

# Education Other Than at School

**Agreed by: MKCC Education Performance Board  
NB) Policy to reviewed by August 2023**

**Version Number: 1.0**

**Document Author: Victoria Courtis**

**Job Title: SEND Lead**

**Responsible Service Area: Specialist Education Team**

**Review Date: October 2023 and reviewed by the  
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## **Document Summary:**

This policy details the arrangements through which the Local Authority meets the requirement to ensure that children and young people who are unable to be educated in school receive suitable education; and replaces all previous policy statements relating to EOTAS provision.

For children and young people who are unable to access school for *“by reason of illness, exclusion from school or otherwise”* this policy sits parallel to and not in exclusion of *‘Children who cannot access school due to medical reasons’*

# Milton Keynes City Council

## Education Other Than at School Policy (EOTAS)

### 1 Introduction

- 1.1 Most children and young people are educated within a school setting, and Milton Keynes City Council is committed to ensuring that children in our area have access to inclusive schools who are able to meet a range of special educational needs and disabilities. It is recognised that schools must be equipped to respond to a diverse range of pupil needs and they do require help and support from other agencies, including the Local Authority. Some children and young people with more complex or profound special educational needs may be placed in a department provision, unit or special school.

Milton Keynes City Council recognises that there will be a small but significant group of children and young people for whom the Local Authority agrees that there is no school that is currently able to meet their needs and therefore will agree education other than at school (EOTAS) is put into place. It is a key priority for the Local Authority to ensure that these children have appropriate learning opportunities, are effectively safeguarded, and have every opportunity to return to school as soon as they are able to do so. Therefore, EOTAS provision in Milton Keynes is regularly reviewed, robustly monitored, and is not identified as a long-term solution. Provision of an appropriate, broad and balanced provision is key, and therefore consideration to returning to school at the earliest opportunity should be a priority for children accessing EOTAS provision. The Local Authority aim for this to happen at the next phase transfer period for the child, if not earlier.

- 1.2 This policy details the arrangements through which the Local Authority meets these requirements and replaces all previous policy statements relating to EOTAS provision.

### 2 Vision and values

- 2.1 The council is committed to enabling all children and young people in Milton Keynes to aspire to, and achieve their full potential, giving them the basis for a successful and productive life as active members of their community.

- 2.2 Children and Young Peoples Services will:

- Aim for every child and young person in Milton Keynes to achieve their aspirations, to be healthy and stay safe, to contribute successfully to their community, and to have a successful transition to adulthood through a multi-agency 'one children's services' approach
- Provide accessible, high quality integrated services, with a particular focus on early intervention and prevention

- Give extra attention and support to vulnerable children and young people and those who have additional needs
- Involve children and young people, and parents and carers, in the design and delivery of services, to ensure co-production and the voice of the child or young person is at the heart of our activity
- Work across all organisations working with children and young people to develop a shared culture and ethos of inclusive practice
- Ensure where EOTAS is agreed the LA will analyse gaps in provision and ensure through a robust commissioning and place planning service that the gaps are appropriately catered for ensuring EOTAS is for as short a period of time as possible
- Ensure that a focus on preparation for adulthood is entwined through the children and young person's EHCP to enable them to receive a well-balanced educational offer that enables them to reach their full potential academic ability

### **3 Aims**

- 3.1 Milton Keynes Childrens Services has set out the following aims for children and young people who are EOTAS:
- To ensure there are clear outcomes and provision through Section F of the CYP EHCP which prepare for the next stage of education or transition to adulthood
  - To minimise as far as possible the interruption to the child or young person's education
  - To provide continuity and progression as far as circumstances will allow
  - To achieve re-integration to mainstream/ specialist schooling as soon as possible, as appropriate (see app 1)
  - To secure the best educational outcomes within the child's or young person's context
  - To ensure that provision across Milton Keynes ensures that cyp are able to access full time education
- 3.2 The policy recognises that our aims are best achieved through partnership working with a variety of agencies. Young people and their parents/carers are key partners in this process, together with their schools, Local Authority support staff and when appropriate, other agencies.
- 3.3 The policy and procedures are designed to work within the wider framework of government legislation and local arrangements for education funding. They also link, as appropriate, with government guidance on special educational needs, inclusion, and the education of children with long-term illness or other medical conditions where through our Special School Panel it is deemed that at the current time there is no educational setting that can meet the CYP needs.

## 4 Process for identifying EOTAS:

- 4.1 When a review of the EHCP is held, or at the initial planning meeting for a new EHCP, if it is identified that the child/ young person's needs cannot be met in an educational setting an EOTAS package may be considered. There must be a clear reason given by stakeholders as to why the current setting cannot meet needs and must include the views of the CYP. This proposal will be heard at special school panel with the LA taking into consideration if there is an appropriate setting that can meet needs, part of this process will include consulting with local schools and settings.
- 4.2 If there is a setting that can meet need this request will be declined, if not this will be considered and will be written into the EHCP at the planning meeting.
- 4.3 Should a parent/carer not agree with this decision they have the right to appeal and can seek advice and support from SENDIAS.

