

Children, Young People, Education and Skills Policy

Title: The Education of Children Other Than at School (EOTAS)
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Author: Director of Inclusion & Early Intervention

1. INTRODUCTION

1.0. The Department for Children, Young People, Education & Skills (CYPES) wants children educated at home or in any other way other than at school to have a positive, safe experience. CYPES believes this is best achieved where parents and CYPES 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 CYPES, on behalf of the Education Minister, to approve the arrangements for such education.

1.1. CYPES' primary interest lies in the suitability of parents' educational provision and plans which meet pupil's educational needs and demonstrate progress. CYPES recognises that there are many reasons why parents may wish to educate their child at home.

2. BACKGROUND – RELEVANT LAW

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

2.0.1. 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):

2.0.1.1. 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);

2.0.1.2. 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

2.0.1.3. 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)).

2.0.1.4. 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 30th 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 Department for Children, Young People, Education & Skills' (CYPES).

2.0.2. 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:

2.0.2.1. 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)

2.0.2.2. 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

- 3.0.** 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 the 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.
- 3.1.** CYPES is supportive of the education of children other than at school and recognises that EOTAS can provide a nurturing and stable environment when plenty of opportunity for social interaction is available. However, it requires a significant commitment on behalf of the parents or those whom the parents employ to educate their child.
- 3.2.** CYPES will support parents in exploring options for supporting children to continue in or return to mainstream school, should parents want to explore such options.
- 3.3.** If parents choose to educate other than at school, they should be aware that their child should receive an education that is efficient and demonstrates progress and is suitable to their age, ability and aptitude, and meets any special educational needs they may have.
- 3.4.** It is recognised that the safeguarding of children is of paramount importance. If parents choose to have other people educate their child, they remain responsible for the education of their child and are required to ensure their child is safe. Parents should assess the risk to their children of others providing education for 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. Advice may be sought from CYPES on the process of obtaining such checks.

3.5. In facilitating any parents wishing to consider EOTAS, CYPES 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
- Communicating current safeguarding themes and issues
- Signposting parents to relevant information where appropriate

3.6. CYPES 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 EOTAS arrangements over time.

3.7. 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.

3.8. Funding is not provided to parents, by CYPES, for home schooling. Parents need to consider the financial impact of resourcing which may include the cost of applying for and sitting accredited exams.

4. PROCEDURES

CYPES 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 does not require permission from a head teacher, it is courteous to inform the head teacher of their EOTAS intentions. 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 & Early Intervention, to ensure that the following procedures are implemented.

4.0. 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:

- 4.0.1.** Parents should communicate their desire to have their child educated other than at school through an on-line application following the home-schooling link and should refer to The Initial Education Proposal to Educate Other Than at School (EOTAS) , (Appendix 1). The application includes a comprehensive planning 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. Parents are advised to read the accompanying application documents including the EOTAS policy and Information and Guidance for Parents.
- 4.0.2.** Initial Education Proposals for children who are reaching the age of compulsory education should be submitted a term in advance.
- 4.0.3.** CYPES 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.
- 4.0.4.** The EOTAS Coordinator shall complete a review of the on-line Initial Education Proposal and any other relevant factors and forward a report to the Director of Inclusion & Early Intervention (a pro-forma of which is shown in Appendix 2) with a recommendation.
- 4.0.5.** A meeting will be arranged with the Director and EOTAS Coordinator to meet with the child's parents and the child, where appropriate, to discuss CYPES policy, procedures and the completed Initial Education Proposal. This will include previous school views and where children have not previously attended school a MASH (Multi-Agency Safeguarding Hub) enquiry form with parental consent. (Appendix 3)
- 4.0.6.** On completion of the above stages, The Director will communicate to the parents the decision regarding approval of arrangements made for the education of the child.
- 4.0.7.** The application process may take up to 4 weeks to complete. Parents should be aware that during the application process and until an approval is made by the Director of Inclusion and Early Intervention children remain on school roll and the child's education and welfare responsibilities remain with the school.
- 4.0.8.** In the event that a parent wishes to appeal the decision of the Director of Inclusion & Early Intervention or any part of the process, s/he may do so by writing directly to the Group Director for Education. The appeal will then be heard by an EOTAS panel made up of an independent person, the Minister for Education or a representative and a senior Education Manager. Parents have 20 days from the date of notification that their application was unsuccessful to prepare and lodge their written appeal.

