



Education and Young People Overview & Scrutiny Committee

Friday, 30 January 2026

ADDENDA

6. Education Other Than At School Update (Pages 3 - 28)

The Committee has requested a report setting out the draft guidance arising from the Education Other Than At School (EOTAS) Policy that was approved by Cabinet in July 2025.

Cllr Sean Gaul, Cabinet member for Children and Young People, Lisa Lyons, the Director of Children's Services, Annette Perrington, Interim Deputy Director: Education and Inclusion, and Deborah Smit, Assistant Director: SEND and Inclusion, have been invited to present the report.

The Committee is asked to consider the report and raise any questions, and to **AGREE** any recommendations it wishes to make to Cabinet arising therefrom.

Report not received at the time of publication.

Report and annexes published 26 January 2025.

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Agenda Item 6

EDUCATION AND YOUNG PEOPLE OVERVIEW & SCRUTINY COMMITTEE

– 30 January 2026

Education Otherwise Than At School (EOTAS) Guidance

Report by Director of Children's Services

RECOMMENDATION

1. **The Education and Young People Overview & Scrutiny Committee is RECOMMENDED to**
 - i. Note the final EOTAS Guidance and related Toolkit
 - ii. Comment on any aspect of the final EOTAS Guidance and Toolkit
 - iii. Recommend approval of the EOTAS Guidance and Toolkit.

Executive Summary

2. The EOTAS policy was approved by Cabinet in July 2025 with the following recommendation.
 - (a) The revised parent carer guidance will be brought to Scrutiny in the Autumn. The guidance is being co-produced with the EOTAS working group and OCC's co-production team and
 - (b) Agree that, once Cabinet has responded, relevant officers will continue to provide each meeting of the Education and Young People Overview & Scrutiny Committee with a brief written update on progress made against actions committed to in response to the recommendations for 12 months, or until they are completed (if earlier).
3. This report covers the progress of the EOTAS working group and the development of the EOTAS Guidance. The EOTAS working group has parental representation from Oxfordshire Parent carer Forum, (OxPCF), parents of children with EOTAS, CAMHS representation, Oxford Health representation, an EOTAS professional and representative of SENIASS.
4. The EOTAS guidance has been developed with the EOTAS Working group and undergone extensive consultation with parents of children with Special Educational Needs and Disabilities, including with those parents whose children have an EOTAS package and with parents who are considering EOTAS. However there remains concern that this Guidance has not been fully co-produced in line with Oxfordshire County Council's Co-production guidance and there remain areas of disagreement regarding its content.

5. The purpose of the working group and development of the EOTAS guidance was to produce a helpful tool that would support parents of children with an existing EOTAS package or for those parents who were considering an EOTAS package for their child understand the complex parameters in relation to an EOTAS package, including process, timescales, decision making in line with legislation, evidence required and funding considerations and to further ensure a shared understanding between parents and Local Authority officers.
6. The guidance was produced to be read alongside the approved Oxfordshire EOTAS policy (July 2025). In this development a further document was identified as required and this is now referred to as the EOTAS Toolkit.

Background

7. Most children will attend school or a registered education provision, however for some children this is not possible. 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.
8. 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.
9. 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. Instead, 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.
10. The decision to agree for a child to receive education outside of a registered setting is complex and set out in legislation and Local Authorities must undergo complex decision making before agreeing to such a circumstance under Section 61 of the Children and Families Act 2014.
11. All Local Authorities should have relevant Policies in place and Cabinet approved Oxfordshire's EOTAS Policy in July 2025 and further recommended that Guidance should be co-produced.
12. The EOTAS Policy (approved July 2025) and the EOTAS Guidance support the County Council's Corporate plan, Healthier and Fairer Oxfordshire.

Financial Implications

13. Funding to support an EOTAS package is from the Dedicated Schools Grant , high needs block, which supports all additional funding for children with special

educational needs and Disability and is approved through the Children Education and Families Directorate through delegated responsibility

Legal Implications

14. EOTAS packages can be approved through the Local Authority or can be subject to an appeal to the First Tier Tribunal and directed by that Tribunal. Where a Tribunal direction is made to the Local Authority for an EOTAS package, the that must be arranged.

Equality & Inclusion Implications

15. Every Child of statutory school age has a right set to receive an education which is appropriate to meet their needs and this is supported through the UNRC and through the Equality Act 2010.

Lisa Lyons
Director of Children Services

Annex: Final EOTAS Guidance EOTAS Toolkit.

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This is a practical guide which aims to provide information to families where their child or young person is already receiving Education Otherwise Than At School (EOTAS) provision or where EOTAS is being discussed. It sets out what EOTAS is, how it will be delivered and supported by Oxfordshire County Council, your Local Authority.

It sits alongside Oxfordshire County Council's (OCC) Education Otherwise Than At School (EOTAS) Policy 2025 which details how OCC will meet its statutory (legal) duty to ensure that children and young people with an Education Health and Care Plan (EHCP) receive a suitable education, when it is **not appropriate** for them to receive their special educational provision in a school. The policy aims to specifically help to support and create opportunities for those individual children and young people with SEND who require EOTAS to enable them to reach their full potential.

Throughout the guide you will see the words **inappropriate** or **not appropriate**, these are the words the law uses and what they mean in this sense is that education in a school or educational setting isn't right for a child or young person in the present circumstances for a variety of reasons. It applies to children and young people who are receiving EOTAS packages from 1st September 2025 as well as those where EOTAS is being considered.

It is important to remember that changes in legislation by government and case law can affect the legal framework.