NB:

- If EOTAS is agreed, the package will be reviewed termly
- The EHCP should include a transition plan in Section F to support progression towards reintegration into an educational setting
- Education provision will be offered for the 38 school weeks only, provision in holidays would need to be requested through social care and based on professional advice and recommendations
- All EOTAS packages must include Maths, English and Science education as part of the offer. Post 16 packages must include English and Maths if the CYP has not yet achieved a grade 4 or equivalent in these subjects
- School travel support will be decided on a case by case basis. Parents/carers are advised to speak to their LA officer who will support them in completing a request. All requests will be heard at the transport panel. The School Travel Support team will communicate the outcome. The process can be accessed through this link: [School Travel Support | Milton Keynes City Council \(milton-keynes.gov.uk\)](#)
- Personal Budgets can be applied for by either the parent/ carer or young person to enhance the educational offer where appropriate (Please see Personal Budget Policy for further information) [What is a Personal Budget? Information for parents, carers and young people | Milton Keynes City Council \(milton-keynes.gov.uk\)](#) All requests for personal budgets must link to outcomes and be based on specialist advice
- Any funding decisions being made at our SEND Forum which meets weekly

## **5 Safeguarding**

- 5.1 Milton Keynes City Council are committed to the Safeguarding of all CYP who are receiving an EOTAS package therefore they will commit to a safeguarding check weekly by the Local Authority SEND team or agreed provider. The LA and wider services that support CYP who are EOTAS have a safeguarding policy and associated procedures that comply with the DfE statutory guidance 'Keeping children safe in education' and 'Working together to safeguard children'.
- 5.2 Milton Keynes makes a commitment to ensure that all CYP who are receiving an EOTAS package receive at least one session per week with the EHC Specialist Teaching team or another provider, and this forms a mandatory part of EOTAS packages in our area. This enables the Local Authority to monitor progress, maintain strong knowledge of the child or young person, and ensures high quality education provision.
- 5.3 The Local Authority SEND Team will complete visits to external providers to complete safeguarding checks half termly.

## **6 Monitoring**

- 6.1 EOTAS provision is monitored by the EHC Specialist Teaching Team, overseen by the EHC Senior Specialist Teacher and SEND Lead. Best practice is identified and disseminated, and all staff will ensure a quality assurance process is adhered to.
- 6.2 A review of an EOTAS plan must be completed at least annually and can be requested at any time by either the Local Authority, parent/carer or the CYP themselves. Ordinarily a multi-disciplinary team discussion will take place with the family termly and at least one of these meetings per year will be held as the review of the EHC plan.
- 6.3 The provision costings for CYP are considered on an individual basis ensuring that the CYP receives a well-rounded educational offer that delivers the provision within section F of the EHC Plan.
- 6.4 The provision in Section F will be reviewed termly to look at the impact and the progress the CYP has made. Following this review, the package may remain the same, be amended to reflect a change in need, or a return to an educational setting may be deemed appropriate. The Local Authority hold the right to consult with any educational setting they deem appropriate as per guidance set out in the SEND Code of Practice 2014, and parents have the right to request any school or setting as laid out in SEND legislation.

## 7 Statutory Duties

7.1 The duty of Milton Keynes Council as a Local Authority is laid down in section 19(1) of the Education Act 1996:

*'Each local (education) authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.'*

7.2 The Children and Families' Act 2014 Section 61 makes specific legal provision for the education of children and young people for whom education in a school would be inappropriate. This is called Education Other Than at School (EOTAS).

7.3 Where a pupil has an Education, Health and Care (EHC) plan the Local Authority needs to ensure that an appropriate full-time placement is identified in consultation with the parents who retain their rights to express a preference for a maintained school that they wish their child to attend or make representations for a placement in any other school.

7.4 Local Authorities must have regard to statutory guidance when carrying out their duties in relation to the education of looked after children. This guidance is provided by *Promoting the Educational Achievement of Looked After Children: Statutory Guidance for Local Authorities*.

7.5 The work of EOTAS is also informed by a number of guidance documents, policies and legislation including:

- DCSF Revised Statutory Guidance for LAs in England to identify children not receiving a suitable education (2009)
- DCSF Guidance for the Education of School Aids to Parents (2001)
- Children Act 2004
- Every Child Matters
- Education Act 1996
- Education (Pupil Registration) (England) Regulations 2006
- SEN Code of Practice (2014)
- Education Enforcement of Attendance (1996)
- LA advice on informal exclusions and part time attendance at school (2007)
- Education and Inspections Act (2006)
- Apprentice, Skills, Children and Learners Act (2009)
- Equalities Act (2010)
- DfE Statutory Guidance: Keeping children safe in education

- DfE Statutory Guidance: Working together to safeguard children
- DfE Statutory Guidance: Ensuring a good education for children who cannot attend school because of health needs

### **Case Law**

Recent National SEND Tribunal case law has clarified the high threshold in law which must be met for EOTAS to be determined as necessary and laid out the circumstances in which it might.

### **Applying the legislation**

In applying the legislation, the Council must consider the provision set out in Section F of an EHC Plan and if it would be “inappropriate” for any of the special educational provision to be provided within a school or educational setting, or if some of the provision could indeed be provided in school, while other provision would be more bespoke.

For example, it may be that a child’s anxiety prevents them from going to school to attend more structured and academic lessons. Some of this provision may need to be delivered in a more bespoke manner as ‘alternative provision’, but the child might still be able to go to school to access a number of specific interventions individually and in groups, and as laid out in Section F of the EHC Plan.

In these situations, the Tribunal case law guides us that these arrangements should be made while the child remains on the roll of a school.

## **8 Review of policy**

8.1 This policy will be reviewed as part of a three year cycle unless changes are implemented as a result of policy change at a local level or changes in legislation.



Appendix 1:

<b>Transition plan:</b>		<b>Date:</b>	<b>By whom:</b>
CYP view and aspiration for next setting:			
Parent/ Carer view and aspiration for next setting:			
Steps to achieve aspiration (including dates):			