

## Education Department Policy

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**Title:** The Education of Children Other Than at School (EOTAS)

**Date:** April 2016

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### 1. INTRODUCTION

1.1. The Education Department (ED) wants children educated at home or in any other way other than at school to have a positive, safe experience. The ED believes this is best achieved where parents and the ED recognise each other's rights and responsibilities and work together. This policy aims to provide clarity regarding the balance between the right of the parent to educate their child at home and the responsibility of the ED, on behalf of the Education Minister, to approve the arrangements for such education.

1.2. The ED's primary interest lies in the suitability of parents' education provision and not parents' reason for educating their child at home. The ED recognises that there are many reasons why parents may wish to educate their child at home.

### 2. BACKGROUND – RELEVANT LAW

2.1. The responsibility for a child's education rests with its parents. In Jersey, education is compulsory, but attendance at a school is not.

#### 2.1.1. **Duties of the Minister and of Parents in relation to the Education of a child of compulsory school age**

The Education (Jersey) Law 1999 (Revised 2007) (the "Education Law") assigns the following duties in relation to the education of children of compulsory school age (all article numbers refer to articles of the Education Law):

2.1.1.1. The Minister (for Education) shall ensure that there is available to every child of compulsory school age full-time education appropriate to the child's age, ability and aptitude (article 11);

2.1.1.2. The Minister shall ensure that there is available to every child who has special educational needs the special educational provision required by the child (article 29); and

2.1.1.3. A parent of a child of compulsory school age shall ensure that the child receives full-time education appropriate to the child's age, ability and aptitude, and any special educational needs the child may have, either by regular attendance at a school at which the child is a pupil or otherwise, in accordance with article 13 (article 12 (1)).

2.1.1.4. A child is of compulsory school age throughout the period beginning on the first day of the school term in which the child's fifth birthday falls and ending on 30<sup>th</sup> June in the school year in which the child attains the age of 16 years (article 2 (1))

An extract of Article 13 of the Education Law is shown below:

**13. Education otherwise than at school**

- (1) *A child of compulsory school age shall not receive full-time education otherwise than by regular attendance at school unless the arrangements made for the child's education have been approved by the Minister.*
- (2) *The Minister shall approve arrangements made for the education of a child otherwise than at school if he is satisfied that the instruction to be received by the child is at least equal to the instruction that a child of the same age would receive in a provided school.*
- (3) *Any approval may be given subject to such conditions as the Minister thinks fit and shall be withdrawn at any time when the Minister ceases to be satisfied as to the arrangements made for the child's education.*
- (4) *The Minister may cause a child educated otherwise than at school to be examined and the child's educational progress assessed from time to time.*

NB For the purposes of this policy, 'The Minister' has been replaced by 'The Education Department'.

**2.1.2. Human Rights Legislation**

Other relevant legislation is found in the Human Rights (Jersey) Law 2007 (Revised 2007) (the "Human Rights Law")

The Human Rights Law gives further effect to rights and freedoms guaranteed under the European Convention on Human Rights. The Convention rights which The Human Rights Law shall have effect for include the following:

#### 2.1.2.1. **Right to Education**

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.” (Article 2 of the First Protocol)

#### 2.1.2.2. **Right to Respect for Private and Family Life**

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.” (Article 8 of the Convention)

### 3. **POLICY**

- 3.1. The Education (Jersey) Law 1999 (Revised 2007) (the “Education Law”) makes provision for the education of a child other than at school. In accordance with the Convention Rights set out in schedule 1 of the Human Rights Law, parents are free to undertake such education in conformity with their religious and philosophical convictions. The duty to ensure a child receives an education lies with that child’s parents. The Education Law places a responsibility on the Minister to approve the arrangements made for the education of a child other than at school.
- 3.2. The ED is supportive of the education of children other than at school and wishes to support parents considering whether such a structure of education is an optimal solution for their child’s needs. It is recognised that EOTAS, whilst offering many benefits to a child, requires a significant commitment on behalf of the parents or those whom the parents employ to educate their child. It is also recognised that EOTAS is optimal in a nurturing and stable environment where plenty of opportunity for social interaction is available.
- 3.3. The ED wishes to support parents in exploring options for supporting children to continue in mainstream school, should parents so wish to explore such options.
- 3.4. In the event that parents choose to educate other than at school, parents should be aware that their child should receive an education that is efficient and suitable to his/her age, ability and aptitude, and which meets any special educational needs he/she may have.