4.1. Procedure Following Commencement of EOTAS

Once the arrangements for EOTAS have been approved and EOTAS has commenced, the following will apply:

- 4.1.1.** Approval of arrangements for the education of a child other than at school will normally be given for a period of one academic year.
- 4.1.2.** Each year, before 15 June, an Annual Planning and Assessment Form (See Appendix 2) shall be submitted to CYPES by the parents of a child educated other than at school.
- 4.1.3.** 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 for the parents, made progress and those which may require further attention.
- 4.1.4.** The Inclusion & Early Intervention Panel shall review the pupil's EOTAS arrangements and plans, for the upcoming school year. The Panel shall communicate its decision to the parents regarding approval of plans and arrangements before the end of the summer school term.
- 4.1.5.** In general, CYPES shall conduct an Educational Assessment visit each year, in the autumn school term. This will be conducted by the EOTAS Coordinator, and a report will be completed. Some parents may request more frequent contact which will be supported where appropriate. CYPES will work together with the family of the child to conduct the Educational Assessment visit in the most appropriate and effective way possible.
- 4.1.6.** In conducting an Educational Assessment, CYPES shall take into account the child's baseline and previous educational attainment. CYPES fully recognises that EOTAS enables different children to make progress at different rates and to cover subjects at different times. Whilst this is understood by CYPES, it is to be noted by parents that CYPES expects children, under normal circumstances, to make progress in educational attainment in line with each child's ability.
- 4.1.7.** CYPES 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. However parents will be required to provide certification of completed exams.
- 4.1.8.** Children in Reception, Year 1 and Year 2 will not formally be assessed by CYPES, however, an annual home visit will be arranged to discuss approaches to learning by the EOTAS Coordinator

- 4.1.9.** The Education Assessments comprise a summative assessment of their child. This includes assessments in the core areas of Literacy and Maths and the standardised assessments required at certain ages for all Jersey pupils according to CYPES.
- 4.1.10.** CYPES recognises that there are many, equally valid, approaches to educational provision. In conducting its Educational Assessments, CYPES will therefore, consider a wide range of evidence from home educating parents in a range of formats. The evidence may be in the form of specific examples of learning e.g. external independent verified assessments, pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books, educational visits etc.
- 4.1.11.** CYPES deems it is generally optimal for Educational Assessment visits to be undertaken at the location where the education of the child takes place. Parents are not legally required to give CYPES 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 CYPES 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 CYPES to make an assessment of the special educational provision.
- 4.1.12.** The Educational Assessment visit will require completion of a summative assessment by the child to enable CYPES to evaluate the child's progress. In the event that the child's parents do not wish to have their child complete such summative assessment, they are under a duty to provide appropriate information to CYPES to enable CYPES to assess the child's progress to the extent it would be able were the child to complete a summative assessments. Exceptions such as these require approval by the Director.
- 4.1.13.** If CYPES 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.
- 4.1.14.** 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, CYPES will discuss its concerns with the child's parents, with a view to helping them provide a suitable education.

4.1.15. Should an EOTAS Coordinator have concerns for a child's welfare following an Educational Assessment visit, the Coordinator shall report such concerns to CYPES Head of Service Manager. There may be situations where CYPES may receive concerns for a child's welfare from other sources e.g. other professionals, agencies or members of the public. If the EOTAS Coordinator receives information that raises a concern, the Coordinator has a professional duty of care and any concerns regarding a child or young person will be followed up appropriately to ensure the child is safe and well. If CYPES feels these concerns are justifiable, it has a duty to investigate these further. CYPES will liaise with the family at the earliest opportunity to raise any issues and plan with the family to address these. CYPES may request a Designated Officer for Safeguarding (DOFS) to 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. Any meeting with 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 and/or has the cognitive capacity to make this request themselves). Where 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.

4.1.16. Following this process, the DOFS shall feed back to CYPES which will then determine any necessary action in relation to evidenced concerns. This may result in further discussion with CYPES, 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.

4.2. Children's Human Rights

4.2.1. CYPES recognises that on turning age fourteen, children receive certain human rights in law including their decisions with respect to their educational choices. CYPES 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.

4.2.2. CYPES, in conjunction with Skills Jersey, is available to facilitate educational and 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.

4.3. Reduced Educational Assessment

Where CYPES is satisfied that the arrangements made for the education of a child other than at school are consistently good, CYPES 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 CYPES at any time. Should a parent wish to take advantage of such reduced educational assessment, they should apply to CYPES in writing. However, a visit would still take place.

5. INFORMATION AND DATA PROTECTION

5.0. All contacts and visits are collated in a case file as part of CYPES records

5.1. Parents should inform CYPES if they or their child changes address or move out of Jersey's jurisdiction.

5.2. It is the parents' responsibility, where legally required to do so, to inform their new school or local authority of their arrival and educational arrangements, including EOTAS arrangements

5.3. When an EOTAS child leaves Jersey to continue their education at a school or at home CEYPS is required to inform the receiving school or authority of the move from our jurisdiction and previous EOTAS arrangements, this will involve the transfer of any previous school files as well as EOTAS pupil files.

5.4. CYPES will request destination data for all children post -16 for their records

5.5. CYPES will hold the following data on children who are EOTAS in Jersey:

Name, address, date of birth, attainment. Data is saved regarding initial application, plans, and assessments. Parents are entitled to request to view any saved data regarding their child.

5.6. In the event that a Freedom of Information request is made to CYPES (under the Freedom of Information (Jersey) Law 2011), CYPES 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 2018, CYPES is not permitted to disclose personal information relating to any child educated other than at school, or any such children's parents.

5.7. Data will be shared under Article 4 (c) & (d) of Schedule 2 of the Data Protection (Jersey) Law 2018 process necessary for the exercise of public functions.

