

Divisions Affected -

EDUCATION & YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE 22 November 2024

EOTAS POLICY (Education other than at School)

Report by: Lisa Lyons, Director of Children's Services

RECOMMENDATION

1. **The Committee is RECOMMENDED to consider the attached draft policy and provide comments in readiness for presentation at Cabinet.**

Executive Summary

2. Oxfordshire County Council (OCC) is required to have a policy for the delivery of Education Other Than At School (EOTAS) which has been noted as an outcome of the recent SEND inspection in 2023. EOTAS aims to ensure that all children and young people, especially those with special educational needs and/or disabilities (SEND), receive an efficient and effective education, even if they cannot attend traditional schools.
3. A policy has been drafted and is attached to this report for the consideration of the Committee. Feedback is sought on the policy and the intention is to then present this to Cabinet in January 2025.

Background

4. 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 recent SEND inspection 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, taking into account their views, wishes and feelings.

5. The policy is guided 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)
6. EOTAS is education provision to meet specific needs of pupils with an EHCP who cannot attend mainstream or specialist schools.
7. 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.
8. EOTAS is funded by local authorities and is considered only after all other options to support the child within a traditional school setting has been exhausted. The current spend on EOTAS as of November 2024 is £2.1 million.
9. The EOTAS policy lays out Oxfordshire County Council's legal standing and commitment to those children and families in receipt of EOTAS. It sets out aims and objectives of the policy.
10. EOTAS is funded via Direct Payments, or Oxfordshire County Council securing the provision identified, or it can be a combination of both Direct Payments and secured provision.
11. To ensure the governance of funds, the policy states that Oxfordshire County Council will seek to carry out due diligence on all personal payments made as part of an EOTAS package to support the monitoring of public funds, and, planning and amendments to the agreed package on an annual basis via the EHCP review process. Section 9 of the Education Act 1996 places a duty on the local authority to avoid unnecessary public expenditure.
12. Safeguarding arrangements will comply with DfE statutory guidance 'Keeping Children Safe in Education 2024 and Working Together to Safeguard Children 2023.

Corporate Policies and Priorities

13. 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

14. The number of families in receipt of EOTAS packages is relatively low, however the cost of providing bespoke packages of support for those awarded can be high.
15. The financial implication is met by the local authority via the High Needs Block. Payments for EOTAS packages can be made direct to the parent, directly by the LA or a combination of both.
16. Implementing an EOTAS policy is unlikely to have an impact on forecast expenditure. However, we know that the number of students with EOTAS packages is increasing at a faster rate than our numbers are rising overall and that the cost of these packages are usually very high, so we would fully expect the spend to continue to increase year-on-year.
17. The implementation of the policy alongside the guidance and information and the work being carried out regarding personal budgets will help to ensure better monitoring of the spend. The policy includes the governance of those packages, so that these packages are appropriately monitored and audited.
18. The annual spend as of November 2024 is £2.1 million for 52 children and young people.

Comments checked by: Jane Billington, Strategic Finance Business Partner – Children’s Services. Jane.billington@oxfordshire.gov.uk

Legal Implications

19. 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 leanne.schrouder@oxfordshire.gov.uk

Staff Implications

20. Currently the number of students 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.

Equality & Inclusion Implications

21. 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.

Sustainability Implications

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

Risk Management

23. 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

24. 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 on the drafted EOTAS policy and made amendments.

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Annex: EOTAS policy 2024

Background papers: NIL

[Other Documents:] NIL

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