3.5. It is recognised that the safeguarding of children is of paramount importance. If parents choose to have other people educate their child, they should be aware that they remain responsible for the education of their child and for the continued requirement to ensure their child is safe. In this regard, parents should assess the risk to their children of others providing education to their child. It is recommended that parents take up references and background checks (by way of CRB/DBS or other checks) on those providing an education to their child. In this matter, advice may be sought from the ED.

3.6. In facilitating any parents wishing to consider EOTAS, the ED will offer assistance in a number of ways, notably:

- Offering to put prospective home educating parents and children in contact with locally based home educating parents. The local home educating community has considerable experience of home education and can likely answer many of the questions parents and children may have when considering EOTAS in a Jersey context;
- Offering a visit to a local school to consider the educational alternatives provided by a school environment;
- Advising in relation to current safeguarding themes and issues, as well as identifying accessible child protection training; and
- Advising in relation to any special educational needs of a child in an EOTAS context.

3.7. The ED recognises that children learn in different ways and at different paces. It further recognises that parents and their children may require a period of adjustment before finding their preferred mode of learning and that families may change their approach to EOTAS over time.

3.8. Parents are not required to have any qualifications or training to provide their children with a suitable education, however it is expected that parents will have the capacity to do so. The ED recognises that parents of all educational, social, racial, religious and ethnic backgrounds successfully educate children outside the school setting and these factors do not in themselves raise a concern about the suitability of the education being provided.

#### **4. PROCEDURES**

By way of introduction, the ED recognises that the process of engaging in EOTAS is likely to be different for those children who are 'coming out' of a school environment and those who have never attended a school. In the former case, although a parent is not required to seek permission from a head teacher to withdraw their child to educate other than at school, it is recognised that it is both courteous and respectful to inform the head teacher of their desire to do so. This will also assist with maintaining a positive relationship should a decision be made for a child to return to that school at some point in the future.

It is the responsibility of the Director, Inclusion & Family Support, to ensure that the following procedures are implemented.

#### **4.1. Procedure to Apply for Education other than at School (EOTAS)**

Having considered the issues set out above, if parents wish to educate their child other than at school, the Initial Application Procedure is as follows:

- 4.1.1. Parents should communicate to the Director, Inclusion & Family Support, their desire to have their child educated other than at school. The parents should then send to him/her a proposal (the "Initial Education Proposal") providing information regarding the educational provision to be made for the child (Appendix 1). This is a comprehensive document that requires parents to evidence their commitment to home educate their child and demonstrate how they intend to meet their child's educational and social needs within the legislative requirement.
- 4.1.2. Initial Education Proposals for children who are reaching the age of compulsory education should be submitted eight weeks before the last day of term PRIOR to the term in which the child's fifth birthday falls.
- 4.1.3. The ED recognises that, in the early stages of EOTAS, parents' plans may not be fully developed and they may not be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. It is also recognised that in certain situations where a child is coming from a difficult school situation that child may require some time to recover and engage in an educational programme.
- 4.1.4. The Education Support Team Panel shall complete a review of the Initial Education Proposal and any other relevant factors and forward a report to the Director, Inclusion & Family Support (a pro-forma of which is shown in Appendix 3) with a recommendation.
- 4.1.5. The Director, Inclusion & Family Support will write to the parents acknowledging the parents' request to educate their child other than at school, and will arrange to meet with the child's parents to discuss the ED's policy and procedures and the completed Initial Education Proposal.
- 4.1.6. Once the Director, Inclusion & Family Support has considered the Education Support Team Panel report, the Initial Education Proposal and any other relevant factors, s/he will communicate to the parents the decision regarding approval of arrangements made for the education of the child.
- 4.1.7. In the event that a parent wishes to appeal the decision of the Director, Inclusion & Family Support, s/he may do so by writing directly to the Chief Education Officer.
- 4.1.8. In the event that a parent wishes to raise a complaint about any part of the decision process undertaken by the Director, Inclusion & Family Support, s/he may do so by writing directly to the Chief Education Officer.