6. CONTACTS

6.0. Children, Young People, Education & Skills

Initial enquiries should be directed to the Director of Inclusion & Early Intervention at the department for Children, Young People, Education & Skills.

Telephone: +44 (0) 1534 445504

Email: inclusion@gov.je

6.1. The Jersey Home Education Group

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

Website: www.homeeducationjersey.weebly.com

Email: eotasjersey@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 department for Children, Young People, Education & Skills (**CYPES**) 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. CYPES 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, CYPES 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 they are a member, as long as it does not foreclose the child's options in later years to adopt some other form of life if they wish to do so".

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". CYPES 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

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

EOTAS INITIAL PLANNING FORM

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

Child/Young Person's Name:	DoB:	M / F:
Current School/Setting:	Current year group:	Class/Form Teacher:
Have you informed your child's current Head Teacher of your intentions?: Yes/No		
Name of parents/carers/tutors proposing to educate the child/young person:		
Address:	Address(es) at which education will take place (if different):	
Postcode:	Postcode:	
Telephone:	Telephone:	
Mobile:	Mobile:	
Email:	Email:	
Any other person(s) with parental responsibility? Yes/No	Name:	
	Address:	
	Postcode:	
	Telephone:	
	Mobile:	
	Email:	
Planned date to begin EOTAS:		

(Each parent with parental responsibility must sign)

Parent/Carer Signature(s): Print Name:

Date:

Parent/Carer Signature(s): Print Name:

Date:

Please fill in Column A of the form below

You will be asked to fill in Columns B & C towards the end of the academic year (by 15 June)

APPENDIX 2

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 CYPES by 15 June each year. By the following 15 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 CYPES. 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 & Email Address:
7. Home address of child if different from above:

A	B	C
<p align="center">Brief Description of the Proposed Curriculum for the Year Ahead.</p> <p align="center">THIS SECTION MUST INCLUDE SPECIFIC LEARNING OBJECTIVES/TOPICS FOR EACH AREA OF THE CURRICULUM AND THE RESOURCES/COURSES THAT WILL BE ACCESSED</p>	<p align="center">Work Completed in the Last Year</p> <p align="center">TO BE COMPLETED TOWARD THE END OF THE ACADEMIC YEAR BY 15 JUNE</p>	<p align="center">Areas Requiring Further Attention in the Year Ahead</p> <p align="center">TO BE COMPLETED TOWARD THE END OF THE ACADEMIC YEAR BY 15 JUNE</p>
<p>Maths (for example) Number Read and write number up to 100 Measurement Use apparatus to explore different lengths, weights, volume</p>	<p>e.g Chapter 1-15 completed with review</p>	
<p>English (for example) Reading Name 25 sight words Speaking and Listening Use discussion and conversation to explore and speculate about new ideas</p>	<p>e.g. Books read and chapters covered</p>	
<p>Science (for example) Identify and name a variety of common animals Cells and organisms</p>	<p>e.g. Topic covered and experiments/field trips complete, equipment used</p>	
<p>History, Geography & RE</p>	<p>e.g. Topic covered and historic site visited places travelled to, field trips completed</p>	
<p>IT</p>	<p>e.g. Safety and on-line awareness, skills learned, experience gained</p>	
<p>Art</p>	<p>e.g. Areas covered and classes attended</p>	
<p>Dance and PE</p>	<p>e.g. Areas covered and or classes attended and /or shows attended/danced in and or teams played in sporting achievements etc</p>	
<p>Music</p>	<p>e.g. Areas covered and/or classes/concerts attended/played in</p>	
<p>Other Areas</p>	<p>e.g. Helping in the community, Battle of Flowers, Eisteddfod, cooking, field trips, travel</p>	
<p>Please provide any further comments or observations if you wish.</p>		

Date:

APPENDIX 3

I / we give permission for the Director of Inclusion and Early Intervention to request a MASH (Multi-Agency Safeguarding Hub) name check regarding our child

Name: _____

Date of birth: _____

We understand that the outcome of this enquiry will be shared with us and discussed in relation to our EOTAS arrangements.

Signed: _____

Date: _____

Print Name:

Relationship to child:

Signed: _____

Date: _____

Print name:

Relationship to child:

CHANGE HISTORY

NB This Policy shall be reviewed biannually

Version	Date Issued	Issued by	Reason for Change
1.1	June 2007	Director of Education / Principal Educational Psychologist and Head of SEN	
1.2	September 2014	Assistant Director, Inclusion & Family Support	Change of ownership to: Assistant Director, Inclusion & Family Support Safeguarding Component
1.3	November 2015	Assistant Director, Inclusion & Family Support	Significant Policy Review and Inclusion of Self-Assessment
1.4	April 2016	Director, Inclusion & Family Support	Updated to reflect new Department name and job titles/contacts.
1.5	November 2017	Director of Inclusion & Early Intervention and Head of SEN	Updated to reflect new Department name and job titles/contacts.
1.6	April 2020	Director of Inclusion & Early Intervention and Head of SEN	Updated to reflect co-production related to progress/safeguarding for children in pre-school to beginning Year 3. Updated to reflect new on-line application. Updated to clarify assessment schedule and requirements. Updated to reflect current information regarding data protection.