What is EOTAS?

EOTAS stands for **Education Otherwise Than At School**. It means your child receives the education and support written in their Education, Health and Care Plan (EHCP) not in a formal setting, like a **school, or an early years or college setting**. This might include learning at home, working with tutors or therapists, or doing educational activities in the community. EOTAS may be arranged for children and young people from **age 2 up to age 25**, if they have an EHCP.

You might also see EOTAS referred to as EOTIS, **Education otherwise than in school** but remember it covers Early years settings and colleges as well so in this guide "**school**" refers to any type of early years setting, school, or college.

Why might a child or young person need EOTAS?

For some children it isn't possible for them to receive the provision (support) that their EHCP sets out in Part F in a school or setting. This might be due to:

- Anxiety or mental health
- Medical needs that mean it is not possible for them to go to school
- Other reasons, such as school-based trauma, due to events previously experienced in school. These might have come from friendship issues, bullying, the school environment and sensory sensitivities, behaviour management approaches.

In such cases the Local Authority may arrange education in a different way but your child or young person must still receive **all** the special educational provision in Section F of their EHCP, even if they do not attend a school or college setting.

How will OCC decide whether my child should have EOTAS?

OCC must consider multiple factors before agreeing EOTAS for a child or young person, and this must meet a legal test, called the **“Section 61 test”**.

The law on EOTAS is found in Section 61 of the Children and Families Act 2014. This section allows for a Local Authority to arrange for some children or young people with an EHCP to receive **some** or **all** the special educational provision identified in Part F outside of a ‘traditional’ school setting, including a post -16 or early years setting.

To be able to decide about EOTAS, OCC must look at the support your child or young person needs and their **unique circumstances** and ask: ***“Would it be inappropriate for this provision to be made in any school?”***

It's not just about whether a school says they can meet need. It involves balancing the arguments for and against the provision being made in a formal setting.

OCC must consider factors such as:

1. Your child’s background and any relevant medical history
2. Their specific special educational needs
3. What a setting, school or college could usually provide and what adjustments could be made
4. What could be provided outside a school or college setting
5. The relative cost of each option
6. How your child responds to education in school vs elsewhere
7. Your child or young person’s aspirations and their views and yours (important, though not the final deciding factor)

Every case is different. OCC must weigh up all the evidence for and against EOTAS and consider any additional factors that you believe are important.

If your child already has an EHCP, EOTAS could be discussed at the Annual Review, or an early review if circumstances have changed or their placement has broken down. If any of the above apply the EHCP Casework Officer will update your child or young person’s EHCP to show changes in needs (Part B) or provision (Part F). As with any EHCP, the placement decision lies with the local authority. (If your child is going through the EHC needs assessment and does not yet have a finalised plan but you feel EOTAS maybe required, you can discuss this with your SEND caseworker).

If you feel that EOTAS is going to be necessary to deliver the provision your child or young person needs, it is helpful as you prepare for the Annual review of their EHCP to explore what you think might be suitable. The EHCP Casework team will call to arrange a meeting to discuss what evidence is required. This is intended to be a 2-way supportive conversation, and you can then draft some approximate costings for the officer to submit to panel. Costings are needed to support the Complex Case Panel (**CCP**) decision making process.

This panel meets fortnightly throughout the year to consider proposals for education otherwise than at school (EOTAS) and continuation of previously agreed EOTAS packages

It is important to remember that case law from SENDIST (Special Educational Needs and Disability Tribunal who are responsible for handing appeals against Local authorities' decisions about EHCPs) has set **a high threshold** for receiving EOTAS and so all local authorities must start from the position that most children will be educated in a school or educational setting unless their parents have chosen to educate them at home, often referred to as EHE, Elective Home Education.

EOTAS can **only** be offered if the local authority is satisfied that it would be '**inappropriate**' for your child to receive **some**, or **all**, of the support required to meet their needs in a school or setting.

EOTAS Approval Process in OCC

In Oxfordshire, all requests for EOTAS are considered by the Complex Case Panel (CCP). The panel meets every two weeks and currently includes the: SEND Operations Manager, Lead Officers and Senior EHCP Casework Officers. The CPP will consider 2 aspects for EOTAS, the request for EOTAS using the Section 61 test and if EOTAS is agreed also consider the proposed package.

If you have just received your child or young person's first draft EHCP, you should discuss with your EHCP Casework Officer what provision you are thinking of asking for to meet your child or young person's needs and the proposed package. The EHCP Casework Officer will signpost you to provision on the approved provider list.

If there is no provision that meets all your child's needs available on the list, then the Casework Officer will explain that you can request a Personal Budget with Direct Payments and arrange some or all this provision directly yourself.

If after an Annual review of an existing EHCP, any of the above apply and you feel EOTAS continues to be appropriate, the EHCP Casework Officer will update your child or young person's EHCP to show changes in needs (Part B) or provision (Part F) and will request it goes to CCP. Your EHCP Casework Officer will tell you when the EOTAS request will go to CCP.

The EHCP Caseworker will check there is sufficient evidence before submitting the request to CCP, which may include consultant recommendations, consultation responses from settings, professional reports, and views of settings and your child or young person and you.

In all cases the CCP will look at the EHCP in line with the Section 61 test and if the evidence shows it is necessary, the LA will agree EOTAS. As with any EHCP, the placement decision lies with the local authority. The CCP will also consider the proposed package to see whether it is appropriate and reasonable.

