

OCC

Education Otherwise Than At School (EOTAS) Policy 2024

Note: EOTAS can be referred to as Education
Otherwise Than In School or college (EOTIS
or EOTiSC)

Document Summary: This policy details the arrangements through which the LA meets the Statutory requirement to ensure that children and young people with an Education Health, Care Plan (EHCP), who are unable to be educated in school receive suitable education.

It is applicable to those seeking EOTAS packages as well as those currently in receipt of EOTAS packages from 1st September 2025. Any potential changes to existing EOTAS packages will only be considered through the next due Annual Review process

A full glossary of terms relating to this policy can be found within Oxfordshire County Council's Local Offer: [Glossary of terms for the SEND Local Offer | Oxfordshire County Council](#)

Vision and values

Local Area Partnership

*We are committed to taking accountable and purposeful **action** to ensure that children and young people with SEND, along with their families, are **valued, respected, and empowered** to thrive in an inclusive and supportive community.*

Our Approach

*Together, we embrace a holistic perspective that **celebrates individuals' strengths**, aspirations, and achievements.*

*Through **partnership, involvement and collaboration**, we support children and young people with SEND, their families and carers to fulfil their wishes and aspirations.*

What is Education Otherwise Than at School (EOTAS)?

1. Sometimes, children and young people with special educational needs and/or disabilities (SEND) require education outside of conventional settings such as schools or colleges and Section 42 of the Children and Families Act 2014 enables education outside of traditional settings.
2. EOTAS stands for Education Otherwise Than At School and is education provision to meet specific needs of pupils who have an Education Health & Care Plan (EHCP) where the Local Authority is satisfied that it would be inappropriate for some, or all, of the assessed provision to be made in any school or post-16 setting.
Under a formal EOTAS arrangement, the child or young person will not be required to be on the roll of, or in attendance at, an educational setting.
3. The child or young person will receive their education and special educational provision either at home, or within an external setting that is not a registered educational setting.

The Law relating to EOTAS

4. EOTAS allows for a Local Authority (LA), under Section 61 of the Children and Families Act 2014, to devise a package of special educational provision to be delivered in a setting such as the home or other appropriate setting, where such provision would be inappropriate to be made in a school, post-16 institution or place at which relevant early years education is provided.
5. There must be appropriate consultation with the child's parents/carers or the young person before the Local Authority can make this decision.
6. National SEND Tribunal case law has clarified the high threshold which must be met for EOTAS to be determined as necessary and laid out the circumstances in which it might. <https://www.gov.uk/administrative-appeals-tribunal-decisions/nn-v-cheshire-east-council-sen-2021-ukut-220-aac>
7. Case law has confirmed that for a child to be no longer enrolled at a school and to have their education delivered entirely via an EOTAS package, the Local Authority (or exceptionally SEND Tribunal) would need to be satisfied that it would be inappropriate to deliver any already identified provision in Section F of the EHC Plan need in any school or post-16 institution, including specialist or independent settings.
8. EOTAS provision in Section F of an EHCP is legally treated the same as provision which is delivered within a school setting. 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 regarding exactly what provision should be delivered.

9. EOTAS is not a form of Elective Home Education (EHE), with EHE the parent/carer has full responsibility for the educational provision for the child or young person. Under EHE parents/carers must ensure access to a suitable education in accordance with their legal duty under section 7, Education Act 1996.
10. Neither is EOTAS a form of:
 - Flexi-schooling
 - Alternative education provision
11. Parents/carers can seek advice and support on EOTAS from the Special Educational Needs and Disability Service (SENDIASS) who provide impartial information, advice and support to parents and carers of children with SEND, and children and young people themselves through the CHYPSS (Children and Young People's Partnership Service) element of SENDIASS.

Aims

12. Oxfordshire County Council will ensure that children and young people have appropriate learning opportunities and are effectively safeguarded.
13. EOTAS is not necessarily seen as a long-term solution for most children and young people, but an EOTAS package can last as long as needed and deemed to be appropriate and in line with other statutory obligations.

