

Divisions Affected – All

CABINET

17 March 2026

Education Otherwise Than At School (EOTAS) Guidance Report of Education and Young People Overview & Scrutiny Committee

RECOMMENDATION

1. The Cabinet is **RECOMMENDED** to —
 - a) Note the recommendations contained in the body of this report and to consider and determine its response to the Education and Young People Overview and Scrutiny Committee, 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).

REQUIREMENT TO RESPOND

2. In accordance with section 9FE of the Local Government Act 2000, the Education and Young People Overview & Scrutiny Committee requires that, within two months of the consideration of this report, the Cabinet publish a response to this report and any recommendations.

INTRODUCTION AND OVERVIEW

3. The Education and Young People Overview and Scrutiny Committee considered a report on Education Otherwise Than At School (EOTAS) Guidance and the associated EOTAS Toolkit at its meeting on 30 January 2026.
4. Cabinet had approved Oxfordshire's EOTAS Policy in July 2025 and had also agreed to the Committee's recommendation that the accompanying guidance should be taken through a co-production process and that it should return to the Committee before being finalised. The Committee focussed on whether

the draft guidance was sufficiently accessible for families whilst remaining legally accurate and operationally sound.

5. The Committee would like to thank Cllr Sean Gaul, Cabinet member for Children and Young People, Lisa Lyons, the Director of Children's Services, for attending to present the report, as well as Annette Perrington, Interim Deputy Director for Education and Deborah Smit, Assistant Director: SEND and Inclusion.
6. The Committee was also grateful to Jules Francis-Sinclair, the Chair of the Oxfordshire Parent Carer Forum (OxPCF), and Sophia Johnson, Feedback and Reporting Coordinator at the Oxfordshire Parent Carer Forum for attending.

SUMMARY

7. The Cabinet Member for Children and Young People introduced the Education Other Than At School (EOTAS) Guidance report by recalling his early experience of the topic on joining the County Council and Cabinet, noting the volume of representations and the ongoing public interest. At that point, the Council had required a clear policy framework. Whilst the policy itself had included some co-production, the accompanying guidance had not. Cabinet therefore approved the policy but, in line with the Committee's recommendation, required the guidance to be taken through a co-production process.
8. The Chair of OxPCF acknowledged the substantial effort invested in developing the EOTAS guidance but considered it not yet ready to be treated as final or genuinely co-produced. Concerns centred on the process and the absence of a clear co-production framework, limited senior officer involvement, and unresolved issues raised by parents. The guidance set out expectations of parents with reasonable clarity but it was judged to lack corresponding clarity about the Council's responsibilities, arrangements for monitoring and safeguarding, and accessibility. The Chair of OxPCF recommended further meetings with senior leaders, clearer language and structure, practical appendices, and a proper publication plan, together with a commitment to review the guidance after one year.
9. The Interim Deputy Director: Education and Inclusion recognised the considerable work and engagement undertaken and accepted that confidence in the document's usefulness to parents had not yet been fully established. The point of the current stage was to reflect carefully on the feedback and determine the further steps required to secure a helpful, agreed document.
10. The Chair reminded members that the Committee's function was to make recommendations rather than to dictate to Cabinet. Both the policy and the draft guidance had previously gone to Cabinet; the task now was to focus on what the Committee wished to say about the guidance, rather than revisiting the detailed content line by line.

11. The Committee heard that the draft EOTAS guidance had been developed with considerable effort and engagement, albeit that the previous commitment to full co-production had been challenging to the point that it had not proven practicable. The Committee established that the guidance's purpose was to support parents and carers in understanding the statutory processes, evidence requirements, and decision-making tests involved in EOTAS.
12. The Committee also discussed the implications of not revising the guidance. Members noted that families might continue to struggle to understand decision-making and evidence requirements, increasing the likelihood of delay, disagreement or complaint.
13. The Committee therefore makes one recommendation: that the guidance be broken down so that key information is clearer and more accessible, whilst technical content can be updated in appendices as operational practice evolves.

RECOMMENDATION

14. The Committee was clear on the importance of the Council having an EOTAS Policy. Cabinet had adopted such in July 2025 and the Committee did not consider it appropriate or desirable to re-open discussion about that. However, the Committee did hear from those representing parents and carers that there remained some disquiet about the draft guidance as submitted to the Committee.
15. The Committee regretted that it had not proven possible to co-produce the guidance, despite the intentions of the Council. However, despite the impracticability of co-production, there remained agreement throughout the discussion that what was needed was guidance that was legally robust but also genuinely usable for families.
16. Members noted that confidence in the draft's usefulness to families had not yet been fully established, and that it was reported that its length, structure and technical density made it difficult for some parents and carers to navigate. The Committee recognised the challenge of balancing legal accuracy with accessibility but was clear that greater clarity and a more manageable structure were needed.
17. Members explored how the inherently technical nature of EOTAS had shaped the drafting, including the need to explain the Section 61 test, bespoke package design, and safeguarding and monitoring processes. Officers advised that oversimplifying these elements would risk misleading families or weakening the guidance's legal soundness; however, they accepted that important improvements could still be made. The Committee explored whether a more modular approach – separating parent facing information from officer processes – would help to achieve the necessary balance.

18. The Committee considered that both the EOTAS guidance as drafted and the EOTAS toolkit demonstrated the value of a modular structure. The Committee was of the view that placing procedural and technical content in appendices whilst maintaining a shorter, clearer, parent-facing narrative would do much to improve clarity without weakening legal accuracy.
19. The Committee considers that this would bring wider system benefits in that it would support consistency, reduce misinterpretation, and help to improve the quality of evidence submitted. It would also improve maintainability, in that it would allow technical updates to be made without repeatedly revising the core guidance.
20. The Committee believes that failing to revise the guidance as drafted would pose foreseeable risks, including confusion, delay, and increased likelihood of disagreement or complaint. The Committee does not consider that restructuring the guidance would reopen policy decisions but, instead, would strengthen the likelihood that the guidance will fulfil its intended purpose.
21. The Committee therefore considers such a restructuring to be both proportionate and practical. The Committee recognises that EOTAS packages are currently used by a relatively small number of families (around 70 at the time of the Committee's meeting) but the total cost had previously been estimated at around £3.8 million. Each package is bespoke with the most expensive at around £300k per year, with most falling between £60k and £100k annually. For context, the Committee established that 'enhanced pathways', which support a cohort of around ten children with higher levels of need within mainstream-based inclusion programmes, were funded at the level of one teacher and one Higher Level Teaching Assistant, amounting to roughly £85k per year.
22. Whilst EOTAS packages are only used by a relatively small number of families, the fact that they cost so much money means that it is vital that they are accessed appropriately. The guidance arising from the policy should therefore be appropriate and accessible.

Recommendation: That the EOTAS guidance be broken down, with simpler, plain English and accessible information provided for parents and carers, supported by appendices containing officer processes and technical detail.

FURTHER CONSIDERATION

23. The Committee does not anticipate considering EOTAS again during the remainder of this municipal year.

LEGAL IMPLICATIONS

24. Under Part 6.2 (13) (a) of the Constitution Scrutiny has the following power: 'Once a Scrutiny Committee has completed its deliberations on any matter a

formal report may be prepared on behalf of the Committee and when agreed by them the Proper Officer will normally refer it to the Cabinet for consideration.

25. Under Part 4.2 of the Constitution, the Cabinet Procedure Rules, s 2 (3) iv) the Cabinet will consider any reports from Scrutiny Committees.

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Annex: Pro-forma Response Template

Background papers: None

Other Documents: None

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