



Cumberland
Council

Education Otherwise than at School (‘EOTAS’) for Children/ Young People with EHCPs



Find out more at cumberland.gov.uk

Introduction

Every child should have the best possible start in life through high-quality education, which allows them to achieve their full potential.

There are occasionally circumstances in which children/young people with special educational needs need to be educated outside of traditional educational settings, such as schools or colleges.

To ensure that all children/young people are able to receive an efficient and effective education, the Children and Families Act 2014 allows for education outside of educational settings.

Enabling Legislation

The Children and Families Act 2014 outlines the main provisions around special education needs and educational settings.

Under Section 42, the Local Authority is placed under an "absolute legal obligation" to make sure that a child/young person receives the provision contained in Section F of their EHCP unless the "child's parents or the young person has made suitable alternative arrangements."

This guidance has been written with full regard to the following Acts:

- Children and Families Act 2014
- Education Act 1996
- Equality Act 2010

What is EOTAS?

EOTAS stands for Education Otherwise Than at School (including post 16 settings). It is educational provision that meets the needs of children and young people who, for whatever reason, are unable to attend a mainstream or special school.

A child who has special educational needs that cannot be met in part or in full by an educational setting should have the same opportunities as their peer group. The local authority can decide that EOTAS can be used to deliver the provision that a child needs, as laid out in section F of the EHCP.

As far as possible, children with special educational needs who are unable to attend school should receive the same range and quality of education as they would have experienced at school.

EOTAS is special educational provision made outside of an educational setting.

EOTAS is only available to students with an EHCP, in specific exceptional circumstances.

An EOTAS package will only be considered after the local authority has exhausted all avenues to meet the child/young person's needs through an educational setting.

EOTAS is funded by the local authority and is typically for short-term periods with the intention of the child/young person returning to a full-time educational setting.

When can EOTAS be used?

Section 61 of the Children and Families Act 2014 states that:

- (1) A local authority **may** arrange for any special educational provision that it **has decided is necessary** for a child or young person for whom it is responsible to be made otherwise than in a school or post-16 institution or a place at which relevant early years education is provided.
- (2) An authority may do so **only** if satisfied that it would be **inappropriate for the provision to be made in a school** or post-16 institution or place at which relevant early years education is provided.
- (3) Before doing so, the authority **must** consult the child's parent or the young person.

When is provision in an Educational Institution inappropriate?

The Council will always endeavour to keep students within educational settings. There is a wide body of research that supports the inclusion of children/young people with their peers, providing opportunities to build confidence, social skills, and many other personal attributes.

When considering EOTAS the local authority should consider all the circumstances that may contribute to the appropriateness of attending an Educational Institution such as:

- The child/young person's background and medical history
- The educational needs of the child/young person
- The facilities that can be provided by a school
- The facilities that could be provided other than in a school
- The comparative cost of the possible alternatives to the child/young person educational provisions
- The child/young person reaction to education provisions, either at a school or elsewhere
- The parents' wishes (these are relevant but not determinative, as the ultimate decision rests with the LA).

Funding Mechanisms

The local authority will only fund provision and services that are **equivalent** to those available within educational settings and will not fund luxury items, or provide payments for parent/carer's time.

Families may also choose to receive some of the necessary provision via a SEN Personal Budget, and directly commission it themselves. This comes with additional responsibilities, such as providing financial returns and ensuring the quality of the service provided.

More information on Personal Budgets can be found on the **Local Offer**.

Process for considering whether EOTAS is appropriate

If there is consensus that EOTAS may be required, The local authority will work with the family to establish what an EOTAS package may consist of.

In cases where a complex package of provision is being suggested, it may be necessary to have a meeting to discuss the detail of the EOTAS package to ensure that it meets the needs and outcomes within the EHCP.

Once the proposed package of EOTAS has been drawn up it will go to a decision-making panel at the local authority for consideration by senior local authority officers.

No EOTAS package can be commissioned without approval.

The panel decision will be confirmed in writing, usually alongside the issue of an amended EHCP or confirmation that the EHCP will be amended/maintained/ceased in its current form following the review.

If an EOTAS package has been agreed, it will be detailed in section F of the EHCP. If direct payments for a SEN Personal Budget have been agreed this will be detailed in section J of the EHCP.

The usual 4-week timeframe for issuing a draft amended EHCP following a review applies.

The family/young person will then have 15 days to comment on the proposed amendments and the local authority will consider these comments and issue the final EHCP within 8 weeks from the date of issue of the draft EHCP.

The family/young person will have their usual rights of appeal to the special educational needs tribunal, through which the decision of the local authority in respect of EOTAS can be challenged. There is no right of appeal to the tribunal in respect of whether a SEN Personal Budget has been agreed.

The EOTAS package will be regularly reviewed. Reviews will also consider whether special educational provision at an Educational setting continues to be inappropriate.

Process for considering Education Other Than At School (EOTAS)