Your EHCP Casework Officer will call you within 5 working days of the CCP meeting, to confirm the decision which can be:

- **Full time EOTAS approved:** if the Complex Case Panel (CCP) agrees that all the necessary provision in Section F should happen outside of a school or setting, then Section I (which usually names a school) will be left blank.

- **Part-time EOTAS approved:** CCP may decide that part-time school attendance is appropriate, but that some provision must be delivered outside of a school. In this case Section I will name a school and the EOTAS provision will be specified in Section F.
- **No EOTAS approved:** CCP may decide to say no to EOTAS and conclude full-time education at school is appropriate. The EHCP will be issued with a school (or type of school) named in Section I.

In any of these scenarios, your child or young person's EHCP casework officer will share the panel's decision with you including explaining the reasons behind the decision, along with identified next steps and follow with an email. If you disagree with the panel's decision, you can appeal to SENDIST (the SEND Tribunal). SENDIASS Oxfordshire can help explain the next steps if this is the case.

What evidence is needed to show whether EOTAS is appropriate?

The law says that a Local Authority may arrange, or continue, EOTAS **only** if it is satisfied that it would be '**inappropriate**' for the special educational provision your child needs to be made in a school or other setting. It is not just about whether a school says they **can** deliver the provision—it's about whether it would be suitable for your child or young person to receive the provision outlined in their current and accurate EHCP in a school or educational setting. Their mental health, energy levels, previous placements, and how they respond to formal education, their and your wishes also inform the decision.

CPP may also ask the EHCP Casework Officer to consult appropriate schools before making a decision if this has not already been done so they have up to date information

To ensure the right decision is made, OCC need a full picture of your child or young person with as much evidence as possible, showing their views and aspirations, needs and the circumstances which are preventing them from receiving their education in school.

Some families will have recommendations or details of provision that may need to be delivered via EOTAS set out in professional reports. Some will have nothing especially if your child or young person is currently finding it hard to leave the house or engage with anyone. In this case you should still have some health advice. See the checklist in the toolkit (link) to find suggestions of what you might send in as evidence that the EHCP Casework officer can also use to advise you if anything more is needed. This checklist has been co-produced to support parents in identifying the range of evidence that could be used to support the request and to ensure clarity and consistency of advice and decision making across officers and agencies.

You should be sent a copy of all the evidence that the EHCP Casework Officer is sending to panel so you can check if anything is missing, you can ask for this if you don't have receive it. This might include additional evidence from you or your child or young person.

Building an EOTAS package

EOTAS allows education to be delivered in a different way to meet a child's individual needs when it is not appropriate for them to go to school.

All EHCPS are intended to be forward looking documents and usually describe the identified needs, provision and setting for 12 months at a time. This also applies with plans for EOTAS, so a good starting point is to imagine what your child or young person might be able to access 12 months from now — if the right support were in place and they were doing well. EOTAS can be built up gradually at your child or young person's pace, starting small and increasing as confidence, regulation, and trust grow and EOTAS packages *would usually* include Maths, English and Science.

Provision could include:

- Online or in-person tuition
- Tuition at home or in the community
- Support from a mentor or key worker
- Sessions at a specialist centre
- Therapeutic interventions (e.g. SALT, OT, play therapy)
- Life skills and independence training
- Using their hobbies or interests as a way to encourage reengagement with learning and accessing the community. This is sometimes referred to as 'learning by stealth'.

If your child or young person is working towards qualifications (GCSEs, A-levels, Functional Skills, etc.), the EOTAS package will cover the associated costs. This includes teaching, resources, and exam fees.

EOTAS can be flexible as it is not necessarily bound to term times. It can be delivered:

- At any time of day
- On weekends
- Across the whole year

Many young people benefit from shorter days, more flexible hours and fewer long holidays. Some have 3- or 4-day weeks, some access provision in the evening, some prefer intense bursts followed by a week break. The amount and timing of provision can change over the year with your child or young person's needs.

OCC will typically fund provision equivalent to full-time hours (9am–3:30pm, 38 or 39 weeks a year depending on length of academic year), but this can be spread flexibly across the year, as some children may need fewer hours over a longer period.

Because there is sometimes less alternative provision available for primary aged children, it may be necessary to think creatively and develop tailored arrangements to make sure your child's needs are met.

If EOTAS is agreed, what happens in Section F of the EHCP?

Section F of the EHCP is where the EOTAS package provision is set out.

Once EOTAS has been agreed, you will need to think about what your child or young person's package needs to include and the EHCP Casework officer will work with you to review Section F of your child or young person's EHCP.

This should build on Part A of their EHCP ‘all about me’, says about what they want to do in the future as well as their SEND needs set out in Part B of their plan and the support they need stated in Part F. It needs to be clear why you are requesting specific support or approaches, so you need to match what you are requesting to what there is evidence for in Part F (created from various professional reports).

The EHCP Casework officer will meet with you to discuss your proposed EOTAS package and explain the LA’s views on whether the package being requested is in line with the needs described in Part B and support required in Part F. Given that there may be no nursery, school or college to oversee the delivery of provision on a daily basis, you will want to make sure everything that needs to be specified in section F is there.

As with any EHCP, Section F must be specific, for example it should say:

- how long the provision should last for (for example, one hour)
- how often it should take place (for example, every weekday or once per week)
- if the person delivering it needs any specific qualifications or experience, and
- whether your child is to receive the provision with any other children, and if so how many.

