

CHILDREN AND YOUNG PEOPLE

with an Education, Health and Care Plan

who are educated other than at
school/college (EOTAS/EOTAC)



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Children and Young People with an Education, Health and Care Plan who are Educated Other Than At School/College (EOTAS/EOTAC)

A. Definition of Education Other Than At School/College

1. All local authorities must have regard to the views, wishes and feelings of the child and parents when exercising its SEN functions (Section 19 of the Children and Families Act 2014). As part of this, there may be circumstances where a child, young person and/or parents/carers feel strongly that they, or their child with SEND (with or without an Education, Health and Care Plan (EHCP)) should be educated at home. This is normally referred to as Elective Home Education (EHE).
2. In consultation with the child or young person, the parents/carers, and professionals involved, it may be decided that it would be inappropriate for the child or young person to receive the necessary special educational provision in a school, post-16 institution, or state-funded early years setting. In cases like these, special educational provision can be made other than at school or college (Section 61 of the Children and Families Act 2014). This we refer to as Education Other Than At School (EOTAS) EOTAS or Education Other Than At College (EOTAC).
3. An EOTAS/EOTAC package provides education for children and young people with social, emotional, behavioural, medical, or other issues who, without such adaptation to the curriculum, may not be able to tolerate access to education in a mainstream or specialist education setting. An EOTAS/EOTAC package must be challenging and stretching to the child or young person and focus on helping children and young people to address barriers to learning as set out in section B, E and F of the Education, Health and Care Plan.
4. If the Local Authority agrees to an EOTAS/EOTAC package, Section 42(2) of the Children and Families Act 2014 places a duty on the Local Authority to ensure that the child or young person is receiving education as set out in the EHCP. It is imperative that EOTAS/EOTAC can only be agreed if it is “inappropriate” for a child or young person to attend school or college. The presumption, therefore, is that a child should attend an educational setting, unless it is inappropriate for them to do so. This decision is based on the advice from professionals and in discussion with the child, young person and their family.

B. Consideration of an EOTAS/EOTAC package

1. An EOTAS/EOTAC package may be considered as follows:
 - i) The child or young person is undergoing a statutory assessment. The Local Authority assesses and determines that it may be inappropriate for the child to attend an educational institution. The allocated SEND Coordinator presents the case at Rotherham Council’s SEND Panel

for formal agreement and sign off. An EOTAS/EOTAC package is agreed.

- ii) The child or young person is having a review of their EHCP. The local authority assesses and determines that it may be inappropriate for the child or young person to attend school or college. The case is presented at Rotherham Council's SEND Placement and Provision Panel for formal agreement and sign off. An EOTAS/EOTAC package is agreed.

C. Consideration of a parental request for an EOTAS/EOTAC package

1. If a parent/carer expresses a preference for their child to be educated at home, it is important to firstly clarify whether the request is for the parent/carer to Electively Home Educate (EHE). Often parents/carers will either explicitly express a preference to electively home educate or request an EOTAS/EOTAC package. These are very different.

EHE places a responsibility on the parents/carers to make their own arrangements for education and to fund it themselves (Section 7 of the Education Act 1996). EOTAS/EOTAC package places the responsibility on the Local Authority to fund the provision outlined in Section F of the EHCP. (Section 42(2) of the Children and Families Act 2014).

However, there may be instances where this is unclear. In these instances, the Local Authority will consider section 61 of the Children and Families Act 2014 and determine whether it would not be inappropriate for:

- i) Any special educational provision required by the child or young person to be made in any school or college.
 - ii) Any part of the provision to be made in any school or college.
2. A parent/carer may request for their child to be educated at home via the following:
 - i) Parental response to a proposed EHCP
 - ii) Via a review of the EHCP
 3. Separately in writing to the local authority, please note there is no formal template other than the request must be put in writing to the local authority. The allocated SEND Coordinator will use the information provided by the parent/carer and complete a SEND's Placement and Provision Panel summary. Alongside this, the SEND Coordinator must include any accompanying information (see section below) that will support the panel to reach an informed decision. The SEND Placement and Provision Panel summary must specify if the parent/carer has requested a personal budget via a direct payment (more information provided below). The form must also detail the reasons why the child or young person cannot be educated in a school, post-16 institution, or state-funded early years setting as indicated via the parental request.

D. Criteria to determine whether it is inappropriate for the child or young person to be educated in an educational setting

1. When making decisions about EOTAS/EOTAC, the local authority (via the SEND Placement and Provision Panel) will consider the following:
 - i) The evidence, information and views submitted by the child or young person and their parents/carers on the subject.
 - ii) The information collated by the local authority, from the professionals and agencies that it believes necessary, about the child or young person, such as:
 - The child or young person's EHCP
 - The most recent Annual Review information
 - Attendance, and behaviour logs
 - Reports/letters from professionals currently involved with the child or young person.
 - School/ college consultation responses
 - Any other relevant information which may detail needs and circumstances.
2. Alongside consideration of the above documentation, the following will be discussed:
 - i) The child or young person's and parent's/carer's wishes.
 - ii) The child or young person's background and medical history.
 - iii) The educational needs of the child or young person.
 - iv) The provision required to meet the educational needs of the child or young person.
 - v) The facilities that can be provided by a school, post-16 institution, or state-funded early years setting.
 - vi) The facilities that could be provided via EOTAS/EOTAC.
 - vii) Any other circumstances that apply to the child or young person.
3. If the local authority (via the SEND Placement and Provision Panel) conclude that it is appropriate for the child or young person to be educated in a school, post-16 institution, or state-funded early years setting and the parent/carer continues to express a preference for their child to be educated at home, under Section 7 of the Education Act 1996, parents/carers will be responsible for making their own arrangements to educate electively at home.

