

**CABINET**  
**15 July 2025**

**EOTAS POLICY (Education other than at School)**  
**Report by Lisa Lyons, Director of Children's Services**

**RECOMMENDATION**

1. **The Cabinet is RECOMMENDED to** consider and approve the attached draft policy and draft parents' guide
2. **The Cabinet is RECOMMENDED to** request an annual review of the policy and that the findings of that review are presented to Cabinet in April 2026.

**Executive Summary**

3. Oxfordshire County Council (OCC) is required to implement a policy for the delivery of Education Other Than At School (EOTAS) as highlighted by the SEND inspection in 2023. This policy is crucial to ensure that all children and young people, particularly those with special educational needs and/or disabilities (SEND), receive a suitable and effective education, even if they are unable to attend 'traditional' school settings.
4. The EOTAS policy is designed to provide a structured framework for delivering personalised educational plans tailored to the unique needs of each child or young person.
5. A policy has been drafted and is attached to this report as Annex A for the consideration of the Committee for feedback and prior to presentation at full cabinet on 15 July 2025.

**Background**

6. The number of children and young people in receipt of EOTAS is increasing, with a 64% increase from 2022-23 to 2023-24. As stated above, EOTAS aims to ensure that all children, especially those with special educational needs and/or disabilities (SEND), receive an efficient and effective education, even if they cannot attend traditional schools. The SEND inspection of 2023 noted the absence of a policy and recommended that the Council put one in place for the delivery of EOTAS. Given the increase of the number of children and young people in receipt of EOTAS, the introduction of a policy is also necessary to

formalise the Council's approach in this area and ensure we are working collaboratively with children and young people, and their parents, considering their views, wishes and feelings.

7. To facilitate collaborative working, a number of meetings have taken place since May 2024 between the Deputy Director Education and Inclusion, Education Inclusion Manager, health professionals, SEND Head of Operations, SENDIASS and Parent/Carer Forum Chairs, Assistant Director SEND and the Eotas support group including a listening event with parents/carers in September 2024 and the C&YP Scrutiny committee on 22 November 2024. As part of the follow up to the Scrutiny meeting a further four meetings have been held with the representatives of the parent carer forum and the EOTAS support group. At one of these meetings an external legal expert was in attendance. All the views from these meetings have been taken into account in developing this draft policy.
8. The policy is shaped by several Acts, including the Children and Families Act 2014, the Education Act 1996, and the Equality Act 2010. These laws mandate that local authorities ensure the provision of special educational needs as outlined in Education, Health & Care Plans (EHCPs)
9. Local authorities are responsible for arranging EOTAS. This provision is typically short-term, with the goal of reintegrating the child or young person into a mainstream education setting as soon as possible however, for a small group of children or young people with complex needs they may require an EOTAS package for an extended period.
10. EOTAS is funded by local authorities through the high needs block. The current spend on EOTAS as of May 2025 is roughly £2.6m per annum. The cost of EOTAS contributes to the overall High Needs Deficit.
11. The EOTAS policy lays out Oxfordshire County Council's position and commitment to those children and families in receipt of EOTAS. It sets out aims and objectives of the policy.
12. EOTAS is funded using Direct Payments to parent/carers or the young person, or using Oxfordshire County Council to pay the provider directly.
13. In order that effective use is made of public funds, the policy states that Oxfordshire County Council will seek to carry out due diligence on all direct payments made as part of an EOTAS package.
14. Any planning and/or amendments to the agreed package will be completed as part of the annual review of the child or young person's EHCP.
15. Safeguarding arrangements will comply with DfE statutory guidance 'Keeping Children Safe in Education 2024 and Working Together to Safeguard Children 2023.

16. A draft parents/carers' guide is attached as Annex B. This guide is for information only and has not yet had input from the parent/carer forum and other key stakeholders. It is intended that further work to co-produce the guide is completed as a matter of priority so that a guide is available for the start of the academic year in September 2025.
17. Given the importance of the policy and the contribution it makes to enabling the local authority to support its most vulnerable children and young people. It is proposed that a full review of the workings of the policy, including proposed amendments, is brought to Scrutiny in summer 2026.

## **Corporate Policies and Priorities**

18. The policy will support the Vision, Values, Objectives and Strategic Priorities of the County Council, as having a clear EOTAS policy in place will specifically help to support and create opportunities for certain individual children and young people with SEND to enable them to reach their full potential. Having a transparent policy in place will also enable a more joined up approach to this work with partner agencies across the Local Area.

