



## Elective Home Education

<b>Document Purpose</b>	The purpose of the policy is to outline the process of applying for and delivering Elective Home Education (previously known as Education Other Than at School, EOTAS)
<b>Author</b>	Director of Inclusion
<b>Publication Date</b>	1 October 2024
<b>Target Audience</b>	CYPES Staff Elective Home Educators
<b>Circulation List</b>	CYPES Staff
<b>Description</b>	This policy details who is responsible for children and young people's education and states what those responsibilities entail. It states the procedure to apply for Elective Home Educating and what happens following approval. It also clarifies what information is held on file for data protection purposes.
<b>Linked Policies</b>	
<b>Approval Route</b>	CYPES Ministerial Team CYPES SLT
<b>Review Date</b>	October 2027
<b>Contact Details</b>	<a href="mailto:inclusion@gov.je">inclusion@gov.je</a>

## 1. Introduction

1.0. The Department for Children, Young People, Education & Skills (CYPES) wants children and young people<sup>1</sup> 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 carers<sup>2</sup> 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 Minister for Education and Lifelong Learning, 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

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<sup>3</sup> 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 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 29.2); 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 (Articles 12 (1) and 13).

2.0.1.4. For the purposes of this Law, 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, and the terms "below compulsory school age", "upper limit of compulsory school age" and "over compulsory school age" shall be construed accordingly (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*

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<sup>1</sup> Throughout this policy, children/child refers to all children and young people of statutory school age

<sup>2</sup> Throughout this policy, parents refers to parents, carers or whomever has parental responsibility for the child

<sup>3</sup> [The Education \(Jersey\) Law 1999](#)

*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 2000<sup>4</sup>.

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." (PART 2 THE FIRST PROTOCOL Article 2 Right to education)

### 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." (SCHEDULE 1 (Article 2(1)) CONVENTION RIGHTS PART 1 THE CONVENTION Article 8.2 Right to respect for private and family life)

## 3. Policy

3.0. The Education (Jersey) Law 1999 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 elective home education and recognises that EHE (Elective Home Education) previously referred to as EOTAS (Educated Other Than At School) can provide

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<sup>4</sup>[Human Rights \(Jersey\) Law 2000](#)

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 electively home educate, 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 Disclosure and Barring Service (DBS) and/or other checks at an enhanced level) 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 EHE, CYPES will offer assistance in a number of ways, notably:
  - Offering to put prospective home educating parents and children in contact with other 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 EHE 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 EHE 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. Parents need to consider the financial impact of resourcing which may include the cost of applying for and sitting accredited exams when not taken at Highlands College or a Government School. CYPES will cover the costs of up to five GCSE subjects when sat at Highlands College.

#### **4. Procedures**

CYPES recognises that the process of engaging in EHE is likely to be different for those children who have experienced 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 at their current school of their EHE intentions. This will also assist with maintaining a positive relationship should a decision be made for a child to return to that school (or another school) at some point in the future.

It is the responsibility of CYPES to ensure that the following procedures are implemented:

#### 4.0. Procedure to Apply for Elective Home Education (EHE)

- 4.0.1. Having considered the issues set out above, if parents wish to electively home educate their child the Initial Application Procedure is as follows:
- 4.0.2. Parents should communicate their desire to home educate their child through an on-line application following the elective home education link [Home schooling \(EHE\) \(gov.je\)](https://www.gov.je/education/schools/finding-school/pages/appealing-admissions-decision.aspx). 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 EHE policy and Information and Guidance for Parents.
- 4.0.3. Initial education proposals for children who are reaching the age of compulsory education are required to be submitted a term in advance.
- 4.0.4. CYPES recognises that, in the early stages of EHE, 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 they may require some time to recover and engage in an educational programme.
- 4.0.5. The EHE Coordinator shall complete a review of the on-line Initial education proposal and any other relevant factors and forward a report to the CYPES Director with a recommendation.
- 4.0.6. A meeting will be arranged with the CYPES Director and EHE 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 Children and Families Hub<sup>5</sup> enquiry form with parental consent will be submitted.
- 4.0.7. On completion of the above stages, CYPES will communicate to the parents the decision regarding approval of arrangements made for the education of the child.
- 4.0.8. 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 CYPES, children remain on school roll and the child's education, attendance and welfare responsibilities remain with the school.
- 4.0.9. In the event that a parent wishes to appeal the decision of CYPES at any part of the process, they may do so by emailing the Education Department<sup>6</sup>.

#### 4.1. Procedure Following Commencement of EHE

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

- 4.1.1. Following the initial approval, a request for EHE arrangements will be made for each subsequent academic year.