E. Creating an EOTAS/EOTAC package

1. If it has been concluded by the local authority (via the SEND Placement and Provision Panel) that it would be inappropriate for the child or young person to be educated in a school, post-16 institution, or state-funded early years setting, Section 42(2) of the Children and Families Act 2014 places a duty on the authority to ensure that the education specified in the plan is provided.
2. The local authority will devise an EOTAS/EOTAC package that will:
 - i) Provide the child or young person with an education that is suitable to their age, ability, aptitude, and special educational needs.

- ii) *Where appropriate*, specify how it will facilitate the child or young person's return or integration into school or some other educational provision.
 - iii) Consider the efficient use of public resources.
 - iv) Manage the delivery, monitoring, and review of the EOTAS/EOTAC programme in place.
3. The Educational Psychology Service (EPS) will work in partnership with the SEND Team and an Educational Psychologist (EP) will be allocated to assess the strengths and needs of the child/young person, which will include discussion with parents/carers.
 4. The SEN EOTAS Advisor from the Special Educational Needs Service will be informed following the SEND's Placement and Provision Panel that EOTAS/EOTAC has been agreed. The SEN EOTAS Advisor's role will be to provide recommendation on a suitable educational package and will work in partnership with the SEND Coordinator and the EP to create an EOTAS/EOTAC package.

F. Educational package offered

1. The SEND Coordinator, the SEN EOTAS Advisor, and the EP will work collaboratively with the child or young person and parents / carers to:
 - i) Determine a suitable programme of education (led by the SEN EOTAS Advisor in partnership with the EP).
 - ii) Ensure any other relevant professionals have been consulted and recommendations have been provided where appropriate.
 - iii) Organise implementation of the EOTAS/EOTAC programme.
 - iv) Specify dates for reviews and frequency of these.
2. The package will consider:
 - i) Teaching in core subjects: English, Maths and Science
 - ii) Other subjects that are age appropriate and that will support the child or young person to return to school or a post 16 institution.
 - iii) Provision required to support their communication, physical, sensory and social, emotional, and mental health needs, where identified by appropriate professionals.
 - iv) Provision to support PfA and aspirational outcomes.
3. An 'EOTAS/EOTAC package document' must be completed. This will detail:
 - i) Each provision offered as part of the EOTAS/EOTAC package.
 - ii) The need and outcome that the provision relates to and how progress against outcomes will be measured.
 - iii) Description of each provision.
 - iv) The individual or organisation that will be delivering each provision.
 - v) The cost breakdown of each provision.
 - vi) Any other involvement needed by the individual or organisation that is not direct working with the child/YP e.g., reports/attendance at meetings.

- vii) Outline any equipment or sundries needed to enable the child/YP to access their EOTAS/EOTAC package including costs.
 - viii) The SEND EOTAS Advisor will arrange for the case to be re-presented at the SEND Placement and Provision Panel for agreement on the EOTAS/EOTAC package (EOTAS/EOTAC Package Document to be presented alongside a Placement and Provision Panel Form).
4. There are a range of providers that can offer online independent learning, face to face and online tuition or other bespoke programmes which the Local Authority is currently commissioning or has previously commissioned.
 5. Where contacts are not already available for provision, the SEND EOTAS advisor, alongside commissioning, will research local available provision and take into account the following:
 - i) Ensure the individual/organisation has an enhanced, up to date DBS check.
 - ii) The individual/organisation has provided proof of their professional qualification (e.g., QTS certificate for a Teacher, Therapist certificate).
 - iii) Insurance certificate details where applicable.
 - iv) Safeguarding certificate.

G. Parental request for a Personal Budget via Direct Payments to deliver EOTAS/EOTAC

1. A Personal Budget (PB) is an amount of money identified by the Local Authority or Health to deliver provision set out in an EHC plan. The Special Educational Needs (SEN) Regulations 2014 set out specifics around when a PB can be requested, who by, how it should be used, monitored, and reviewed. The child's parent/carer or the young person has a right to request for a PB when the Local Authority has completed an EHC needs assessment and confirmed that it will prepare an EHC plan. They may also request a PB during a statutory review of an existing EHCP. Regulation 5 sets out who payments can be made to. They must be an adult, either the young person themselves, their parent/carer, or a nominated person, and have full mental capacity (please refer to schedule below for certain persons who may not receive a Direct Payment (DP)).
<http://www.legislation.gov.uk/ukxi/2014/1652/schedule/made>
2. There are instances where parents may ask for a PB via DP to secure provision of an EOTAS/EOTAC package. In these instances, the SEND EOTAS advisor will present the case at SEND's Placement and Provision Panel and detail the request in the Placement and Provision Panel Form which will include the goods or service to be secured and the proposed amount.
3. The local authority (via the SEND's Placement and Provision Panel) must ensure that the amount requested as DP is sufficient to secure the agreed provision but also that securing the proposed agreed provision by DP is an efficient use of the authority's resources. DP will not be agreed if it is more cost effective for the LA to secure the provision. There is no right of appeal against the decision.

