

## Education Otherwise Than At School (EOTAS)



### Understanding EOTAS

Some children and young people with special educational needs are unable to access education within a school or college environment, even with support in place. This may happen because:

- placements have repeatedly broken down,
- attendance has become impossible due to the child's needs,
- or no educational setting can safely or appropriately meet the provision required.

For children and young people with an Education, Health and Care Plan (EHCP), an Education Otherwise Than At School (EOTAS) package may be considered.

### What Is EOTAS?

EOTAS refers to education arranged outside of a school or college environment for a child or young person with an EHCP whose needs cannot appropriately be met within a formal educational setting.

Under Section 61 of the Children and Families Act 2014, a Local Authority can arrange education outside of a school where it is satisfied that education within a school or post-16 institution would be inappropriate for the child or young person.

This usually requires evidence showing that a school-based placement cannot safely or appropriately meet the child's needs.

Support provided through EOTAS will differ depending on the individual child's needs, but may include:

- ➔ Home or online tutoring
- ➔ Learning delivered through alternative providers
- ➔ Mentoring or emotional wellbeing support

Therapies including:

- ➔ Speech and Language Therapy
- ➔ Occupational Therapy
- ➔ Physical therapies
- ➔ Animal-assisted therapies

If EOTAS is approved, the educational provision should normally be detailed within Section F of the EHCP. In many cases, Section I is left blank because no school placement is being named.

The Local Authority remains legally responsible for arranging and funding all provision included within the EOTAS package. Families may also request a personal budget in some circumstances.

## How Can Parents Request EOTAS?

A child or young person must either:

- already have an EHCP, or
- be going through the EHC needs assessment process.

A request for EOTAS can be made at different stages of the EHCP process, including:

- during the initial EHCP process,
- as part of a reassessment,
- or during an annual review.

The Local Authority must consider parental views, but evidence will usually be required to show that education in a school setting is inappropriate.

Examples of situations where EOTAS may be appropriate include:

- Mainstream and specialist placements have both failed or broken down
- No school consulted by the Local Authority can meet the child's needs
- Professionals such as Educational Psychologists recommend education outside of school

## When Is a School Considered “Inappropriate”?

The courts have confirmed that Local Authorities must look carefully at whether a school environment is genuinely suitable for the individual child, taking into account their specific needs and circumstances, including in the case of *TM v London Borough of Hounslow*.

When making this decision, Local Authorities should consider factors including:

- the child's medical history and background,
- their individual educational needs,
- the wishes of the parents.
- what support could be delivered outside of school,

- the child's response to previous educational provision,
- the costs of different arrangements,
- what support and facilities a school could realistically provide,

Every case must be considered individually based on the child's specific circumstances.

## Is EOTAS the Same as Elective Home Education (EHE)?

EOTAS and Elective Home Education are different.

When parents choose to home educate, responsibility for arranging suitable education sits with the parent rather than the Local Authority.

With EOTAS, the Local Authority continues to hold responsibility for securing and funding the provision outlined within the EHCP. This distinction is important because, where a parent electively home educates, the Local Authority is generally no longer required to arrange the special educational provision listed in Section F of the EHCP.

## Annual Reviews for EOTAS

EHCP annual reviews must continue even where a child is receiving education otherwise than at school.

The review must take place:

- within 12 months of the EHCP being finalised, and
- every 12 months after the previous review.

The Local Authority is responsible for carrying out the review process and must continue to follow the same legal timescales and duties as with any other EHCP.

During reviews, the Local Authority may ask for updated evidence showing why education within a school setting continues to be unsuitable.

## What If the Local Authority Refuses EOTAS?

Parents have the right to appeal to the SEND Tribunal in certain situations, including:

- ➔ Following the issue of a final EHCP after an EHC needs assessment
- ➔ Following an amended EHCP after an annual review
- ➔ Following an amended EHCP after reassessment
- ➔ If the Local Authority refuses to amend the EHCP after review
- ➔ If the Local Authority refuses to reassess
- ➔ If the Local Authority decides to cease the EHCP

Where appealing against a final EHCP, parents can challenge:

- Section B (special educational needs),
- Section F (special educational provision),
- and Section I (placement)

Evidence will usually be needed to demonstrate why a school placement would not be appropriate for the child or young person.

Where the appeal relates to a refusal to reassess or amend the EHCP, parents would usually first need to challenge that refusal before later appealing the contents of the amended plan if agreement is still not reached.