Depending on your child’s needs, professional reports might evidence the need for:

- physical activities to meet your child’s physical needs e.g. Gymnastics or swimming
- art, play or animal therapy to meet your child’s emotional and mental health needs
- activities with other children to meet your child’s social needs
- private tutors or teachers to meet your child’s cognition and learning needs
- speech and language therapy to meet your child’s communication needs.
- specialist training for staff working directly with the child or young person
- additional time for coordination and planning (e.g. more frequent meetings between professionals and parents, or with CAMHS, social workers or therapeutic teams)
- If your child has particular needs related to safety evidenced in professional reports then F should include how these risks are managed
- Where your child is travelling to activities or tutoring, safe travel plans should be included in risk assessment

Remember, in law, Section F of any EHCP should be so specific that it leaves no doubt as to exactly what provision is being delivered. This applies equally to a child or young person who has EOTAS. Recent case law highlights that it **may** need to be more specific because it isn’t being delivered within a typical educational setting.*

* **DM v Cornwall CC (SEN) [2022] UKUT 230** (educational provision which is bounded by a school building and the provision and rules that may apply to all pupils in that school may to an extent be assumed and not need to be stated whereas that provision may need to appear more explicitly in a case where the EHCP concerns a child being educated at home and otherwise than in school).

While EHCPs should be as specific as possible and clearly outline the support your child needs, there may need to be some flexibility to meet a child’s changing needs

to ensure the plan remains relevant and effective. The EHC plan is unlikely to specify exactly which provider, organisation or person will deliver the provision. Your LA can arrange for this provision to be delivered based on what section F details or the LA may offer a personal budget that allows you to make direct payments to do this if the LA is unable to fund the provision directly.

It is important to remember that Section F should describe what support your child needs—not where it's delivered

You may also need to request updates to Health and Social care provision in Sections G, H1 and H2. You can request a Social Care Needs assessment from the appropriate Social Care Team e.g. Children's Social Care Team or Moving into Adulthood or a Carer's assessment, if you consider your child or family may require additional support. You can also request a Continuing Health Care assessment.

What if EOTAS is agreed by a Tribunal?

If a SEND Tribunal agreed EOTAS, the judge will have decided the wording for the EOTAS provision in the EHCP and the EHCP wording cannot be changed until the next annual review, unless another review is triggered earlier.

How is EOTAS funded?

EOTAS can be funded in one of two ways:

1. Oxfordshire County Council (OCC) directly commissions and pays providers using those on the Approved Provider List. This is a growing list of tutors, therapists, and services that have been quality-checked and can be commissioned directly by OCC. You may wish to contact a range of providers to discuss your child or young person's needs, their availability, and the provision they can offer. Often, more than one provider is needed to deliver all of the provision set out in the EHCP.

Or

2. Via Direct Payments through a personal budget. OCC expects that, in most cases, EOTAS provision can be delivered using services from the Approved Provider List. However, if the provider/s you feel are the best fit are not on the approved list, you can still use them if agreed but this would then need to be via Direct Payments. This might be more likely if you live in an area of the county where there are fewer AP options or your child or young person falls into the primary and post-18 age ranges where there are fewer approved options.

Or sometimes, a combination of both options may be used.

Submitting the Budget Request to Panel (See template in toolkit)

Your EHCP Casework Officer will send the budget proposal, often in form of spreadsheets showing costs, and the updated EHCP back to the Complex Case Panel for approval. Sometimes the panel may not approve all the provision or budget requested. If this happens, your EHCP Casework Officer can advise what to do next. Once the CCP has approved the EHCP with the EOTAS package, your EHCP Casework Officer will issue the plan and, if you will be managing a personal budget yourself via Direct Payments, refer you to the Direct Payments Advice team.

Will OCC consult the views of parents and the young person before agreeing EOTAS?

Your child or young person's views and yours must be considered. EOTAS often places more responsibility on families — especially when it requires you to manage direct payments or takes place in the home — so your family's circumstances, capacity and willingness to support EOTAS is really important. If your child or your young person does not want EOTAS or you feel unable to manage EOTAS, it is very important to **tell your EHCP Casework Officer and explain why**.

Safeguarding and Risk Assessment of EOTAS Packages

For EOTAS packages provided directly through OCC's approved Alternative Provision Framework, safeguarding is OCC's responsibility, and they will have carried out the necessary checks taking into account the child or young person's full context and needs.

If you are managing your child or young person's EOTAS package via direct payments, you will be responsible for the appropriate checks and for asking providers to show you evidence of an up-to-date DBS and for risk assessments and you will need to evidence this to OCC. Individual providers remain responsible for risk-assessing and safeguarding the specific activities they deliver.

EOTAS packages will be planned based on individual needs and what is detailed in Section F and delivered in a holistic way that meets the child or young person where they are and removes any need for parental involvement if requested^[n1].

If you have any safeguarding concerns about your child or young person or arising from the way your EOTAS package is being delivered, you should speak to your EHCP Officer as the first point of contact who will follow the processes set out here. [Concerns about a child | Oxfordshire Schools](#)

Maths, English, and Science

All EOTAS packages *would usually* include Maths, English and Science. If your young person has not yet achieved a grade 4 (or equivalent) in English and Maths, the LA has a duty to continue supporting them in these subjects post-16. Even if your child or young person cannot access formal lessons in these subjects, progress in these subject areas can still be monitored in an informal way.

It's sometimes possible to build on a child or young person's special interests as a way to re-engage them with learning, build independence and perhaps even offer a route to future qualifications. **This is why the All about Me with the child or young person's views is so important.**

Monitoring If EOTAS remains appropriate- what to expect at your child or young person's Annual Review

Your child's progress and their EOTAS package will be reviewed at least **three times a year** as part of your child's termly reviews with the EHCP Casework Officer and a range of professionals involved in supporting them. If there were significant changes requiring substantial changes to provision, an Early Annual Review would be the next step.

