

# Education Otherwise than at School (EOTAS)

## Introduction

Herefordshire Council is committed to ensuring that it carries out its responsibilities relating to the provision of education with a view to promoting high standards, ensuring fair access to educational opportunity and supporting all children and young people to achieve their potential. We aim to work collaboratively with children and young people, and their parents, taking into account their views, wishes and feelings.

## What is EOTAS?

EOTAS stands for Education Otherwise than at School and is education provision to meet specific needs of pupils whom have an Education Health & Care Plan (EHCP) who, for whatever reason, cannot attend a mainstream or special school. Some examples of EOTAS are:

- Online tuition
- Home tuition
- Other tuition centres
- Therapies such as speech and language therapy, occupational therapy or physiotherapy

These or any other provision which educates or trains a child or young person can be treated as special educational provision if described in section F of the Education Health and Care Plan

## EOTAS operates under the Children and Families Act 2014

Section 61 of the 2014 Act 2014 makes specific legal provision for the education of children and young people, for whom education in a school or post-16 institution would be inappropriate. Under section 61, local authorities have the power to consent to a child or young person with SEN being educated somewhere other than a school or post-16 institution (typically at home), but only where the authority is satisfied that “...*it would be inappropriate for the provision to be made in a school or post-16 institution or at such a place*”.

Herefordshire Council believes that school-based education provides a broad and balanced curriculum that promotes social and physical development, moral and spiritual awareness and equal opportunities. If the current educational placement is not working, it may be better to amend the EHC plan to set out different special educational provision and/or name a different school or college. If the local authority agrees that it would be inappropriate for the special educational needs provision to continue to be met in school, it can consent to EOTAS.

Examples where EOTAS may be appropriate:

- pupils unable to attend school through long-term illness or disability
- a range of other special education provision in schools has been tried unsuccessfully
- expectant mothers who are not able to attend for health and safety reasons

### **Section I of the EHC Plan (where a school or college should be named):**

If a child or young person will not be attending a school or institution at all, their EHC plan should clearly describe their special educational provision in section F and section I should be left blank.

Case Law: [NN v Cheshire East Council](#) [2021] UKUT 220 (AAC).

### **Is this the same as Elective Home Education?**

No, EOTAS is not the same as elective home education. If you choose to home educate, parents are responsible for making their own suitable arrangements for the child's educational (including any special educational) provision.

### **Arranging EOTAS**

If the local authority agrees that school or college is not appropriate for the child or young person, parents can request the local authority broker packages of support to meet their child's special educational needs. The local authority will use the Element 3 funding to provide this support through a personal education budget. A Personal Budget can be used only on the support set out in an EHC plan. This can include funding for the special educational, health and social care support that will help to achieve the outcomes set out in the Plan. A Personal Budget does not cover payment for a place at the school or college, or any general provision required by all children or young people

Parents can request specific providers to deliver the special educational needs provision, but the local authority will need evidence of the quality and suitability of the providers.

The [quality assurance framework document](#) will be completed for providers

The local authority will seek progress reports from the providers to ensure the provision is effectively meeting the child's special education needs.

## Process

- During the annual review process, parents express a preference for an EOTAS package of support.
- This request will be considered by a multi-disciplinary panel with input from health, social care and educational psychology within 4 weeks. For those children open to a social care team, their allocated worker's views will be sought. These views will be shared with the family.
- If the request is declined, the EHCP will be finalised to describe a type of suitable school giving parents their legal right to appeal.
- If the request is accepted the EHCP Officer will liaise with parents and providers to set up the package.
- Half-termly progress reports from providers will be reviewed by the EHCP Officer 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.
- The annual review of the EHCP will be arranged by the local authority and consideration will be given if EOTAS is still appropriate for each child or young person.