## **Financial Implications**

20. As at May 2025 70 young people are in receipt of EOTAS packages at a total cost of c£2.7m per annum.
- 19.
20. The cost of these packages of support are met by the local authority via the High Needs Block of the Dedicated Schools Grant. Payments for EOTAS packages can be made direct to the parent, directly by the LA or a combination of both.
21. The proposed EOTAS policy sets out current practice and therefore it is not anticipated that the introduction will have any direct financial implications. This is however an area of spend where there has been growth in both demand and total spend over recent years, and this is unlikely to change as a result of this policy.
22. The implementation of the policy alongside the guidance and information regarding personal budgets will help to ensure better monitoring of the spend, and governance of EOTAS packages, so that these packages are appropriately monitored and audited.

Comments checked by:

Thomas James, Head of Financial Services,  
thomas.james@oxfordshire.gov.uk

## **Legal Implications**

23. The main body of this report and the attached policy set out the Council's legal duties and responsibilities in this area of work. The introduction of a policy will mean that the Council have a clear indication of how it should approach this issue and officers will need to apply the policy when making decisions in order that these are robust in the face of any potential legal challenge.

Comments checked by:

Leanne Schrouder, Locum SEN and Education Solicitor,  
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## **Staff Implications**

24. Currently the number of school aged children and young people in receipt of EOTAS packages is growing within Oxfordshire and many of these packages are complex. As the students are not on roll at a setting there is an increased demand on the EHCP Casework Team to monitor and support the coordination of the provision. This will have an ongoing impact on the team which may mean that additional staff roles need to be created to ensure the packages are set up, managed and monitored effectively and appropriately.

Michelle Higgs, HR Business Partner (Schools and Education),  
[Michelle.Higgs@Oxfordshire.gov.uk](mailto:Michelle.Higgs@Oxfordshire.gov.uk)

## **Equality & Inclusion Implications**

25. It is considered that there would be no negative implications in relation to equality and diversity in the approval of this policy. EOTAS is part of the Local Authority's offer to support vulnerable children across Oxfordshire. Having a formal policy in place will help to ensure equality and inclusion and that that children's needs are met. Of the 70 children and young people currently receiving an EOTAS package (as at May 2025), 5 are entitled to free school meals, 49 are male, 21 are female and 62 are White British.

## **Sustainability Implications**

26. There are no sustainability matters arising in the proposal.

## **Risk Management**

27. There is a risk currently across the Council in not having a clear policy in place which sets out the Council's position on EOTAS. Having a new policy will present some operational risks in implementation and effective

communication with all stakeholders will be vital, but having a policy in place will ensure that there is better consistency of practice and clarity for professionals, parents/carers and children and young people.

## **Consultations**

28. We have consulted with parents and carers, through a listening event in September 2024 which was attended by parents/carers in receipt of EOTAS and those new to EOTAS. More recently we have sought comment from PCF and the EOTAS Support Group and health professionals on the drafted EOTAS policy and made amendments as appropriate.

Lisa Lyons

Annex A: Draft EOTAS policy 2025  
Annex B: Draft parents'/carers' guide

Background papers: Nil

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May 2025

**Annex A: DRAFT EOTAS POLICY**

OCC

# Education Otherwise Than At School (EOTAS) Policy 2025

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 1<sup>st</sup> 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 children and young people 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 early years, 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.

This policy should be read in conjunction with any guidance issued by Oxfordshire County Council.

## **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.

## **Annex B: draft parents/carers' guide – subject to further amendment.**

### **Education Otherwise Than At School/College (EOTAS/EOTAC)**

Education in a school or college isn't always the best fit for every child or young person.

Sometimes, due to specific challenges or circumstances, your child may need to learn in a different way or in a different place. This approach is called EOTAS/EOTAC (Education Otherwise Than At School/College), and it's there to help children who can't thrive in 'traditional' education settings.

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

Under s 61 of the Children and Families Act 2014, children and young people may be educated otherwise than at school or college if it is inappropriate for their SEN provision to be delivered in an educational setting.

EOTAS/EOTAC is a provision designed for children and young people who cannot thrive in 'traditional' educational settings due to various challenges. It is provided by Oxfordshire County Council and meets the needs of your child who, for whatever reason, is unable to attend school.

Oxfordshire County Council remains legally responsible for organising and funding your child's special education provision.

### **Why do some children and young people need EOTAS/EOTAC?**

For your child, school/college may not be suitable and they may be unable to receive an appropriate education in any school/college.