The Annual Review of your child or young person's EHCP is the opportunity to look in detail at progress, changing needs and changes in provision needed to support them and any changes to their aspirations. Your child or young person should always be given the chance to share their views, either in person where possible or through their 'all about me.'

As part of these discussions, you could work with EHCP Caseworker and other professionals involved to identify specific and personalised, and where appropriate trauma-informed, outcomes that might suggest when your child or young person is ready to explore other options—like learning in small group settings or a supported school visit. The evidence needed to demonstrate that the outcomes have been achieved might include:

- An increased capacity to learn away from home without a parent present
- Reduced school-related anxiety or fear
- Increasing comfort around learning with peers
- More stable emotional and sensory regulation

As some children and young people receiving EOTAS have previously had significant negative experiences in school, as previously described, leading to trauma, it's important that any conversation about any return to school at the Annual Review is handled **carefully**.

What happens at 16 and beyond for my young person who receives EOTAS?

Most information in this guidance remains relevant for a young person post-16 who continues to need EOTAS beyond the statutory school age. However, there are some additional things to be aware of when it comes to 16 and beyond.

What is a Phase transfer?

When children and young people move between key stages of education – for example from pre-school to primary, primary to secondary, or secondary to college – this is called a **phase transfer**. At post-16, phase transfer also means looking at whether a young person will continue with EOTAS or move to a school or college.

For children in school, this process is straightforward – their EHCP is reviewed via an annual review, usually arranged by the setting or school, and the EHCP is updated to name the new school or college in Section I. For example, when a child leaves primary school, their EHCP would then name their secondary school.

For children or young people receiving EOTAS, Section I of their EHCP is usually blank, and OCC will arrange the annual review, and usual decision making applies to whether they will continue with EOTAS or move to a school or college. It's important to know that the legal test for EOTAS (known as Section 61) is the same at every age.

Just because a child or young person reaches a new stage of education does not mean they automatically have to move into a school or college setting – unless the evidence shows that the Section 61 test is no longer met.

For most young people with EOTAS, this decision must be considered at every annual review after they turn 16. Each year, the local authority must look at the evidence provided and decide whether the Section 61 legal test continues to be met.

Timings of Annual Reviews for Post 16 Phase transfer

When your child is in Year 11, an EHCP Annual Review must take place before the end of the autumn term to consider what will happen after Year 11 (known as the post-16 phase transfer). The phase transfer review will take place when your young person is in the summer term of year 10.

This often means there will be two annual reviews in the same school year. For example, if your child usually has their annual review in April, there would still be a review then, but an extra one would also need to happen in September, October, or November of Year 11. This is to make sure the process meets the statutory deadline of **31st March in Year 11**.

The reason for this timing is to ensure that:

- The EHCP is updated in good time so your child knows what their education will look like from the following September and to support transition planning
- If you or your young person do not agree with what the EHCP says (for example about needs, provision, or placement/EOTAS), there is enough time to use the early right of appeal to the SEND Tribunal (SENDIST) before September.

Using the evidence submitted as part of year 10 review, the EHCP team will consult the nearest appropriate settings, for example local colleges, in the autumn term your young person will be in Year 11. So no decision about continuing with EOTAS will be made until all the consultations are returned.

Working Towards Independence:

As your young person moves into post-16 education, it is important that everyone working with them helps to prioritise, plan, and build the skills they will need for adulthood. This includes supporting them to develop strategies for decision-making, building independence, and creating support mechanisms that they can use once their time receiving EOTAS comes to an end. Transition from EOTAS is usually a long-term process and may take several years, depending on your young person's needs and pace of progress.

Because there is often less alternative provision available after 16, it may be necessary to think creatively and develop tailored arrangements to make sure your young person's needs are met.

Co-ordinators and support networks will also work closely with your young person and your family, and where appropriate, consider referrals to Social Care to make sure the right support is in place.

EOTAS Post 19

EOTAS provision post 19 should have a very different feel and look from the package of learning and support identified for a younger person, with a strong focus

around the aspirations of the young person and their increasing levels of independence and ownership of their learning journey.

If EOTAS has been in place for a period of time already and is working well, you may expect very little to change.

Annual reviews will take place in the same way as normal, where evidence will be reviewed and decisions about whether EOTAS is still appropriate will be made.

The voice of the young person is crucial to this process and finding creative ways to capture and record their experiences are very important.

By the time a young person reaches 18, they will have been discharged from children's services.

In some cases these services may have been involved for many years but no longer have any input around the provision needed to support your young person's EOTAS package.

If appropriate, a referral into adult services will be made at the point of discharge. Adult social Care has MIA, which is a transition team which supports Moving Into Adulthood.

The referral criteria into adult services can mean that some young people may not meet the threshold for ongoing support.

If this is the case, their health care will be handed over to the GP at this point. With the loss of previous services and change of professionals, you may feel concerned around how you will evidence ongoing need for EOTAS, so it is vital that you maintain open lines of communication with your casework officer.

Again, being creative around how you evidence progress and gather information about how your young person is engaging with their EOTAS package will all help feed into the information gathered and shared as part of the annual review process. It may be that the providers listed on the approved list, do not necessarily offer what is needed for a young adult and you may need to discuss using individuals sourced by you, in partnership with your EHCP Casework officer who can meet more effectively the provision outlined in section F of the plan.

Helping a young person to become more involved in identifying areas for employment or independent growth are key to the ongoing development of an EOTAS package at this age.

