the only types of qualification available and parents may wish to investigate alternative options which may be better suited to home education. Some study options are set out below.

Authorities are not required to meet any costs associated with home educated candidates taking examinations or other qualifications. Authorities should, however, where circumstances allow, take a reasonable approach and make available any resources or support that they can offer, and give information about alternative qualifications and the arrangements needed for children to take them, where applicable.

Study options for educational qualifications

Enrolment at a Further Education College

Home educated young people are eligible to be considered for further education college courses or open learning provision through further education colleges. As with school pupils, it is a matter for the college concerned whether to enrol a home educated young person. Courses are usually part-time, though colleges may in exceptional circumstances enrol young people under the age of 16 on to full-time programmes.

Enrolment at college has the advantage that all the work and entry for qualifications is organised by the college, but it does require at least some attendance at classes which will not appeal to all home educating families. If a student enrolls at a college, their

parents will be liable to pay all of the course fees themselves unless the education authority is willing to provide funding. Colleges also have the discretion to waive fees, which they tend to do for low income families in accordance with Scottish Funding Council's fee-waiver policy.

Self-Study

Many home educating families choose to work independently towards qualifications. Because of compulsory internal assessment components, there are many subjects and qualifications which are not available to external candidates unless an appropriate arrangement can be made with an approved centre which meets with the examining board's requirements. Some centres and examining boards may be willing to accept coursework which has been marked and authenticated by a private tutor.

Families who study for qualifications from home will need to:

- Contact the relevant examination board to find out about their requirements.
- Register with an approved centre for their child to be presented for the qualification. For SQA qualifications, an entry can only be processed by an approved centre.
- Pay a registration fee for each subject their child will take.

It may also be possible for a group of home educators to consider seeking approved status in their own right. Further information on this can be obtained from the Scottish Qualifications Authority (contact details at end of guidance).

Correspondence Courses

Correspondence courses can be an option for students who prefer to work independently, though they will be required in most cases to follow a structured curriculum and programme of work. Correspondence courses offer a wide range of qualifications at different levels and the organisations offering these courses will advise about arrangements which need to be made for registering with an examination centre and for making and authenticating coursework. The cost of this option varies depending on the organisation and the qualification chosen but can prove expensive.

Child protection assurances for parents

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. They will therefore wish to satisfy themselves, for example, by taking up appropriate references, or requesting that a Disclosure check is carried out. Further information about Disclosure checks is available from Disclosure Scotland (contact details on page 10).

USEFUL CONTACTS

You can contact Education and Children's Services in writing or by telephone:

Education and Children's Services
Woodhill House
Westburn Road
Aberdeen
AB16 5GB
Telephone 01224 872840

Banff and Buchan Area Education and Children's Services

Banff and Buchan Area Education and Children's Services Office
32 Low Street
Banff
AB45 1AY
Telephone 01261 813280

Formartine and Garioch Area Education and Children's Services

Garioch Area Education and Children's Services Office
Gordon House
Blackhall Road
Inverurie
AB51 3WA
Telephone 01467 539651

Buchan Area Education and Children's Services

Buchan Area Education and Children's Services Office
Buchan House
St Peter Street
Peterhead
AB42 1QF
Telephone 0345 608 1208

Marr, Kincardine and Mearns Area Education and Children's Services

Mar, Kincardine and Mearns Area Education and Children's Services Office
Queen's Road
Stonehaven
AB39 2QQ
Telephone 01569 690535

Home Education Organisations - Scotland

Schoolhouse Home Education Association

PO Box 18044
Glenrothes
Fife
KY7 9AD
Tel: 01307 463 120
E-mail: info@schoolhouse.org.uk
Website: www.schoolhouse.org.uk

North of Scotland Home Educators

Email: norscothe@hotmail.co.uk

Home Education Organisations – UK wide

Education Otherwise

PO Box 325
Kings Lynn
PE34 3XW
Tel: 0845 478 6345
Email: eoemailhelpline@education-otherwise.org
Website: www.education-otherwise.org

Home Education Advisory Service

PO BOX 98
Welwyn Garden City
Herts
AL8 6AN
Tel: 01707 371 854
E-mail: enquiries@heas.org.uk
Website: www.heas.org.uk

Home education organisations also have local branches affiliated to them. Further information available from the individual organisations.

HOME EDUCATION

Other useful contacts

Disclosure Scotland

Disclosure Scotland
PO Box 250
Glasgow
G51 1YU

Tel: 0141 282 5000

Email: info@disclosurescotland.co.uk

Website: www.dosdisclosurescotland.co.uk

Scottish Government Education Directorate

Educational Options Team
Victoria Quay
Edinburgh
EH6 6QQ

Tel: 0131 556 8400

Email: ceu@scotland.gsi.gov.uk

www.scotland.gov.uk

The Scottish Qualifications Authority (SQA)

The national body in Scotland responsible for the development, accreditation, assessment, and certification of qualifications other than degrees.

The Optima
58 Robertson Street
Glasgow G2 8DQ
Telephone Helpdesk: 0845 279 1000
www.sqa.org.uk

Skills Development Scotland

Skills Development Scotland can offer advice on college, university, employment and training opportunities.

Aberdeen Careers Centre
381 Union Street, Aberdeen, AB11 6BT
www.skillsdevelopmentscotland.co.uk