## **4.2. Procedure Following Commencement of EOTAS**

- 4.2.1. Once the arrangements for EOTAS have been approved and EOTAS has commenced, the following will apply:
- 4.2.2. Approval of arrangements for the education of a child other than at school will normally be given for a period of one year.
- 4.2.3. Each year, before 15<sup>th</sup> June, an Annual Planning and Assessment Form (See Appendix 2) shall be submitted to the ED by the parents of a child educated other than at school.
- 4.2.4. The Annual Planning and Assessment Form shall include a review by the parents of the previous year's educational programme. The educational programme for the year ahead shall take account of areas in which the child has, in the mind of the parents, made progress and those which may require further attention.
- 4.2.5. The Education Support Team Panel shall review the arrangements for the education of the child other than at school for the year ahead, and shall communicate its decision to the parents regarding approval of arrangements made for the education of the child. This decision shall be communicated to parents before the end of the summer school term.
- 4.2.6. In general, the ED shall conduct an Educational Assessment visit each year, in the autumn school term. The Educational Assessment shall be conducted by the Educational Assessment Officer, and a report will be completed. Some parents may request more frequent contact. In this case they will be supported by the Education Support team to facilitate this. The ED will work together with the family of the child to conduct the Educational Assessment visit in the most appropriate and effective way possible.
- 4.2.7. In conducting an Educational Assessment, the ED shall take account of the existing level of educational attainment of a child at the point at which EOTAS is commenced. The ED fully recognises that EOTAS enables different children to make progress in educational attainment at different rates and to cover subjects at different times to when they may be covered in a school environment. Whilst this is understood by the ED, it is to be noted by parents that the ED expects children, under normal circumstances, to make progress in educational attainment in line with each child's ability. Furthermore, it should be noted by parents that if they do decide to schedule certain elements of the curriculum to be covered after they would be completed in a school context, this may have a significant impact on their child if a decision is later taken to reintegrate the child into mainstream school, and may lead to possible continuity issues at transition points.

- 4.2.8. The ED shall commence Educational Assessments in the autumn school term following the end of Year 2 (at the end of Key Stage 1). No Educational Assessments shall take place once studying for GCSEs or equivalent external exams commences.
- 4.2.9. The Educational Assessment will comprise a biennial summative assessment (e.g. Cognitive Assessment Tests) and such further annual reviews and assessments as agreed between the ED and the child's parents. Such further reviews and assessments may change over time.
- 4.2.10. The ED recognises that there are many, equally valid, approaches to educational provision. In conducting its Educational Assessments, the ED will therefore, consider a wide range of information from home educating parents in a range of formats. The information may be in the form of specific examples of learning e.g. pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.
- 4.2.11. The ED deems it optimal for such Educational Assessment visits to be undertaken at the location where the education of the child takes place. Parents are not legally required to give the ED access to their home. If the location where the education takes place is the home, parental consent will be required for the educational assessment to take place in the home. Where a parent elects not to allow access to their home or their child, this does not of itself constitute a ground for concern about the education provision being made. If the ED is not able to visit a home, it should, in the vast majority of cases, be able to discuss and evaluate the parents' educational provision by alternative means. Where a child has special educational needs, it is incumbent on the parents to enable the ED to make an assessment of the special educational provision.
- 4.2.12. Biennially, and subject to paragraph 4.2.8 above, the Educational Assessment visit will require completion of a summative assessment by the child to enable the ED to evaluate the child's progress. In the event that the child's parents refuse to have their child complete such summative assessment, they are under a duty to provide appropriate information to the ED to enable the ED to assess the child's progress to the extent it would be able were the child to complete a summative assessment.
- 4.2.13. If the ED asks parents for information in relation to the assessment of the suitability of the education being provided, they are under a duty to comply. Parents may, for example, write a report, provide samples of work, or provide evidence of suitability in some other appropriate form.