Moving towards a return to school or setting

If your child or young person is making progress towards meeting their outcomes and in line with their aspirations, you (and your young person if appropriate) and the professionals working with them may feel they might be ready to explore education in a setting. Careful thought will be given to the small steps needed to make any future reintegration successful. Depending on the child or young person, this might

take a long time to achieve but any changes to outcomes and support needed will be based on discussions about your child or young person's individual needs with you as parent carer and professionals working with them. At this early stage EOTAS will remain in place.

Discussions will need to include:

- Which settings might be suitable
- How a phased return could work
- What support would be needed to make it a successful transition

The length of time and complexity of this reintegration phase will depend very much on your child or young person's age, the length of time and type of EOTAS package the child or young person has needed. For example, a young adult who has required EOTAS for a number of years and is now ready to transition to a further education college might require straightforward support, much like any other child with an EHCP transferring setting. By contrast, a younger child or young person that has received full-time EOTAS for many years and still has complex high-level support needs may need a longer and more gradual reintegration plan.

What key things help support successful reintegration?

If then, following the Annual Review, an appropriate setting is identified for your child or young person, a **transition plan** with achievable time scales will be developed with you, (your young person if appropriate), professionals working with them and the setting to try to ensure that the placement is successful.

This might include:

- How visits to the setting for you and plans for eventual visits by your child or young person will be arranged
- The pace and approach that suits the individual needs of your child or young person
- Clear information to help the setting understand the current needs of your child or young person as described in their EHCP as well their background and issues that led to EOTAS.
- How, when and how often you and the setting will communicate
- How your child or young person will be emotionally supported to prepare for the change. This might involve:
 - Social stories or visual timelines
 - Transition objects or role play
 - Support from trusted adults

As with any transition when your child or young person has built strong relationships with those working with them, there will need to be individualised planning to support your child or young person to move on.

If the transition is not working, an early AR will be called to discuss the situation and possible next steps and provision would then revert to what is appropriate to meet a child or YP's needs. As with all children and YP with EHCPs the LA will continue to review and monitor appropriate educational provision.

What happens about transport to sessions outside the home or to activities?

Local Authorities do not have a legal duty to provide transport for pupils receiving EOTAS. However, you can still ask for help with transport if it is essential for your child to access their provision set out in Part F. Oxfordshire County Council (OCC) will look at transport on a case-by-case basis, in line with the Home to School Transport Policy.

If you receive a direct payment from OCC to arrange your child's EOTAS package, it is important to include transport costs in your budget request. To help with this, you may want to provide the Local Authority with a weekly timetable showing your child's activities, including:

- Where they need to be collected from and taken to.
- The times of their sessions.
- Any support needs that apply to transport, as set out in their EHCP.

For example, if Part F of the EHCP states that your child needs full-time 1:1 support, this should also be included in the evidence you provide when discussing transport arrangements.

What if my child gets free school meals?

If your child or young person is entitled to free school meals, their EOTAS package will include arrangements to make sure this entitlement continues.

If you have any questions about how this will work for your child, you can email Free.SchoolMeals@Oxfordshire.gov.uk

What support will my child or young person get from the School Health Nursing Team?

The School Health Nursing Team are qualified Specialist Public Health Nurses who work with school aged children 5-19 years old. As part of this service, they offer a health review if requested, for children and young people who are EHE and EOTAS. They can offer health promotional support and will signpost to appropriate services where necessary.

Parents/carers can make their own referral via a Single Point of Access (SPA), contact number 0-19 Tel: 01865 903800 or Email: cyp0-19@oxfordhealth.nhs.uk

Parents/carers and young people can also text the chat health lines for advice and support:

ParentLine 0-4 years. Text: 07312263081

ParentLine 5-11 years. Text: 07312263227

ChatHealth 11-19 years. Text: 07312263084

Please be aware that the School Health Nursing Team are only able to provide Level 1 mental health support so if your child or young person is already under CAMHS or on the CAMHS waiting list, this would be above the level they can support with.

Please note, the CYP 0-19 website has a wide range of helpful information <https://www.oxfordhealth.nhs.uk/cyp-0-19/>

Careers Advice for Young People receiving EOTAS

All pupils in years 8-13 are entitled to good quality careers advice. If your young person is receiving EOTAS at these ages you or they should ask for this to be included in their Preparation for Adulthood outcomes and OCC will source it.

FAQS

Is full-time EOTAS the same as Elective Home Education?

No

With Elective Home Education, you choose to educate your child at home and not in school and take full responsibility — including funding — for their education. This applies even if your child has an EHCP.

Is Flexi-schooling the same as part-time EOTAS?

No.

Flexi-schooling is an informal agreement where a school allows your child or young person to attend part-time, and you take responsibility for educating them the rest of the time. Flexi-schooling:

- Is entirely up to the headteacher to agree and you have no right of appeal if refused
- Does not require an EHCP
- In contrast, **part-time EOTAS** is a legal entitlement (if the test is met), the child or YP has to have an EHCP, and the provision must be arranged and funded by the Local Authority.

Is EOTAS the same as Alternative Provision (AP)?

No

In Oxfordshire this is sometimes referred to as Alternative Education Provision (AEP)

With A (E) P:

- The child or young person remains on roll at their school.
- The goal is reintegration back into school or transition into another school.
- The child or young person does not need an EHCP.

Is EOTAS always full-time?