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<sup>5</sup> <https://www.gov.je/caring/childrenandfamilieshub/Pages/ChildrenAndFamiliesHubHomepage.aspx>

<sup>6</sup> <https://www.gov.je/Education/Schools/FindingSchool/Pages/AppealingAdmissionsDecision.aspx>

- 4.1.2. Each year, before 15<sup>th</sup> June, an EHE Annual Planning and Work Review Form (See Appendix 1) shall be submitted to CYPES by the parents of a child electively home educating.
- 4.1.3. The EHE Annual Planning and Work Review 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.
- 4.1.4. CYPES shall review the pupil's EHE arrangements and plans for the upcoming school year. They will communicate its receipt and review of the plans and arrangements before the end of the school summer term. These may include retrospective planning arrangements.
- 4.1.5. In general, CYPES shall conduct a Progress Review visit each year, in the autumn term. This will be conducted by the EHE Coordinator, and a report will be completed. The format for the progress review can be through formal standardised assessment or pre-determined criteria-based progress review as requested by parents. 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 Progress Review visit in the most appropriate and effective way possible.
- 4.1.6. In conducting a Progress Review, CYPES shall take into account the child's baseline and previous educational attainment. CYPES fully recognises that EHE 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 formal Educational Assessments in the autumn term and Progress Reviews in the spring /summer terms for pupils who are of Year 3 age with consideration of parental preference. No educational assessments shall take place once studying for GCSEs, or equivalent external exams, commence. It is anticipated that parents will share certification of completed exams with CYPES.
- 4.1.8. Children in Reception, Year 1 and Year 2 will not be formally assessed by CYPES, however, an annual home visit will be arranged to discuss approaches to learning by the EHE Coordinator.
- 4.1.9. The Education Assessments and Progress Reviews comprise of an evaluation of the child's progress. This includes assessments/reviews in the core areas of literacy and maths.
- 4.1.10. CYPES recognises that there are many, equally valid, approaches to educational provision. In conducting its Progress Reviews, 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 including but not limited to external independently verified assessments, pictures/paintings/models, diaries of educational activity, projects, assessments, samples of work, books and educational visits.
- 4.1.11. CYPES deems it is generally optimal for Progress Review 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 progress review 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 grounds 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, appropriate consideration of these assessments will be made.

- 4.1.12. The Educational Assessment and Progress Review visits will require an evaluation of work by the child to enable CYPES to determine the child's progress. Parents have a duty to provide appropriate information to CYPES to enable them to assess the child's progress to the extent it would be able were the child to complete a summative assessment.
- 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 or Progress Reviews 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 EHE Coordinator have concerns for a child's welfare following an Educational Assessment, Progress Review or home visit, the coordinator shall escalate such concerns to the CYPES Director or report to the Children and Families Hub as appropriate. There may be situations where CYPES receive concerns for a child's welfare from other sources e.g. other professionals, agencies or members of the public. If the EHE Coordinator receives information that raises a concern, the coordinator has a professional duty of care and any concerns regarding a child 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 Safeguarding Officer 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 of consent 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 Designated Safeguarding Officer to visit the family at the location where the education of the child takes place.
- 4.1.16. Following this process, the Designated Safeguarding Officer shall feed back to CYPES who 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 Children and Families Hub if a child is considered to be at risk of harm.

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

- 4.2.1. CYPES 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. Skills Jersey is available to facilitate educational and career advice at age 13 to 14 to

enable timely consideration of exam choices for Years 8 and 9. 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.

## 5. Information and Data Protection

- 5.0. All contacts and visits are collated in a case file as part of CYPES records and kept as per the retention schedule for student records<sup>7</sup>.
- 5.1. Parents are responsible for ensuring that their information is kept up to date and must inform CYPES if they or their child changes address or moves 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 EHE arrangements.
- 5.3. If an EHE family is away from the Island for an extended period of time (longer than 2 months) parents are required to inform CYPES.
- 5.4. Families who are travelling for an extended period of time (more than 2 months) and planning to return to a school on completion of their travel, will be required to register as EHE pupils and will need to re-enrol with school on their return.
- 5.5. It is the parents' responsibility to ensure their child is kept safe whilst online by providing adequate technological provision and security. This includes ensuring that there are adequate safeguards to protect your child from serious harm. Any personal information sent to you via CYPES will be secured. We may use an encryption service for this.
- 5.6. CYPES will request destination data for all children post -16 for their records.
- 5.7. CYPES will hold the following data on children who are EHE in Jersey:

Name, address, date of birth, attainment. Data is saved regarding initial application, plans, assessments, and medical conditions. Under the Data Protection (Jersey) Law 2018, parents are entitled to request to view any saved data regarding their child if under the age of 13. If a child is aged 13 and over, and has capacity, they will need to provide their own consent for a parent to review their file, with the exception of attainment reports.