- 4.2.14. Where concerns about the suitability of the education being provided for the child have been identified, more frequent Educational Assessment visits may be required while those concerns are being addressed. Where concerns merit frequent contact, the ED will discuss its concerns with the child's parents, with a view to helping them provide a suitable education.
- 4.2.15. Should an Educational Assessment Officer have concerns for a child's welfare following an Educational Assessment visit, the Officer shall report such concerns to the ED. There may be situations where the ED may receive concerns for a child's welfare from other sources e.g. other professionals, agencies or members of the public. If the ED feels these concerns are justifiable, it has a duty to investigate these further. The ED's Education Support Team will liaise with the family at the earliest opportunity to raise any issues and plan with the family to address these. In such cases, the ED may request a Designated Officer for Safeguarding (DOFS) meet with the child/ren. In accordance with the provisions of the Human Rights Law, this visit will always be at the option of, and with the consent of the child's parents. Furthermore, any interview of the child shall only take place with parental consent and may not be carried out with the child separated from its parents, unless such separation is requested by the parents and/or the child (if the child is of an appropriate age to make this request themselves). Where such welfare concerns are present, it is recognised that parents would be sensible to agree to a request for the DOFS to visit the family at the location where the education of the child takes place.
- 4.2.16. Following this process, the DOFS shall feed back to the ED which shall then determine any necessary action in relation to evidenced concerns. This may result in further discussion with the ED, signposting to relevant support or making an enquiry to the Multi-Agency Safeguarding Hub ("MASH") if a child is considered to be at risk of harm.

### **4.3. Children's Human Rights**

- 4.3.1. The ED recognises that on turning age fourteen, children themselves receive certain human rights in law such as their decisions with respect to their educational choices. The ED also recognises that a child's career or further/higher educational aspirations at age fourteen may require specific academic routes (i.e. necessary subject choices) to achieve their goals. The ED is available to facilitate career advice at age thirteen/fourteen to enable timely consideration of exam choices for Years Eight and Nine. It should be noted that it is the responsibility of the parents to ensure that their child has access to appropriate and relevant courses to enable progression to further and higher education in line with the child's aspirations. Should parents home educate

through Key Stages 4 and 5 the parents will remain responsible for educational course choices made for or by their child.

#### **4.4. Independent External Educational Assessment**

- 4.4.1. Where the education of a child is undertaken by means of externally assessed curricula and such external assessment may be independently verified, the ED reserves the right to reduce the level of educational assessment it conducts in relation to the subjects covered by such externally assessed curricula. The ED will reduce the level of assessment it undertakes if it is satisfied that the metrics available to it from the externally assessed curricula are suitable for assessing the progress of the child in the relevant subjects. Such reduced level of assessment may be undertaken completely at the discretion of the ED, and may be revoked at any time.

#### **4.5. Reduced Educational Assessment**

- 4.5.1. Where the ED is satisfied that the arrangements made for the education of a child other than at school are satisfactory, and where such arrangements have been consistently satisfactory, the ED may, in its absolute discretion, not conduct an Educational Assessment visit in any one year. Such reduced level of assessment will be reviewed annually and may be withdrawn at the discretion of the ED at any time. Should a parent wish to take advantage of such reduced educational assessment, the parent should apply to the ED in writing.

### **5. INFORMATION AND DATA PROTECTION**

- 5.1. Parents should inform the ED if they or their child changes address or move out of Jersey's jurisdiction.
- 5.2. The ED will hold the following data on children who are EOTAS in Jersey:
- 5.2.1. Name, address, date of birth, attainment.
- 5.3. In the event that a Freedom of Information request is made to the ED (under the Freedom of Information (Jersey) Law 2011), the ED is permitted solely to disclose the total number of children who are educated other than at school in Jersey. Under the principles of the Data Protection (Jersey) Law 2005, the ED is not permitted to disclose personal information relating to any child educated other than at school, or any such children's parents.

## **6. CONTACTS**

### **6.1. Education Department**

Initial enquiries should be directed to the Director, Inclusion & Family Support at the Education Department:

Telephone: +44 1534 445504.

### **6.2. The Jersey Home Education Group**

The local home educating community would be delighted to assist any parents considering home education.

