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Educated Other Than At School/college (EOTAS) Policy

for
children and young people with an
Education, Health and Care Plan



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1. Why might an Education Other Than At School/College (EOTAS) package be appropriate?

All Local Authorities must have regard to the views, wishes and feelings of children/young people (CYP) and their parent/carers when exercising its Special Educational Needs and/or Disabilities (SEND) functions ([Section 19](#) of the Children and Families Act 2014).

There may be circumstances where a CYP and/or parents/carers feel strongly that they, or their child with SEND (with or without an Education, Health and Care Plan (EHCP)) should be educated at home. This is normally referred to as Elective Home Education (EHE).

For a small number of CYP with SEND, who also have an EHCP, attending a school or college setting may not be suitable. This might be because they have:

- been excluded
- mental health problems or medical reasons that affect their ability to attend a school or college setting
- Or it might be that the type of the provision they need (for example, it might not be appropriate for certain therapies to take place in a school setting) would not be appropriate to be made in school.

In these exceptional circumstances, it may be appropriate that the special educational provision can be made other than at school or college ([Section 61](#) of the Children and Families Act 2014). This is known as education other than at school/college (EOTAS).

If the Local Authority (LA) agrees to an EOTAS package, [Section 42\(2\)](#) of the Children and Families Act 2014 places a duty on the LA to ensure that the CYP is receiving education as set out in the EHCP. This decision would be made based on the advice from professionals and in discussion with the CYP and their family.

An EOTAS package must be challenging and stretching to the CYP and focus on helping them to address barriers to learning as set out in section B, E and F of their Education, Health and Care Plan (EHCP).

2. What might an EOTAS package look like?

Examples of an EOTAS package could include some of the following:

- online schooling
- tuition at home
- tuition or training at a specialist/non-specialist centre e.g. Halton Tuition Centre
- therapeutic interventions
- life skills training.

Hospital schooling could form part of an EOTAS package but only under the following circumstances. Only in the exceptional circumstances of a CYP recovering in hospital

prior to discharge, would they attend a hospital school – which would end upon discharge.

For Halton CYP unable to attend school due to their health needs but not those CYP who are recovering in hospital, they would receive tuition through the Halton Tuition Centre.

3. When might EOTAS be considered?

In Halton, Provision and Placement Panels are held every two weeks to discuss requests for EHCP needs assessments and consider changes of provision/educational settings for CYP who already have an EHCP. If sufficient evidence is provided and with Panel members agreement an EOTAS package may be approved when:

1. As part of the statutory assessment process of a CYP for an EHCP needs assessment, the Council's SEN Assessment Team may receive professional advice suggesting that it would be inappropriate for the CYP to attend an educational establishment based on their assessed needs.
2. A request has been made for EOTAS as part of the statutory Review Process. For example, the parent/carer may express a preference for the CYP to be educated other than at school/college.

Alongside this request, the SEN Assessment Team assesses and determines that it may be inappropriate for the CYP to attend school or college. It is under this circumstance, that the case could be presented at the Provision and Placement Panel for formal agreement and sign off of an EOTAS package.

Please see case study example on next page.

EXAMPLE CASE STUDY

Paul attends a mainstream school, his school submits a request for a statutory Education, Health and Care Needs Assessment. Having reviewed all the evidence the school submitted, the Provision and Placement Panel decide to issue Paul with an EHCP.

Sometime later, following a deterioration in Paul's mental health, he is assessed by CAMHS who conclude that he is not currently well enough to attend his mainstream setting. All the therapists and staff taking care of Paul attend a professionals meeting. All agree, including Paul that school is not the right place for him at present.

An interim review of Paul's EHCP is arranged, and it is agreed that the plan should be amended to reflect the EOTAS package and also to name EOTAS in the Section I of the EHCP. It is agreed that this will be monitored and reviewed again should there be any changes to Paul's health.

An EOTAS package for Paul is put together, which is presented for discussion and formal agreement at a Provision and Placement Panel. The package sets out how Paul will be supported to enable him to return to school. Paul's EOTAS package is agreed and the EHCP is drafted to reflect this.

After 3 months, an early Annual Review of Paul's EHCP is held, which concludes that the EOTAS package is no longer required, so a change of provision can be made. Paul has made sufficient progress to start attending his mainstream school to access the full curriculum and start socialising again with other children his own age.

The EOTAS package is ceased and a revised EHCP is issued, which names his mainstream school in Section I. Both Paul and his parents agree this is the right setting for him.

4. Parent/carers request consideration - EOTAS package

If a parent/carers expresses a preference for their child to be educated through an EOTAS provision, it is important to firstly clarify whether the request is for the parent/carers to electively home educate (EHE).