Process of identifying EOTAS

14. As part of the annual review process, or during the drafting of a new EHCP, if it is identified that the provision necessary to meet a child or young person's needs cannot be delivered in an educational setting, an EOTAS package will be considered under Section 61 of the Children and Families Act 2014. This process will include the views of the child or young person and their parent/carers.
15. This will also take into account where EOTAS may be being considered when it is not parental preference but an appropriate setting is not currently available.
16. Oxfordshire County Council will consider all proposals for EOTAS on a case-by-case basis at the Complex Case Panel, considering the individual circumstances for each child or young person.
17. In line with case law ([TM v London Borough of Hounslow \[2009\] EWCA Civ 859 \(11 June 2009\)](#)) such factors will include:
 - i. the child's background and medical history;
 - ii. the particular educational needs of the child;
 - iii. the facilities that can be provided by a school;
 - iv. the facilities that could be provided other than in a school;
 - v. the comparative cost of the possible alternatives to the child's educational provisions
 - vi. the child's reaction to educational provision, either at school or elsewhere;
 - vii. the parents' wishes (although they are not generally determinative); and
 - viii. any other particular circumstances that apply to a particular child

18. If there is a setting, which the Local Authority identifies is appropriate, that can offer a placement, meet assessed need and deliver the provision as recorded in an accurate and up to date EHCP, Oxfordshire County Council is unable to consider EOTAS.
19. If, having considered a request for EOTAS, this is not agreed by the Local Authority, a full rationale for this decision will be shared with parents/carers alongside identified next steps.
20. If a parent/carer or child or young person disagrees with the decision, they have the right to appeal to Tribunal (SENDIST)

If EOTAS is agreed the following will apply

22. Oxfordshire County Council will decide how the package is to be delivered in consultation with parents/carers and the child or young person and will secure the provision in the EHCP.
23. From the date the EHCP is finalised, Oxfordshire County Council will arrange all provision set out in the EHCP. Oxfordshire County Council will usually use appropriate providers who are registered as part of the Council's Alternative Education Provision Framework to deliver EOTAS packages.
24. Provision will be either funded directly, or a personal budget will be agreed and paid to the parent/carer or young person in line with the Council's Direct Payment arrangements, or a combination of both.
25. Any personal budget will be sufficient to provide appropriate education and special educational provisions. Oxfordshire County Council will ensure that there is efficient use of resources and therefore, any EOTAS provision set out in an EHCP will be delivered in the most efficient way possible.
26. Agreeing to receive a direct payment comes with responsibilities for families, such as contracting with or employing staff, arranging pre-contracting checks with professional bodies and by the Disclosure & Barring Service (DBS), providing regular financial returns to the Council to demonstrate appropriate spending, and ensuring the quality of the service provided.
27. Advice, guidance and support will be available to support parent/carers and young people around personal budgets by the Direct Payment Advice Team.
28. Oxfordshire County Council will seek to carry out due diligence on all direct payments made as part of an EOTAS package to support the monitoring of public funds.
29. EOTAS will be recorded in the child or young person's EHCP as follows:
 - i. Section F will clearly describe all of the support they need, including the provision which will be delivered under EOTAS
 - ii. Section I will be left intentionally blank if not setting or institution is going to be attended at all
 - iii. Section J will detail the special educational needs and outcomes to be met by any agreed personal budget via direct payments relating to Section F
30. Educational provision will be approved for the equivalent of an academic year. However, the provision can be timetabled and identified funding can be used flexibly, depending on the needs of the child or young person, and it may be that provision will be built up gradually at the individual child or young person's pace.
31. All EOTAS packages would usually include Maths, English and Science as

- part of meeting the needs of the child or young person.
32. Post 16 packages may (where appropriate) include English and Maths if the CYP has not yet achieved a grade 4 or equivalent in these subjects and where a young person is studying for GCSEs
 33. Arrangements will be made for children and young people entitled to free school meals via the EOTAS package.