Website: <http://homeeducationjersey.weebly.com>

Email: [homeeducationjersey@gmail.com](mailto:homeeducationjersey@gmail.com)

## APPENDIX 1

### INITIAL EDUCATIONAL PROPOSAL TO EDUCATE OTHER THAN AT SCHOOL (EOTAS)

#### TO BE COMPLETED BY PARENTS WHEN FIRST REQUESTING PERMISSION TO EDUCATE THEIR CHILD AT HOME

The Education Department (**ED**) will use this information in assessing whether the education you are planning will provide an efficient, full time education suitable to your child's age, ability and aptitude. The ED recognises that in the early stages of home education, parents' plans may not be detailed and parents may not be in a position to demonstrate all the characteristics of an "efficient and suitable" educational provision. It is also recognised that in certain situations where a child is coming from a difficult school situation that child may require some time to recover and engage in an educational programme. In such cases, the ED will agree a reasonable timescale for the parents to develop their education provision, taking account of the specifics of the situation.

An "efficient" education can be broadly described as one that "achieves that which it sets out to achieve"; and a "suitable" education is one that "primarily equips a child for the life within the community of which s/he is a member, as long as it does not foreclose the child's options in later years to adopt some other form of life if s/he wishes to do so".

The concept of a "full-time" education is not clear as there is currently no legal definition of "full-time". Children normally attend school for between 22 and 25 hours per week for 38 weeks per year, but this measure of "contact time" is not relevant to home education where there is often almost continuous one-to-one contact and education may take place outside normal "school hours". The ED recognises that EOTAS can be varied and flexible, to respond to each individual child's needs. Home educating parents are not required to:

- teach the Jersey Curriculum (although familiarity with it is likely to be an advantage for the taking of public exams or should the child return to school)
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- match school-based, age-specific standards
- reproduce the school type peer group socialisation

The ED remains available to offer advice and support should parents require any assistance in respect of the above matters.

## APPENDIX 1 (Continued)

### EOTAS INITIAL PLANNING FORM

Please complete this form electronically.

Please take as much space as you require for each section – the boxes are expandable when completed electronically.

1. Name of Child:
2. Date of Birth:
3. Present Age:
4. Name(s) of Parent(s)/Guardian(s)/Tutors(s) proposing to educate the child:
5. Address at which education will take place:
6. Phone Number and Email Address:
7. Home address of child if different from above:

Please fill in Column A of the form below. (You will be asked to fill in Columns B & C by 15<sup>th</sup> June toward the end of the Academic year by 15<sup>th</sup> June).

A	B	C
Brief Description of the Proposed Curriculum for the Year Ahead including Resources (textbooks, online courses etc.)	Work Completed in the Last Year	Areas Requiring Further Attention in the Year Ahead
<p><b>Maths</b></p> <p>e.g. Heinemann Maths programme Book Three covering: Shapes and Space, Measures etc.</p>	<p>TO BE COMPLETED TOWARD THE END OF THE ACADEMIC YEAR BY JUNE 15<sup>TH</sup></p>	<p>TO BE COMPLETED TOWARD THE END OF THE ACADEMIC YEAR BY JUNE 15<sup>TH</sup></p>
<p><b>English</b></p> <p>e.g. Spelling Power</p>		
<p><b>Science</b></p> <p>E.g. Galore Park Science Book 1, Equipment to be used etc.</p>		
<p>History, Geography &amp; RE</p>		
<p>IT</p> <p>e.g. Equipment/software to be used etc.</p>		
<p>Art</p>		
<p>Dance and PE</p>		
<p>Music</p>		
<p>Other Areas</p>		
<p>Please provide any further comments or observations if you wish.</p>		

Date: .....

