

EOTIS/C in Essex: The Current Position

This statement aims to advise families and professionals as to how ECC implements current national guidance in relation to Education Otherwise Than In School/College (EOTIS/C). It is not a guidance document but may be used as a tool to support conversations and a broad understanding of what EOTIS/C is and how it may be accessed and implemented for children in Essex. ECC recognises this document will not provide answers to all questions relating to EOTIS/C; further publications are in development.

Essex County Council (ECC) considers that most children and young people (CYP) in the county are best educated within a registered pre-school, school or college setting in order to ensure they receive their statutory entitlement to education and are able to reach their full potential in preparation for adulthood.

Families will sometimes make a decision to Electively Home Educate (EHE) their child. In addition, ECC also acknowledges that, for a very small number of CYP who have an Education, Health and Care Plan (EHCP) and the most complex of needs, it may occasionally be inappropriate for those CYP to be on the roll of and attend an available registered setting. For CYP with an EHCP where both the family and ECC agree that it is inappropriate for a child with an EHCP to access education through a registered setting, it can be agreed for the CYP to receive EOTIS/C. EOTIS/C is not the same as [Elective Home Education \(EHE\)](#) or the same as a CYP receiving [Alternative Provision](#) whilst on a school roll.

For CYP where EOTIS/C has been agreed as the means to deliver Section F

(Special Educational Provision) from the EHCP, this will mean they receive a bespoke package, commissioned in full/part by ECC through its quality assured alternative providers and/or by the allocation of a Personal Budget (PB) for families to commission some provision directly. This provision has to be agreed with ECC prior to funds being released. A PB enables the family to receive Direct Payments via a separate account called Virtual Wallet, for the purpose of the education agreed for their CYP.

A bespoke package does not deliver a school curriculum and experience but can be provided for up to 25 hours per week during school term time. ECC will remain responsible for statutory monitoring and review of the EHCP but the bespoke nature of an EOTIS/C package outside of a registered setting means that families will have greater involvement in the support of their child's education, possibly to include provision of transport and arrangements for examinations such as GCSEs.

Where a child with an EHCP is attending education provision other than at a school (and that provision has been identified as part of delivering the EHCP), transport can be provided to an eligible child if the distance from the home to the provision is 2 miles or more for a child aged up to 8, and 3 miles or more for a child aged 8 and above. It is important to note, however, that there is no guarantee of transport being provided to multiple locations during the week, or between different locations during the school day and nor is transport usually provided outside of the normal school times. Any request for transport will be considered under the Council's Education Transport Policy and the law on [school transport](#).

Special Educational Needs and Disabilities (SEND)

Requests for EOTIS/C should come via an [Annual Review](#) of the child's EHCP, to ensure the most up to date, multi-disciplinary information is available to consider the request, or at the point of issuing an EHCP following the initial [EHC Needs Assessment](#). Should EOTIS/C not be agreed by ECC following a request from the family, the family will be given the Right of Appeal to the SENDIST Tribunal. EOTIS/C decision making and the resulting casework is led by the SEND Operations Team within ECC, as with all other aspects of EHC Needs Assessments and EHCPs, with support from multidisciplinary panels and other SEND teams.

If agreed, the EOTIS/C commitment from all parties is until the next Annual Review, at which point a school placement may become appropriate for the child. As such, it can not be assumed that EOTIS/C is a permanent arrangement for any CYP.

A key part of the consideration process for ECC is to establish if it would be inappropriate for the CYP to attend an available, registered setting.

Sections 33 and 39 of the Children and Families Act 2015

9.78 The child's parent or the young person has the right to request a particular school, college or other institution of the following type to be named in their EHC plan:

- maintained nursery school
- maintained school and any form of academy or free school (mainstream or special)
- non-maintained special school
- further education or sixth form college
- independent school or independent specialist colleges

Section 61 of the Children and Families Act 2014

Education otherwise than in schools, post-16 institutions etc (EOTIS/C)

- 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) 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) Before doing so, the authority must consult the child's parents or the young person

For this reason, ECC is likely to consult with a range of registered settings as listed above and seek their formal views on meeting the needs, outcomes and provision within a CYP's EHCP before reaching a decision as to if EOTIS/C is appropriate. This will involve the child's casework being considered at a variety of ECC decision making panels.

If EOTIS/C is deemed an appropriate provision, safeguarding arrangements, including attendance monitoring, must be considered as part of the risk assessment and plan for the child. There should be discussion and agreement about what safeguards should be in place, and how welfare checks will be undertaken and by whom. This will include involvement from ECC officers.

For CYP who are EOTIS/C and have a bespoke package commissioned through ECC's quality assured providers, the LA's Education Access Team (EAT) leads on the reporting and monitoring of attendance and safeguarding with the providers working with the CYP. EAT officers follow the same guidance as schools in terms of expectations regarding pupil attendance and engagement with the education offer available to them.