

# Scotland: the consent rule explained

Scotland's biggest difference from the rest of the UK — explained on one page.

Scotland

Reference

A4 · 1 page

## THE RULE

Under section 35 of the Education (Scotland) Act 1980, if your child **already attends a public (council) school**, you must get the education authority's **consent before withdrawing** them to home educate. Withdrawing without consent is a criminal offence. Consent **must not be unreasonably withheld**.

## WHEN YOU DO NOT NEED CONSENT

- Your child has never attended a public school
- Your child has never attended a public school in that council's area
- You're withdrawing from an independent / private school
- Your child has finished primary but not started secondary
- The school has closed
- Your child is not yet of school age

## TIMESCALE

The council should aim to decide within about **6 weeks**.

## IF REFUSED

You must get written reasons and a chance to address them and resubmit. There's no statutory appeal, but you can ask for a review, complain to the Scottish Public Services Ombudsman, or seek judicial review.

## OFFICIAL SOURCE

Scottish Government "Home education guidance", Section 3 (Withdrawing a child from school): [gov.scot/publications/home-education-guidance-2](https://gov.scot/publications/home-education-guidance-2).