



Education Other Than at School (EOTAS) Policy

September 2024

For children and young people with
Education, Health and Care Plans (EHCPs)

Document control information

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Introduction to EOTAS

Education Other Than at School (EOTAS) refers to educational arrangements made for students with an Education, Health and Care Plan (EHCP) who, for various reasons, cannot attend what would be considered a typical school setting.

The [Special Educational Needs and Disabilities \(SEND\) Code of Practice](#) outlines guidelines and provisions for children and young people with SEND. In the SEND Code of Practice, provisions regarding EOTAS are often included under the section discussing the duty of local authorities to provide suitable education for children with special educational needs. This includes ensuring that appropriate arrangements are made for those who cannot attend school due to health needs, physical disabilities, mental health conditions, or other reasons.

Key points related to EOTAS in the SEND Code of Practice include:

- **Responsibility of local authorities:** The code outlines that local authorities have a duty to arrange suitable education for children of compulsory school age who, by reason of illness, exclusion from school, or otherwise, may not receive suitable education unless alternative provision is made for them.
- **Flexibility in provision:** Local authorities are encouraged to be flexible in their provision of education for children who cannot attend school, ensuring that it meets their individual needs and is of a suitable standard.
- **Collaboration and support:** The code emphasises the importance of collaboration between local authorities, schools, health and social care professionals, and other relevant agencies to ensure that children receiving EOTAS are supported effectively.
- **Regular review and monitoring:** Local authorities are expected to regularly review the provision made for children receiving EOTAS to ensure that it remains appropriate and meets their changing needs over time.
- **Gradual reintegration:** Where possible, efforts should be made to support children receiving EOTAS to reintegrate into mainstream education or other appropriate settings when they are able to do so.

These provisions aim to ensure that children and young people who are unable to attend school for various reasons still receive the education and support they need to achieve their full potential.

The law and EOTAS

The legal framework for EOTAS is primarily governed by several pieces of legislation and statutory guidance, including:

- **Education Act 1996:** This act sets out the legal framework for education in England and Wales. Section 19 of the act places a duty on local authorities to make suitable education provision for children who, by reason of illness, exclusion from school, or otherwise, may not receive suitable education unless alternative arrangements are made for them.
- **Children and Families Act 2014:** This act introduced significant reforms to the special educational needs and disabilities (SEND) system in England. Part 3 of the act includes provisions relating to children and young people with special educational needs, including those who require EOTAS via section 61 of this Act. It outlines the duty of local authorities to assess and meet the education, health, and care needs of children and young people with SEND, including those who cannot attend school.
- **SEND Code of Practice:** The SEND Code of Practice provides statutory guidance for local authorities, schools, health, and social care professionals on their duties towards children and young people with special educational needs and disabilities. It includes guidance on providing suitable education for children who require EOTAS, including the importance of collaboration between agencies and the need for regular review and monitoring of provision.
- **Case Law:** Legal precedent established through case law may also shape the interpretation and application of laws and guidance related to EOTAS.

These legal provisions aim to ensure that children and young people who, for various reasons, cannot attend school still receive suitable education and support tailored to their individual needs, in accordance with their rights under the law.

The difference between EOTAS, alternative provision and elective home education

Alternative provision (AP)

Alternative provision is the umbrella term used to describe provision given to a child that is not delivered by or via a school directly.

Alternative provision can be commissioned by the local authority, a school or by a parent via a personal budget.

It can be used to try and re-engage a child or young person in learning, as a temporary measure whilst a suitable school placement is found, or to compliment provision already received in school.

Providers of alternative provision tend to make up a large portion of EOTAS packages due to its flexible nature.

Alternative provision is not named in section I of the EHCP.

Elective home education (EHE)

Elective home education (EHE) is when a parent or carer chooses not to send their child to school full-time but assumes responsibility for making sure their child receives a full-time education other than at school.

Choosing to electively home educate your child, means there is no legal responsibility for the local authority to fund provision required to meet a child or young person's needs. However, the local authority remains responsible for ensuring the parent or carer is providing a good standard of education and for carrying out annual reviews of EHCPs, if one is maintained.

EHE can be named in Section I of the EHCP.

Education Other Than At School (EOTAS)

EOTAS involves a specific legal test to consider and apply before it is agreed in collaboration with a family and range of professionals (often via a SEND Panel).

If EOTAS is agreed, the local authority is responsible for funding, reviewing and monitoring the package of support to ensure it is meeting the needs of the child or young person.

The type of provision to be delivered as part of the EOTAS package will be detailed in Section F of the EHCP, while Section I is left blank.

Determining if EOTAS is required

If EOTAS is requested by a family, we (Wokingham Borough Council) will consider the request at a panel of professionals (SEND Panel). The SEND Casework Practitioner from our SEND Team will collect any evidence and advice from professionals who support or have assessed the child or young person, to get a full picture of their needs and to understand what work has already been done to engage the child or young person in what would be considered a typical education setting.