Often parents/carers will either explicitly express a preference to electively home educate or request an EOTAS package. **These are very different.**

- EHE places a responsibility on the parents/carers to make their own arrangements for education and to fund it themselves ([Section 7 of the Education Act 1996](#)).
- An EOTAS package places the responsibility on Halton Borough Council to fund the provision outlined in Section F of the EHCP. ([Section 42\(2\)](#) of the Children and Families Act 2014).

However, there may be instances where the distinction is unclear. In these instances, the Council will consider [Section 61](#) of the Children and Families Act 2014 and determine whether it would not be inappropriate for:

- Any special educational provision required by the CYP to be made in any school or college.
- Any part of the provision to be made in any school or college.

A parent/carers may request for their child to be educated at home via the following:

- Parent/carers response to a proposed EHCP;
- Via a review of the EHCP;
- Separately in writing to the Council's SEN Assessment Team;
- If the CYP is on roll of a school then a letter from the parent/carers must be submitted in writing to the head teacher, however the CYP must not be removed from the school roll until the SEN Assessment Team have agreed and notified the school to do so.

The parent/carers must submit the request in writing to the head teacher of the school or setting where they are on roll and SEN Assessment Team via SENAT@halton.gov.uk

The Assessment Co-ordinator must:

- Use the information provided by the parent/carers to complete a Provision and Placement Panel Form.
- Include any accompanying information (see list below) that will support the Panel to reach an informed decision.
- Include the completed Annual Review document that is completed by school/college.
- Specify if the parent/carers has requested a Personal Budget via a direct payment (more information provided below).
- Detail the reasons why the CYP cannot be educated in a school, post-16 institution, or state-funded early years setting as indicated via the parent/carers request.
- Advise the Education, Inclusion and Provision (EIP) Admin Team that the request put forward is for an **EOTAS package**.

The Assessment Co-ordinator:

- will provide the parent/carers with an outcome within 15 working days of the request.
- must seek confirmation from the SEN Assessment Team Manager that the case presentation to Provision and Placement Panel is necessary and have resolved any casework or supervision requirements before presenting the case.

5. Determination criteria to not educate a CYP in an educational setting

When making decisions about EOTAS, the Council (via the Provision and Placement Panel) will consider the following:

- The evidence, information and views submitted by the CYP and their parents/carers on the subject.
- The information collated by the SEN Assessment Team, from the professionals and partners that believes this is necessary for the CYP, such as:
 - The CYP's EHCP
 - The most recent Annual Review information
 - Attendance and behaviour logs
 - Reports/letters from professionals currently involved with the CYP
 - School/college consultation responses
 - Any other relevant information which may detail needs and circumstances.

Alongside consideration of the above documentation, the following will be discussed:

- The CYP's and parent's/carer's' wishes.
- The CYPs background and medical history.
- The educational needs of the CYP.
- The provision required to meet the educational needs of the CYP.
- The facilities that can be provided by a school, post-16 institution, or state-funded early years setting.
- The facilities that could be provided via an EOTAS package.
- Any other circumstances that apply to the CYP.

If the Council (via the Provision and Placement Panel) conclude that it is appropriate for the CYP to be educated in a school, post-16 institution, or state-funded early years setting and the parent/carer continues to express a preference for their child to be educated at home, under [Section 7 of the Education Act 1996](#), parents/carers will be responsible for making their own arrangements to electively home educate.

The Provision and Placement Panel will provide details of why EOTAS has not been agreed. The Assessment Co-ordinator will provide the parent/carers with an outcome within 15 working days of the request. The written response will detail how the decision has been reached and next steps.

6. Creating an EOTAS package

If it has been concluded by the Council (via the Provision and Placement Panel) that it would be inappropriate for the CYP to be educated in a school, post-16 institution, or state-funded early years setting, [Section 42\(2\)](#) of the Children and Families Act 2014 places a duty on the authority to ensure that the education specified in the EHCP is provided.

The Council will devise an EOTAS package that will:

- Provide the CYP with an education that is suitable to their age, ability, aptitude, and special educational needs
- Where appropriate, specify how it will facilitate the CYP's return or integration into school or some other educational provision
- Consider the efficient use of public resources
- Manage the delivery, monitoring, and review of the EOTAS package in place.

The Educational Psychology Service (EPS) will allocate an EP to work in partnership with the SEN Assessment Team and SEN Service on the case.

The Assessment Co-ordinator will notify the appropriate Specialist Teacher from the SEN Service following the Provision and Placement Panel that EOTAS has been agreed. The Specialist Teacher's role will be to provide recommendations on a suitable educational package and will work in partnership with the Assessment Co-ordinator, the EP and other relevant colleagues to create an EOTAS package.

If the Council agrees to provide an EOTAS package, it can be a temporary arrangement.

