

# EDUCATION OTHERWISE THAN AT SCHOOL (EOTAS)

If a child or young person is unable to attend an educational setting the parent may request that their child or young person is Educated Otherwise Than At School (EOTAS). EOTAS is the legal mechanism whereby a child or young person with an EHC Plan can receive special educational provision despite being unable to attend an educational setting. Under a formal EOTAS arrangement, the child or young person will not be required to be on the roll of, or in attendance at, a “traditional” educational setting. Instead, they will receive their education and special educational provision either at home (e.g. tutoring) or in a lot of cases, within an external setting that is not a registered educational setting.

Section 61 of the Children and Families Act (2014) sets out the legal framework for EOTAS;

61 Special educational provision otherwise than in schools, post-16 institutions etc

1.(1) A local authority in England may arrange for any special educational provision that it has decided is necessary for a child or young person for whom it is responsible to be made otherwise than in a school or post-16 institution or a place at which relevant early years education is provided.

2.(2) An authority may do so only if satisfied that it would be inappropriate for the provision to be made in a school or post-16 institution or at such a place.

3.(3) Before doing so, the authority must consult the child’s parent or the young person.

EOTAS should not be confused with Elective Home Education (EHE). While both EOTAS and EHE may have the same result in that the child will be educated at home, they each place completely different obligations on local authorities.

If a parent or young person decides to educate at home or elsewhere, but their EHCP names an educational setting in Section I, and there is nothing in Section F to state that an EOTAS package is to be provided, this will mean that it is very likely that the LA will say their obligations under the EHCP have been disapplied and full responsibility for arranging and paying for the education will fall on the parent (including the cost of any examinations). In this circumstance it would be useful to ask for an annual review (could be asked for early) to discuss any changes to the child’s EHCP such as, their education, setting and provision.

Under an EOTAS package of provision, correctly written into an EHC Plan, the local authority will remain responsible for the child or young person's education generally. It will remain under an obligation to ensure all of the provision in Section F is provided and funded. EOTAS is a formal special education package made under an EHC Plan, for which the local authority remains legally responsible.

EOTAS needs to be very specific to the child and their needs, Essex County Council have an Education Access Alternative Provision Directory on their website which is updated regularly. This list of EOTAS provisions have been approved by the Local Authority and it is really worth looking at each provision to see if any of the provisions are right for your child, the link is below:

[https://schools.essex.gov.uk/pupils/Education\\_Access/Pages/Alternative-Provision-Directory-.aspx](https://schools.essex.gov.uk/pupils/Education_Access/Pages/Alternative-Provision-Directory-.aspx)

It is very important to remember that EOTAS can only be agreed if it is “inappropriate” for a child to attend school. The presumption, therefore, is that a child should attend a school setting, unless it is inappropriate for them to do so.

If the local authority agree EOTAS then Section I of the EHC Plan should be left blank (Section I in an EHCP is where the school is named that the child will attend). The local authority is not permitted to state anything in Section I other than the name of the educational institution, (mainstream/specialist school) or if there is no named institution, or the type of institution.

The full details of the EOTAS package should be specified in Section F of the EHC Plan. Section F in an Education Health and Care Plan (EHCP) is where the provision that is needed to support the child is detailed. The law relating to specificity applies to EOTAS just as it does to provision delivered within educational institutions. All provision should be written into the EHC Plan with such a level of specificity that it leaves no room for doubt exactly what provision should be delivered.

A maximum of 15 hours from one EOTAS provision could be agreed, however, if a blended provision is needed, more hours could be given if this is delivered from separate providers.

For an EOTAS package to be approved it is a case of negotiating with the Local authority and this can be a lengthy process, however, it is important to make the EOTAS package specific and detailed for the child, so it is worthwhile pursuing this and continuing to negotiate with the local authority.

If it is decided that some education can be delivered within an educational setting, then it is possible for that particular setting, or type of setting, to be named in Section I of the EHC Plan. Any provision not being delivered at the school setting should be specified within Section F of the EHC Plan.