Transport

34. Oxfordshire County Council will consider transport on a case-by-case basis and in line with the home to school transport policy.

Safeguarding

35. Oxfordshire County Council is committed to the safeguarding of all children and young people. For provision delivered via the Alternative Education Provision Framework, appropriate due diligence and safeguarding checks will have been made. In the case of parent/carers or young people with a personal budget, assurances and evidence will need to be given to the Council that appropriate checks have been made.
36. If there are any safeguarding concerns, then these will be reported to the EHCP Casework Officer as the main point of contact, who will escalate as appropriate. All professionals working with the child and young person will be aware of and follow processes if they have any concerns:
[Concerns about a child | Oxfordshire Schools](#)

Monitoring

37. It is Oxfordshire County Council's responsibility to coordinate and monitor EOTAS in collaboration with parents/carers, young people and other professionals. Individual EOTAS packages will be monitored by the child's and young person's allocated EHCP Casework Officer with strategic oversight from the SEND Operations Manager.
38. All staff working with parent/carers and young people around EOTAS will be provided with appropriate training.
39. EOTAS arrangements will be reviewed at least three times per academic year, and as part of the next Annual Review of the EHCP.
40. As part of the Annual Review process and having considered the appropriateness of current provision with the child or young person and parent/carers and all professionals involved, Oxfordshire County Council will consult with appropriate education settings if there is evidence that the legal test for EOTAS may no longer be met.
41. The LA will convene, coordinate and chair the Annual Review meeting. The parent/carer or the child or young person themselves can also request an Annual Review.

Transition planning

42. If, following the Annual Review process, a setting is identified for the child or young person then a transition plan with achievable timescales will be developed with parents/carers, professionals and the setting to ensure that

this placement is successful. This transition plan may include continuation of some of the previous EOTAS provision if appropriate and will be regularly reviewed.

43. If, following the Annual Review process, the LA proposes to cease the child or young person's EHCP then a transition plan will be developed with parents/carers and professionals, including support and signposting to other agencies.

Combining other types of Personal Budgets

44. If a child or young person with EOTAS arrangements is eligible for medical treatment or therapy in section G of their EHCP, and/or social care provisions in section H of their EHCP, they may be eligible for other personal budgets for those parts too. When eligible for more than one personal budget, families may wish combine budgets to arrange the education, health, and social care provisions in their child/young person's EHCP more flexibly. This arrangement gives families the most control and creativity over those arrangements.
45. Oxfordshire County Council may only consider parents/carers requests for personal (education) budgets when a draft EHCP has been issued or as part of an Annual Review of an EHCP. Requests for personal health or social care budgets may be made and considered at other times to the responsible organisations. Parents/carers may not appeal the Council's decisions about whether they award a direct payment or not, but they may ask to review their decisions.

Complaints

46. If there are concerns about aspects of individual EOTAS packages, then parents/carers should raise this with their allocated Casework Officer in the first instance. Parents/carers can also raise complaints under Oxfordshire County Council's complaints processes [Complaints and comments about Oxfordshire County Council | Oxfordshire County Council](#)
47. In exceptional circumstances, the Director of Children's Services along with the Lead member for Children, Education and Families, may agree an alternative arrangement. This arrangement will be reviewed as part of the Annual Review.

Further Information

Local Offer Website

Relevant legislation and guidance

Section 61 of the Children and Families Act

2014 Section 42 of the Children and Families

Act 2014 Section 7, Education Act 1996.

Keeping Children Safe in Education 2024

Working Together to Safeguard Children 2023.

Alternative Provision: Statutory guidance for local authorities January 2013

Responsible officer: Kate Reynolds, Director Education and Inclusion

Responsible Service Area: Education

Review Date: April 2026/

To be reviewed annually.