An EOTAS package will be reviewed yearly during the Annual Review process or earlier, particularly, if it is deemed that the CYP has made sufficient progress to return to mainstream provision.

If the Council finds a suitable school for the CYP to attend, the SEN Assessment Co-ordinator will issue an amended EHCP naming the school, will cease the EOTAS package and remove it from the EHCP.

7. Educational EOTAS package offered

The Assessment Co-ordinator, the Specialist Teacher, the EP and any other relevant colleagues will work collaboratively to:

- Determine a suitable programme of education in co-production with parents, CYP, professionals (led by the Specialist Teacher in partnership with the EP).
- Ensure any other relevant professionals have been consulted and recommendations have been provided where appropriate (led by the Assessment Co-ordinator).
- Organise implementation of the EOTAS package (led by the Assessment Co-ordinator in conjunction with relevant Commissioners).
- Plan, co-ordinate and undertake the Annual Reviews of the EHCP.

The package will consider:

- Teaching in core subjects: English, Maths and Science.

- Other subjects that are age appropriate and that will support the CYP to return to school or a post 16 institution.
- Provision required to support their communication needs in addition to their social, emotional and mental health needs and medical needs.

The EOTAS package will be negotiated between the Council and the parent/carers.

Specialist interventions (such as play therapy) will not be agreed unless there is strong evidence for the intervention, and it has been written into advice from a qualified professional in the relevant field to support this. The evidence should include peer reviewed research that demonstrates the impact of the intervention with direct correlation to the outcomes identified within the EHCP.

The Assessment Co-ordinator will arrange for the case to be re-presented at the Provision and Placement Panel for discussion and agreement on the EOTAS package.

The proposed EOTAS package must be presented with the Provision and Placement Panel Form.

8. Personal Budget (Direct Payment) for EOTAS package

A Personal Budget is an amount of money identified by the Council or Health to deliver provision set out in an EHC Plan. The [Special Educational Needs \(PB\) Regulations 2014](#) set out specifics around when a personal budget can be requested, who by, how it should be used, monitored, and reviewed.

The child's parent/carer or the young person has a right to request for a Personal Budget when the Council has completed an EHC needs assessment and confirmed that it will prepare an EHC Plan.

The child's parent/carer or the young person can request a Personal Budget during a statutory review of an existing EHCP. [Regulation 5](#) sets out who payments can be made to. They must be an adult, either the young person themselves, their parent/carer, or a nominated person, and have full mental capacity (please refer to schedule for certain persons who may not receive a Direct Payment).

There are instances where parent/carers may ask for a Personal Budget (PB) via Direct Payment (DP) to secure provision of an EOTAS package. In these instances, the Assessment Co-ordinator will present the case at Provision and Placement Panel and detail the request in the Provision and Placement Panel Form which will include the provision/service to be secured and the proposed amount.

The Council (via the Provision and Placement Panel) must ensure that the amount requested as DP is sufficient to secure the agreed provision but also that securing the proposed agreed provision by DP is an efficient use of the Council's resources.

A DP will not be agreed if it is more cost effective for the Council to secure the provision. There is no right of appeal against the decision.

Where a parent/carers has put forward elements of, or an entire package with specific providers, the Provision and Placement Panel will consider this in detail and determine if it is an efficient use of public resources.

Where it is not deemed an efficient use of public resources, the Council is not under any legal obligation to use a provider suggested by the CYP, parent/carers or professional. Its legal duty is to ensure the provision listed in Section F of an EHCP is offered to a CYP on an EOTAS package. This request can therefore be declined.

If a DP via a PB is agreed, Section J of the EHCP must list:

- Name of person responsible for the PB
- Outcomes to which the PB contribute towards
- The provision from Section F that the PB holder will be responsible for
- PB value.
- Lead Agency (Education, Health or Social Care)
- Arrangements for Payment of PB.

The parent/carers must also complete and sign a 'Personal Budget Direct Payments Agreement Template' before the DP are made.

9. Amending an EHC Plan with EOTAS provision

Once the EOTAS package has been agreed, the Assessment Co-ordinator will amend the EHCP to reflect this. Any provision which is being made on an EOTAS basis must be set out in Section F which should reflect the CYP's needs as described in Section B. The law relating to specificity applies to EOTAS just as it does to provision delivered within educational institutions. All provision should be written into the EHCP with such a level of specificity that it leaves no room for doubt.

Section F must not specify providers or names of the people or organisation that will deliver the provision. It must simply outline the intervention or strategy and the frequency of this provision. It can also specify the adult e.g., a Learning Support Assistant but not name a particular adult.

Half-termly progress reports from providers will be reviewed by the Assessment Co-ordinator to ensure the provision is effectively meeting the child's needs. If there are concerns about the suitability of the arrangements, the local authority will hold an early annual review.