When we are determining whether an EOTAS package is suitable for a child with an EHCP, we must apply the legal test outlined in the [Children and Families Act 2014, Section 61](#). Specifically, we must consider whether the provision specified in the EHCP is appropriate to meet the child's special educational needs, health needs, and social care needs, and whether it is consistent with the outcomes specified in the EHCP.

The legal test can be summarised as follows:

1. [Section 61 of the Children and Families Act 2014](#) in England grants local authorities the power to arrange special educational provision for children and young people outside of traditional school or post-16 institutions when it would be inappropriate for the provision to occur in a school or post-16 institution.
2. **Appropriateness of provision:** We must assess whether the educational provision specified in section F of the EHCP is appropriate to meet the child's special educational needs.
3. **Health and social care needs:** In addition to educational provision, we must also consider whether the health and social care provision specified in the EHCP is appropriate to meet the child's health and social care needs.
4. **Consistency with outcomes:** The provision specified in the EHCP must be consistent with the outcomes specified in the plan.
5. **Review and monitoring:** We have a duty to regularly review and monitor the provision specified in the EHCP to ensure that it remains appropriate and continues to meet the child's needs over time.

If we determine that an EOTAS package is not suitable for a child or young person, we will suggest and explore alternative options with the family.

Deciding what is to be included in an EOTAS package

Provision delivered within an EOTAS package should match the provision set out in Section F of the EHCP and support the outcomes identified in Section E.

We will work closely with families when determining what provision should be included in an EOTAS package, and will take several steps to ensure that the provision meets the child's needs effectively:

Assessment of needs: We will conduct a thorough assessment of the child or young person's needs, including their educational, health, and social care needs. This assessment should consider any existing documentation, including child or young person views, parent / carer views, EHCPs, medical reports, and assessments from relevant professionals.

Consultation with stakeholders: We will consult with relevant stakeholders, including the child and their parents or carers, educational professionals, health professionals, and social care professionals. These consultations can provide valuable insights into the child or young person's needs and preferences and help ensure that the provision is tailored to meet their individual requirements.

Identification of objectives and outcomes: Based on the assessment of needs and consultations with stakeholders, we will identify the objectives and outcomes that the EOTAS provision should aim to achieve. These objectives should be specific, measurable, achievable, relevant, and time-bound (SMART), and should address the child's educational progress, health and well-being, and social development.

Selection of provision: We will consider a range of provision options that could meet the child or young person's needs effectively. This could include home tuition, online learning programs, alternative provision settings, or a combination of different approaches. The provision selected should be appropriate to the child or young person's needs, preferences, and circumstances, and should support them in achieving their identified objectives and outcomes.

Allocation of resources: We will ensure that adequate resources are allocated to support the provision identified for the child or young person. This may include funding for staffing, equipment, materials, and any additional support services required to facilitate the child's learning and development.

Preparation for adulthood: When a child is preparing for adulthood from year 9 onwards, the EOTAS package should be tailored to meet not only their needs, but to help them achieve their aspirations. At this stage of learning, it is likely the EOTAS package and EHCP will adapt to include elements for preparing for adulthood. This could involve transition planning, careers advice and guidance, adapting provision to

focus on aspirations, travel training, learning independent living skills and other possible options. Much like in a school setting, the EOTAS curriculum for a child entering Key Stage 4 should be more focussed on ensuring they can achieve the qualifications and skills required for the next stage of their education.

With all of the above, the SEND Team will work closely with the family, discuss and consider parental preferences, and take into account the cost effectiveness and locality of providers. We will also look to use providers who have gone through alternative provision due diligence checks, are signed up to Wokingham Borough Council's alternative provision contract and have given evidence of policies, including safeguarding procedures.

If we decide that a provider is not appropriate, we will suggest alternatives.

Monitoring and reviewing EOTAS packages

Once the EOTAS provision is in place, we will conduct regular reviews to monitor the child or young person's progress and evaluate the effectiveness of the provision. If necessary, adjustments should be made to the provision via an early annual review, to ensure that it remains appropriate and continues to meet the child or young person's evolving needs over time.

We will ask providers who are delivering provision as part of an EOTAS package to submit half termly reports on the child's progress and attendance. These reports will be monitored by the SEND Team and recorded safely with the child's documentation. If any concerns regarding the provision should arise, an interim or emergency review can be called by the provider, the local authority or the family and the appropriateness of continuing the provision can be assessed.

Children and young people who are on an EOTAS package must still have annual EHCP reviews in line with legislation. These should be chaired by a SEND Casework Practitioner from our SEND Service, however if there is a lead education provider as part of the EOTAS package, it may be deemed suitable for them to lead the annual review meeting and manage the process.