4. Where a parent/carer has put forward elements of, or an entire programme with specific providers, the SEND's Placement and Provision Panel will consider this in detail and determine if it is an efficient use of public resources. Where it is not deemed an efficient use of public resources, the Local Authority is not under any legal obligation to use a provider suggested by the child or young person, parent or professional. Its legal duty is to ensure the provision listed in Section F of an EHCP is offered to a child/YP on an EOTAS/EOTAC programme. This request can therefore be declined.
5. If DP via a PB is agreed, Section J of the EHCP must list:
 - i) Name of person responsible for the PB.
 - ii) Outcomes to which the PB contribute towards.
 - iii) The provision from Section F that the PB holder will be responsible for.
 - iv) PB value.
 - v) Lead agency (Education, Health or Social Care).
 - vi) Arrangements for payment of PB.

The parent or carer must also complete and sign a 'Personal Budget Direct Payments Agreement' before the Direct Payments are made.

H. Amending an EHC Plan with EOTAS/EOTAC provision

1. Once the EOTAS/EOTAC package has been agreed, the SEND Coordinator will amend the EHCP to reflect this. Any provision which is being made on an EOTAS/EOTAC basis must be set out in Section F. The law relating to specificity applies to EOTAS/EOTAC just as it does to provision delivered within educational institutions. All provision should be written into the EHCP with such a level of specificity that it leaves no room for doubt.
2. Section F must not specify providers or names of the people or organisation that will deliver the provision. It must simply outline the intervention or strategy and the frequency of this provision. It can also specify the adult e.g., a qualified tutor.

I. Finalising an EHC Plan with EOTAS/EOTAC provision

1. If it is agreed that it would be entirely inappropriate for a child or young person to attend an educational institution, Section I of the EHCP will be left blank. The full details of the EOTAS/EOTAC package will be specified in Section F of the EHCP.
2. If it is not agreed that it would be entirely inappropriate for a child or young person to attend an education institution to receive some of the special educational provision and the child or young person will attend an educational institution for at least part of the time, Section I of the EHCP must name the school or college they will attend. Any special educational provision which will be made otherwise than at school or college will be set out in Section F of the EHCP.

J. Monitoring and review of the EOTAS/EOTAC package

The local authority will monitor a child or young person's progress and conduct a review of that provision at least once each academic term. One of these monitoring meetings will be replaced with the Annual Review of the EHC Plan. The format of the review will include the child and young person, parent/carers, and involved professionals' view of current provision, progress, and if appropriate, a plan for returning to school.

K. Concerns and complaints about EOTAS/EOTAC

The child or young person or their parents/carers are entitled to raise any concerns that they may have about their EOTAS/EOTAC provision with the local authority. In the first instance, it is helpful to discuss any concerns with the allocated SEND Coordinator who will work to resolve these. However, if the child or young person, parent/carer wishes to escalate their complaint, this can be done by submitting a complaint via the local authority's Corporate Complaints procedure.

L. Safeguarding commitment

The local authority has a duty of care to children who are receiving education other than at school or college. If concerns are raised that a child or young person's safety or wellbeing is compromised, or it is felt that the child or young person may be at significant risk, the allocated SEND Coordinator will speak to their line manager or another member of the leadership team without delay. If appropriate, they will refer to the Children's Multi-Agency Safeguarding Hub (MASH). MASH is equipped to identify the level of risk and needs of children and where necessary, rely on multi agency information sharing processes to make an informed decision about the most appropriate response that needs to be taken.

Telephone: 01709 336080, Monday to Thursday from 9am to 5pm, Friday 9am to 4:45pm.
Out of office hours on 01709 336080.

If anyone is concerned that the child or young person may be in immediate risk or danger, they must dial 999.

M. References to legislation

1. Children and families Act 2014
 - i) Section 19: <https://www.legislation.gov.uk/ukpga/2014/6/section/19/enacted>
 - ii) Section 61: <https://www.legislation.gov.uk/ukpga/2014/6/section/61>
 - iii) Section 42(2): [Children and Families Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/6/section/42/2/enacted)
2. Section 7 of the Education Act 1996: <https://www.legislation.gov.uk/ukpga/1996/56/section/7/enacted>

3. The Special Educational Needs (Personal Budgets) Regulations 2014: [The Special Educational Needs \(Personal Budgets\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2014/1000/contents/made)