No

EOTAS can be part-time. Part-time EOTAS is when your child or young person gets a mix with **some education in school** and **some outside school**. This might be the case where a child with chronic fatigue or school-related trauma can only manage a few hours at school each week or a young person who needs regular therapy outside school as part of their EHCP provision, the child stays on the school roll, the school is named in Section I of the EHCP and the part of education delivered outside school is written in clearly in Section F as EOTAS. The Local Authority is responsible for directly **delivering and funding** the part-time EOTAS provision just as they are the other school-based provision specified in F.

Should my child or young person have EOTAS if they could attend a school but there are no places available?

No

EOTAS is intended only for children or young people whose needs and provision mean it is not appropriate for them to receive the provision outlined in Part F in a school or setting. It is not about a school place not being available.

If your child or young person could be educated in a school but there is no space, Section I of the EHCP should specify the type of school (e.g. "mainstream maintained school" or "non-maintained special school"). The Local Authority must keep searching for a suitable placement and amend the EHCP when one is found.

In the meantime, your child must still receive all the provision in Section F. This might look like EOTAS in practice, but it is temporary alternative provision, not EOTAS.

Is EOTAS always short-term?

No

While some children and young people only need EOTAS for a short time — for example, to recover from ill health before transitioning back to school, others may need full or part-time EOTAS for extended periods and some for the rest of their education.

Just as there must be an annual review of any EHCP to check that a child or young person's needs and provision are up to date, EHCPs with EOTAS will be reviewed annually too. EOTAS will be approved for one academic year at a time and will continue to need to be re-approved as part of the annual review as long as school or a formal educational setting remains inappropriate for your child or young person.

Can I Request a Personal Budget?

Yes.

Parents can choose to request —or choose not to request—a Personal Budget to deliver EOTAS provision through direct payments. Direct Payments come with responsibilities and you should never feel under pressure to agree to receiving them.

This way of funding your child's EOTAS package may be appropriate when:

- The child or young person already has a trusted relationship with a tutor or provider that is not on the Approved Provider List.
- No approved provider has the required specialism, availability, or meets the child's specific needs.
- Approved providers have been tried, but the provision is not working effectively.

The EHCP includes activities or resources (e.g., museum entry, equipment, specialist materials, and exam fees. Personal Budgets need to be sufficient to deliver the specified provision but must also demonstrate good value for money.

If your request to panel for a Personal Budget is declined or your preferences are not followed, your EHCP Casework Officer should provide written reasons.

You cannot appeal the Council's decision about whether they award a direct payment or not, but you can ask them to review their decision.

How Does a Personal Budget with Direct Payments work?

Direct Payments can be used to:

- Employ staff (e.g., tutors or therapists)
- Pay for therapy sessions or learning activities
- Purchase educational resources or access community activities
-
- Fund other provision that supports the EHCP outcomes.

These will need to have been agreed specifically as part of the Budget Proposal. You will be referred to a named **Direct Payments Adviser** (part of OCC's Finance Team) who will explain the requirements of managing direct payments. This will

include discussing who will deliver elements of the package, TA, Tutor, Therapist and checking that you have been told that you are responsible for checking all the people who will be involved with or delivering the EOTAS package have appropriate checks like DBS. (Disclosure and Barring Service. This service checks people's information against police records to help prevent unsuitable people working with vulnerable children or adults.)

Who does what in regard to EOTAS Direct Payments?

Some of the tasks lie with the EHCP Casework Officer, others with the Direct Payments Team and they work closely together.

EHCP Casework officer roles in regard to EOTAS Direct Payments:

- Draft and explain the Personal Budget contract
- Agree what the budget can be spent on and advise you if you are unsure whether a particular expense is allowed. They will refer to your child or young person's current EHCP.
- Ensure DBS checks and safeguarding training are in place for any paid adults

The **Direct Payments Adviser** will:

- Introduce themselves to you and agree what forms of communication work best for you (phone, teams, email etc)
- Help families understand their responsibilities when managing a budget
- Discuss the use of a self-managed account unless you have an employed staff member and will then suggest setting up a managed account with payroll. This does have a cost but added to the agreed budget.
- Advise how to keep appropriate financial records
- Remind and confirm DBS checks and safeguarding training are in place for any paid adults
- Remind you that the Direct Payment Audit Team will be in touch and advise how to prepare for the audit
- Direct Payment Audit Team will be in touch within first 3/ 6 months to review^[L] how the funds have been used to will check invoices, receipts, statements.

Be aware that the Direct Payments Adviser and Direct Payment Audit Team are separate teams.

After this, reviews will be carried at least once a year. It is very important that you keep **all** supporting documents for any payments made from the account. This could be invoices, payslips, amazon receipts etc. OCC may not ask for them but they must be available on request.

If the Direct Payment Audit Team has any questions about the way in which Direct Payments funds are being used, they will speak first to the EHCP Casework Officer before contacting the budget holder.

Personal Budgets for Young Adults

For young people under 18, parents or carers are expected to manage the budget. For those aged 18–25, the young adult may choose to:

- Manage their own Personal Budget (if they have mental capacity), or
- Nominate a trusted adult (e.g., a parent or carer) to manage it on their behalf.

Combining other types of personal budgets

If a child or young person receiving EOTAS has provision for medical treatment or therapy set out in section G of their EHCP, and/or social care provisions in section H, they may be eligible for other personal budgets for those parts too. In this case, families may wish combine budgets so they can arrange the education, health, and social care provision in their child/young person's EHCP more flexibly, which gives families the most control and creativity over those arrangements.

Whilst OCC 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 relevant organisations¹.

Renewing or Updating a Personal Budget

Personal Budget contracts run for 12 months and are usually renewed by agreement at the **Annual Review**.