When reviewed, several key elements will be considered:

- Is the child or young person making progress against the outcomes set out in the EHCP? If not, is the provision still appropriate and should amendments or ceasing the provision be considered?
- Has the child or young person's circumstances or engagement changed to allow them to transition back to a school setting? If not and if appropriate, can outcomes or provision be amended to work towards this outcome?

- Feedback from the child or young person, and their families regarding their experience of the provision delivered.

Travel assistance and EOTAS

Parents and carers are generally expected to make their own arrangements to take their children to and from their education provision. However, some children and young people with SEND may be eligible for extra help and support to get to school or college. This is called travel assistance.

We are an enabling council. We prioritise empowering parents and families to find their own solutions, helping people to be independent and to access support when they really need it. The type of travel assistance offered will be for the council to decide, taking into account the needs of the child or young person and the nature of the journey to be undertaken. The assistance offered might include:

- Personal transport budget: when a parent or carer transports a child of statutory school age between their home and school and is paid 70p for each mile travelled. When a parent or carer transports a young person aged 16-25 to school or college, there are three distance bands in which you would expect to receive a payment, as shown in the table below

Band	One Way Distance from Home to School (Miles)	PTB Payment
1	Up to 5 Miles	£2000 per annum
2	5-10 Miles	£3000 per annum
3	Over 10 Miles	£5000 per annum

- A parent or carer consenting to a walking escort or responsible adult to escort the young person on public transport
- Training and support to travel independently
- Free passes for children on public transport
- A seat in a taxi, usually shared with one or more other pupils, where a pupil's needs require more personalised arrangements. This will be in exceptional circumstances only.

From September 2024, EOTAS provision arranged by parents via direct payments that are over 20 miles away from home will be taken under consideration. This is due to the council's responsibility to ensure public funds are used efficiently.

All transport assistance requests must be made by downloading and completing the [travel assistance application form](#). Families will be expected to provide an example week of EOTAS provision agreed with our SEND Service, to enable the transport panel who meets every two weeks to consider travel assistance applications.

If travel assistance is agreed, parents or carers will be expected to confirm attendance at activities and education provision by asking the provider to validate attendance on a termly basis. There is a template available to support this.

Wokingham Borough Council's website has more information about [SEND travel assistance to school and college](#).

Finance arrangements and payments

We (Wokingham Borough Council) are responsible for funding EOTAS packages. We will either pay providers directly (directly commissioned services) or a family can choose to receive a personal budget via direct payments, so that they can pay for agreed provision themselves. Families may also have a combination of the two.

Directly commissioned services

We will directly pay a provider for delivering EOTAS provision to a child or young person. The provider will be expected to send us confirmation that the child or young person has been accessing their provision.

Direct Payments

If a family choose this option, funds are transferred directly to them, or to a person nominated by them, to organise and pay for agreed provision set out section F of the EHCP. The person receiving the direct payments will be asked to submit receipts to our SEND Finance Team regularly, to evidence how the direct payments are being spent and this will be reviewed by the SEND Team.

Direct payments are not classed as income and will not affect any welfare benefits that your child or young person is entitled to.

More information about direct payments can be found in our [Personal Education Budget and Direct Payment Policy](#).

Any funding for an EOTAS package related to special educational needs must be used towards the educational outcomes set out in the child or young person's EHCP.

Examples of how funding might be used include:

- An activity or staffing to be delivered in an education setting or at home
- To deliver an educational activity outside of an education setting or home
- Equipment related to the delivery of education
- Something bought specifically for an individual child or young person to support with their education e.g. play therapy (individually commissioned services)
- Advice and assistance from an organisation to help with managing direct payments (if there is a reasonable charge by the organisation)

Examples of what cannot be bought using an EOTAS package include:

- Anything that is not identified as an educational outcome in the child or young person's EHC plan
- Health or social care provision that will not achieve identified educational outcomes for the child or young person

- Food and other items purchased whilst in the community, unless it is to be directly used to support another EOTAS activity. For example, food purchased when visiting a café can't be paid for from an EOTAS personal budget, however buying art supplies for a future agreed EOTAS activity and can be funded.

Further support

Parents, carers and young people seeking further free, confidential and impartial advice or guidance can contact the [Special Educational Needs and Disability Information Advice and Support Service \(SENDIASS\)](#).