Data will be shared under Paragraph 4 (b),(c) & (d) of Schedule 2 of the Data Protection (Jersey) Law 2018:

The processing is necessary for –

- (b) the exercise of any functions conferred on any person by or under any enactment;
- (c) the exercise of any functions of the Crown, the States or any public authority; or
- (d) the exercise of any other functions of a public nature with a legal basis in Jersey law to which the controller is subject and exercised in the public interest by any person.

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<sup>7</sup> <https://www.gov.je/Government/Departments/RetentionSchedules/Pages/ChildrenYoungPeopleEducationAndSkills.aspx>



5.8. CYPES privacy notice can be found on gov.je<sup>8</sup>.

## 6. **Contacts**

### 6.0. Children, Young People, Education & Skills

Initial enquiries should be directed to:  
Children, Young People, Education & Skills  
Telephone: +44 1534 445504  
Email: [inclusion@gov.je](mailto:inclusion@gov.je)

### 6.1. The Jersey Association of Home Educators

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

Website: <http://homeeducationjersey.weebly.com>  
Email: Home Ed Jersey [homeedjsy@gmail.com](mailto:homeedjsy@gmail.com)

# APPENDIX 1



## EHE ANNUAL PLANNING AND WORK REVIEW FORM

TO BE COMPLETED BY PARENTS WISHING TO CONTINUE TO  
ELECTIVELY HOME EDUCATE THEIR CHILD

Please complete this form electronically and return a copy of it to CYPES before 15<sup>th</sup> June.

A request for plans will be made at the beginning of the summer term.

Use 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. Current Equivalent Year Group:	
5. Names of Parent/Guardian/Tutors involved in educating your child:	

	<p align="center"><b>Brief Description of the Proposed Curriculum for the Year Ahead</b></p> <p align="center">THIS SECTION SHOULD INCLUDE SPECIFIC LEARNING OBJECTIVES/TOPICS FOR EACH AREA OF THE CURRICULUM AND THE RESOURCES/COURSES THAT WILL BE ACCESSED</p>	<p align="center"><b>Work Review and Summary of Topics/Concepts Requiring Further Attention from last year's plans or any changes/amendments</b></p> <p align="center">INFORMATION FROM THESE AREAS SHOULD BE CONSIDERED FOR INCLUSION IN YOUR PROPOSED CURRICULUM</p>
<p><b>Literacy / English</b></p> <p>For example:</p> <p><u>Reading</u> - name 25 sight words</p> <p><u>Speaking and Listening</u> - use discussion and conversation to explore and speculate about new ideas</p>		
<p><b>Numeracy / Maths</b></p> <p>For example:</p> <p><u>Numbers</u> - read and write numbers up to 100</p> <p><u>Measurement</u> - use apparatus to explore different lengths, weights, volume</p>		
<p><b>Science</b></p> <p>For example:</p> <p><i>Identify and name a variety of common animals</i></p> <p><i>Cells and organisms</i></p>		
<p>History, Geography, Religious Ed</p>		

Health Education, PHSE		
IT		
Art		
Dance and PE		
Music		
Languages		
Other Areas		
Please provide any further comments or observations if you wish.		

## CHANGE HISTORY

Version	Date Issued	Issued by	Reason for Change
0.1	June 2007	Director of Education / Principal Educational Psychologist and Head of SEN	First publication
0.2	September 2014	Assistant Director, Inclusion & Family Support	Change of ownership to: Assistant Director, Inclusion & Family Support Safeguarding Component
0.3	November 2015	Assistant Director, Inclusion & Family Support	Significant Policy Review and Inclusion of Self-Assessment
0.4	April 2016	Director, Inclusion & Family Support	Updated to reflect new Department name and job titles/contacts.
0.5	November 2017	Director of Inclusion & Early Intervention and Head of SEN	Updated to reflect new Department name and job titles/contacts.
0.6	September 2019	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 of Year 3 Updated to reflect new on-line application form Updated to clarify assessment schedule and requirements Updated to reflect current information regarding data protection, DPIA, Fair Processing
0.7	June 2024	Associate Director of Education and Service Manager for SEN	Updated to clarify assessment process Updated to include process for travelling families Updated to reflect education funding for GCSEs Updated to reflect new description Elective Home Education, previously known as Education Other Than at School (EOTAS)