How often the payments are made will depend on the package. They are usually paid 3 times per year unless there is a request for one off equipment. The payment schedule is OCC's decision.

Many families find they **underspend**, especially if their child or young person is not yet ready to access all of the provision in the EHCP. This would be identified during the audit process and discussed. If you have unspent funds at the end of the contract period, you must inform your Direct Payments Adviser. They may ask you to return the balance.

Please be aware that any changes needed to current package involving an increase in costs for a particular provision would need to be discussed at an Annual (or early) review.

Complaints.

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 procedure.

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Co-produced EOTAS Toolkit

It is helpful to know the types of evidence that OCC will need to help them make a decision about whether a child or young person needs to receive their education via an EOTAS package.

The EOTAS Working group and OCC have created a checklist with suggestions of evidence that could be sent in to show a) why a child or young person may require EOTAS and b) why specific provision is being requested.

To be clear, the suggested evidence listed below is intended to provide guidance only. This is in line with relevant legislation and law to enable OCC to determine if the requirement for section 61 has been met.

So suggestions of what to include:

1) Your views and those of your child or young person.

These are most important for panel, so please present views clearly, for example by writing letters to share with the Complex Case Panel.(referred to as the panel for rest of document) This is equally important when you as the parent carer do not feel that EOTAS is appropriate, when you have been advised or signposted to consider this.

2) An outline of what EOTAS will look like

For OCC to apply the Section 61 legal test , they need to know what facilities / provision EOTAS would offer and the cost, so that they can compare this to the cost and facilities available in a school. Therefore, they need an idea of what EOTAS might look like for your child or young person. At this stage, it is not necessary to prepare a fully detailed, costed proposal, but if you have one already do submit it!

3) Your child or young person's background and medical history

- Medical evidence
- Therapeutic input
- Chronology of your child or young person's educational journey to date
- Evidence of capacity to cope with school-like environments.

4) Their particular educational needs

Refer to the EHCP and professional reports to identify what adjustments and approaches are essential and indicate whether these could realistically be delivered in school. This could be historical evidence of what school has provided and what and why it hasn't worked, evidence of what your child or young person has engaged successfully with- this could then inform a future appropriate package.

5) The facilities that can be provided by a school.

The EHCP Casework Officer will identify potential school options and consult them if appropriate and consider their responses when making the decision. This will be discussed with you as parent and the EHCP Casework Officer who will check and confirm that the placement can meet need as described in your child or young person's current EHCP.

6)The facilities that could be provided otherwise than in a school:

This could include an outline of the possible proposed EOTAS provision, the professionals involved, sensory supports (examples) and home circumstances that might impact on successful delivery of EOTAS package. (For some families this might not be possible at home, for some will only be possible at home)

7) The cost of possible alternatives:

- The cost of the proposed school or school type, the EHCP Casework Officer can support you in finding this out.
- Details of the actual cost of current EOTAS package if you already have EOTAS
- Details of how much of the provision has been able to be accessed by your child or young person during the academic year in relation to the aspirational aims as originally agreed by OCC.
- The outlined proposed EOTAS package taking into account the proposed goals and aspirations in relation to accessing the full package by the end of the academic year. Your EHCP Casework Officer can support with this.

8) Any other relevant circumstances

- your family's ability to manage the logistics of EOTAS, including managing a personal budget.
- potential impact of EOTAS on siblings or wider family circumstances
- the special educational interests that EOTAS can support in building towards a child or young person's aspirations for the future.
- anything else you consider relevant, e.g. details about why you feel school-based provision is not appropriate or concerns as to possible outcomes for your child or young person if EOTAS is considered inappropriate by OCC..

Much of the information you need could or should be in the current plan or Annual review paperwork. Anything additional you can share with your EHCP Casework Officer.

A chronology of what education or activities your child or young person has received in the past, what didn't work and what has worked is useful to show how it has reached the point where you believe EOTAS is required. This can include formal education (school, alternative provision), clubs, social activities. Sharing both what they have tried and not managed to access and why they currently can't access is useful. Also sharing what they used to do and compare it with what they can do now is helpful for panel to understand how things have changed.

To cover each of these areas you could include letters or reports from professionals such as:

- Educational Psychologist (EP)
- CAMHS or other mental health professionals
- Occupational Therapist (OT)
- GP or paediatrician
- Speech and Language Therapist (SLT)
- Social Care including LCSS, Early Help

- Reports from Alternative Providers e.g. Hospital School, Meadowbrook or any Alternative Provision that your child has accessed previously.
- Private therapists

You may also have strong evidence from other sources such as:

- Letters or emails to and from school, showing what support was tried and why it hasn't worked, how your child is responding to school.
- Past records, such as exclusions, attendance, TAF minutes or hospital paperwork.
- Parental input, describing the impact of education on your child or young person

Strong evidence often comes from trusted people who know your child or young person well and can describe them over time. This might be someone like a teacher, football coach, scout leader, youth worker or church minister. If your child or young person is not engaging with professionals easily at present, evidence from these people who know them well is vital.

A timeline of key events can help the Complex Case Panel understand patterns of behaviour and how long the challenges have persisted. This can help show how your child's needs have escalated over time, and the impact of specific difficult experiences on their subsequent ability to access education.

Your EHCP Casework Officer should go through this checklist with you to help you understand what you (and your child's current or former setting) can provide as evidence for OCC to consider.

Once EOTAS is approved, you will then need to develop the full detailed EOTAS package with your EHCP Casework Officer's support for approval by the panel.

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