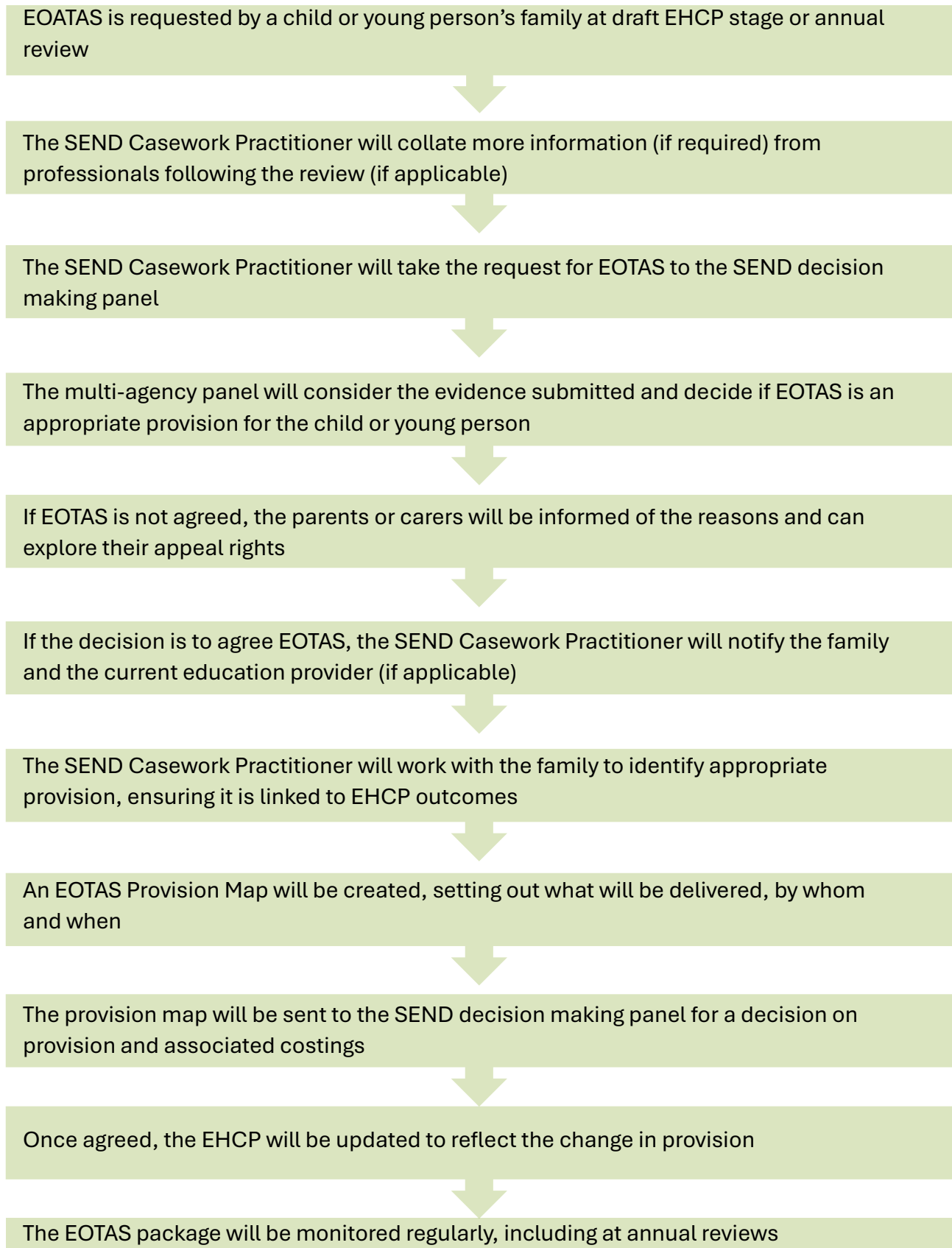
Contact details for the SENDIASS Team:

Telephone: 0118 908 8233

Email sendiass@wokingham.gov.uk

Processes to Appendix the EOTAS Policy

The EOTAS Process



Finance Process

Provision directly commissioned by Wokingham Borough Council:

An EOTAS package is put together collaboratively with parents and a SEND Casework Practitioner. This will include a provision map for a typical week, including costs

The EOTAS package is taken to a SEND panel for agreement

The outcome of the panel and providers to be directly commissioned by Wokingham Borough Council are shared with our SEND Finance Team

SEND Finance will set providers up for 6 half termly payments per academic year

Parents will return an EOTAS attendance form to Wokingham Borough Council Transport, which will be shared with SEND Finance to confirm attendance

Provision commissioned by a family via direct payments:

An EOTAS package is put together collaboratively with parents and the SEND Casework Practitioner. This will include a provision map for a typical week, including costs

The EOTAS package is taken to a SEND panel for agreement for agreement

The outcome of the panel and providers to be directly commissioned by Wokingham Borough Council are shared with our SEND Finance Team

SEND Finance will set up direct payments to families to be made every half term

Parents will return an EOTAS attendance form to Wokingham Borough Council Transport, which will be shared with SEND Finance to confirm attendance and continued payments