- they may have mental health difficulties that affect their ability to attend a school/college.
- they may have medical conditions that affect their ability to attend a school/college.
- the school/college they have attended may not have been able to meet their needs.

An EOTAS/EOTAC package may be considered if your child is undergoing a statutory assessment and Oxfordshire County Council assesses and determines that it may be inappropriate for them to attend an educational institution.

An EOTAS/EOTAC package may be considered if your child is having a review of their EHCP and Oxfordshire County Council assesses and determines that it may be inappropriate for them to attend school or college.

If Oxfordshire County Council considers school or college to be inappropriate for your child, they can arrange for the provision to be delivered somewhere other than in a school, college or early years setting.

## **What could EOTAS/EOTAC look like?**

EOTAS/EOTAC provision could include:

- online schooling
- tuition at home
- tuition or training at a specialist centre
- hospital schooling
- therapeutic interventions
- life skills training, including travel training.

## **What makes an education setting ‘inappropriate’ for your child?**

EOTAS/EOTAC is only possible where Oxfordshire County Council is satisfied that it would be inappropriate for your child’s special educational provision to be made in a school/college. To meet this test, evidence is needed to demonstrate that education in a school/college would be inappropriate.

- Information, evidence and views submitted by you and your child.
- Information collated by the local authority, from the professionals and agencies.

Your child’s circumstances must be looked at including;

- their background and medical history
- their educational needs
- the facilities that can be provided by a school/college
- the facilities that could be provided other than in a school/college
- the comparative cost of the possible alternatives to your child’s educational provision
- the efficient use of public resources
- your child’s views, wishes and feelings
- your views, wishes and feelings
- any other circumstances.

When everyone agrees to the EOTAS/EOTAC package, Oxfordshire County Council have a duty to ensure that your child is receiving education as set out in their EHCP.

## **What if the EOTAS/EOTAC package is not agreed?**

You will have the right of appeal in certain circumstances, such as:

- a final plan is issued after the initial EHC needs assessment
- a final amended EHCP after an annual review has been issued
- a final amended EHCP is issued after reassessment.
- a refusal to reassess
- a refusal to amend an EHCP after annual review
- appealing against a plan being ceased.

## **EOTAS/EOTAC and EHC Plans**

When a full time or part time EOTAS/EOTAC package is agreed. or directed by a tribunal, the package is set out within Section F of the Education Health Care Plan.

### **Full Time EOTAS/EOTAC**

If it is agreed that it would be entirely inappropriate for your child to attend an educational institution, then Section I of the EHCP will be left blank.

#### **Part Time EOTAS/EOTAC**

If it is agreed that your child 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.

#### **EOTAS/EOTAC and annual reviews**

There is the same duty to conduct an annual review when your child is educated otherwise than at school/college. All timescales and obligations will remain the same throughout the annual review process.

Oxfordshire County Council may want to see ongoing evidence that it is still inappropriate for your child to be educated in an educational setting so you may wish to consider this evidence before the annual review takes place.

#### **Parental/Carer request for a Personal Budget via Direct Payments for EOTAS/EOTAC**

You have a right to request for a Personal Budget to have greater control over the delivery of the EOTAS/EOTAC package.

Payments can only be made to an adult, either the young person themselves, their parent/carers, or a nominated person.

Oxfordshire County Council must ensure that the amount requested is sufficient to secure the provision and that it is an efficient use of the authority's resources. Direct Payments will not be agreed if it is more cost effective for Oxfordshire County Council to secure the provision. There is no right of appeal against the decision.

#### **Concerns and complaints about an EOTAS/EOTAC**

You and/or your child are entitled to raise any concerns about the EOTAS/EOTAC provision with Oxfordshire County Council. In the first instance, it is helpful to discuss any concerns with the allocated officer who will work to resolve these. If you or your child wishes to escalate the complaint, this can be done by submitting a complaint via Oxfordshire County Council's complaints procedure.

#### **Safeguarding**

Oxfordshire County Council has a duty of care to children and young people who are receiving education other than at school or college. If concerns are raised that a child or young person's safety or wellbeing is compromised, or it is felt that the child or young person may be at significant risk, Oxfordshire County Council will respond without delay and, if appropriate, refer to the Children's Multi-Agency Safeguarding Hub (MASH). MASH is equipped to identify the level of risk and needs of children and where necessary, rely on multi agency information sharing processes to make an informed decision about the most appropriate response that needs to be taken.