**EOTAS ANNUAL PLANNING AND ASSESSMENT FORM**

**TO BE COMPLETED BY PARENTS WISHING TO CONTINUE TO EDUCATE THEIR CHILD AT HOME**

**Please complete this form electronically. Please take as much space as you require for each section – the boxes are expandable when completed electronically.**

**Please fill in Column A of the form below and return a copy of it to the ED by 15<sup>th</sup> June each year. By the following 15<sup>th</sup> June (i.e. towards the end of the academic year), please fill in Columns B & C of the form submitted last year and also fill in a new form (Column A only) for the year ahead and return both forms to the ED. Please take as much space as you require for each section – the boxes are expandable when completed electronically.**

1. Name of Child:
2. Date of Birth:
3. Present Age:
8. Name(s) of Parent(s)/Guardian(s)/Tutors(s) proposing to educate the child:
4. Address at which education will take place:
5. Phone Number & Email Address:
6. Home address of child if different from above:

A	B	C
Brief Description of the Proposed Curriculum for the Year Ahead including Resources (textbooks, online courses etc.)	Work Completed in the Last Year	Areas Requiring Further Attention in the Year Ahead
<b>Maths</b> E.g. Heinemann Maths programme Book Three covering: Shapes and Space, Measures etc.	e.g. Chapters 1 – 15 completed with review.	
<b>English</b>	e.g. Books read and topics covered etc.	
<b>Science</b>	e.g. Topics covered and experiments/field trips completed, equipment used etc.	
History, Geography & RE	e.g. Topics covered and historic sites visited, places travelled to, field trips undertaken etc.	
IT	e.g. Skills learned, experiences gained etc.	
Art/DT	e.g. Areas covered and/or classes attended etc.	
Dance and PE	e.g. Areas covered and/or classes attended and/or shows attended / danced in and/or teams played in / sporting achievements etc.	
Music	e.g. Areas covered and/or classes / concerts attended / played in etc.	
Other Areas	e.g. Battle of Flowers, helping in the community, Eisteddfod, cooking, other field trips, travel etc.	
Please provide any further comments or observations if you wish.		

Date: .....

**PLANNING SUBMITTED TO THE EDUCATION SUPPORT TEAM PANEL**

1. Name of pupil:
2. Date of birth:
3. Present age:
4. Name(s) of parent(s)/guardian(s):
5. Address:
6. Telephone:
7. Discussed by EST Panel on:

**8. EST Summary report:**

The proposed education plans ensure that ..... would receive full time education suitable to his/her age, ability and aptitude	<input type="checkbox"/>
<b>OR</b>	
The proposed education plans needs the changes outlined in point before ..... would receive full time education suitable to his/her age ability and aptitude	<input type="checkbox"/>
<b>OR</b>	
The proposed education plans are unsatisfactory and ..... is unlikely to receive a full time education suitable to his/her age, ability and aptitude	<input type="checkbox"/>

**9. CURRICULUM PLANNING**

- Does the range of subjects offered provide sufficient breadth? If not, what is needed?
- Is there evidence of a variety of resources being used, appropriate to the subject, age and aptitude of the pupil? If not, what is needed?

- Are the arrangements in place to give the pupil access to social contact with others?
- Is there evidence of satisfactory planning and structuring of activities?
- Are there satisfactory practical arrangements made for:
  - a. library books, reading materials
  - b. PE
  - c. music
  - d. art and craft
  - e. design and technology
  - f. food technology (sec)
  - g. information technology
  - h. practical science

List any areas of concern that need to be addressed in the planning:

10. Outline what needs to be changed before the education on offer at home is suitable for .....’s age, ability and aptitude:

Signed ..... on behalf of EST Panel

Date .....

## APPENDIX 3 (Continued)

### Role of Education Support Team

- Consult with parents and child(ren)
- Collate information including annual programme provided by parents
- Where reduced educational assessment is not in place, review proposed education plans
- Where no reduction in assessment (due to independent external assessment being in place) exists, review and moderate samples of work across subjects and skills for primary aged children
- Where no reduction in assessment (due to independent external assessment being in place) exists, review and moderate samples of work in core subjects (English and Mathematics) for secondary aged children
- Conduct baseline assessment where appropriate to provide benchmark including a report and recommendations
- Conduct annual assessments to monitor and record progress
- Conduct assessments to support Island screening
- Report on progress of child
- Liaise between family and appropriate school where requested by the parents
- Encourage links and opportunities for involvement with catchment school where requested by the parents
- Support school visits at the end of each key stage if requested by the parents
- Support transition from home education into school where appropriate