10. Finalising an EHC Plan with EOTAS provision

If it is agreed that it would be entirely inappropriate for a CYP to attend an educational institution, Section I of the EHCP will be left blank. The full details of the EOTAS package will be specified in Section F of the EHCP.

If it is not agreed that it would be entirely inappropriate for a CYP to attend an education institution to receive some of the special educational provision and the CYP will attend an educational institution for at least part of the time, Section I of the EHCP must name the school or college they will attend. Any special educational provision which will be made otherwise than at school or college will be set out in Section F of the EHCP.

11. What happens if a parent/carers requests an EOTAS and it is declined?

You have a right of appeal in the following circumstances that may apply here:

1. A final plan is issued after the initial EHC needs assessment
2. A final amended EHCP after an annual review has been issued
3. A final amended EHCP is issued after reassessment.
4. A refusal to reassess
5. A refusal to amend an EHCP after Annual Review
6. Appealing against a plan being ceased.

In response to this, there are a number of things you can do:

You can submit an appeal to SENDIST

Appeals can be submitted either within two months from the date of this letter or within one month of receiving the mediation certificate whichever is the later (please see information below regarding Mediation).

You should submit your appeal to Special Educational Needs and Disability Tribunal (SENDIST). Their contact details are:

HM Courts & Tribunals
SENDIST, 1st Floor Darlington Magistrates Court
Parkgate,
Darlington, DL1 1RU.
Telephone Number 01325 289350
Email: sendistqueries@hmcts.gsi.gov.uk
www.justice.gov.uk

You can contact SENDIASS for further advice

You may wish to contact Halton SENDIASS for information, advice and support. The Partnership Co-ordinator can be contacted on 0151 511 7733. They can also put you in touch with a mediator who may be able to help you further.

You can request a mediation meeting

Mediation is a service for Parents whose children have Special Educational Needs and who have been declined assessment for an EHC Plan or who have had a Plan

amended or ceased following review. It is a requirement for parents to consider mediation before appealing to the Tribunal and they must discuss this with the mediation service. However, this does not apply if the appeal will only relate to the named school/setting in the Plan when parents can proceed straight to appeal.

You must inform the Local Authority of your decision in respect of mediation and which issues you would wish to be addressed within the mediation process.

Collis Mediation Ltd is the organisation the Local Authority has commissioned to offer this service free to parents. The service is independent of the Local Authority and impartial. Mediation involves resolving disputes and enables you to be fully involved in decisions that will affect your life and those closest to you. **Collis Mediation Ltd** can be contacted on 07715 958290 or via Email: info@collismediationltd.com

The mediator will be an independent and impartial person who has no involvement with the case or the outcome. The mediator will have knowledge of special educational needs and will be trained in working with people to assist them in communicating and resolving disagreements.

If you decide to proceed with mediation, it should take place within 30 days.

If it is found that mediation cannot take place within 30 days, on a matter that can be appealed to Tribunal, then the mediator must issue a certificate within 3 days. You then have the option of appealing immediately or waiting for mediation to take place. Agreeing or declining to participate in mediation does not affect your right to appeal to the Special Educational Needs Disability Tribunal (SENDIST).

If you do not wish to enter into mediation, it is still necessary to obtain a certificate from the mediation service if you wish to appeal.

12. Monitoring and review of an EOTAS package

The EOTAS package will be monitored by the EHCP Annual Review which will include the child and young person, parent/carers, and involved professionals' view of current provision, progress, and if appropriate, a plan for returning to school.

13. Concerns and complaints about EOTAS

The CYP or their parents/carers are entitled to raise any concerns that they may have about their EOTAS provision with the Council.

In the first instance, it is helpful to discuss any concerns with the allocated Assessment Co-ordinator who will work to resolve these.

However, if the CYP, parent/carer wishes to escalate their complaint, this can be done by submitting a complaint via the [Council's Corporate Complaints' procedure](#).

14. Safeguarding commitment

The Council has a duty of care to children who are receiving education other than at school or college. If concerns are raised that a CYP's safety or wellbeing is compromised, or it is felt that the CYP may be at significant risk, the allocated Assessment Co-ordinator will speak to the SEN Assessment Team Manager or another member of the senior leadership team without delay.

If appropriate, they will refer to the Children's integrated Contact and Referral Team (iCART) using [online Referral Form](#)

iCART can identify the level of risk and needs of CYP and where necessary, utilise multi-agency information sharing information to make an informed decision about the most appropriate response that needs to be taken.

Safeguarding contact telephone details:

Tel: 0151 907 8305, Monday to Thursday 9am to 5pm and on Friday 9am to 4:30pm.

Tel: 0345 050 0148, Outside of these hours (contact the Emergency Duty Team).