Education Other Than In School
(EOTIS)

Please note: 'child' = 'child or young person'

Introduction
There are some circumstances where some children and young people (CYP) with special educational needs cannot be educated in a formal educational setting. It may be that the placement has broken down, is at risk of breaking down due to complexity of needs or the provision they need cannot be provided within a school-based setting.



If your CYP is struggling to access their setting and you have an EHC plan in place or one has been agreed, you may wish to consider an 'Education Other Than In School' (sometimes known as EOTIS) request, to secure provision in the plan, which may need to be delivered somewhere other than in a school.

EOTIS is only possible where the local authority is satisfied that it would be 'inappropriate for the child's special educational provision to be made in a school' and therefore education could only be provided in a different way.

To meet this test, you need to demonstrate that education in a school would be inappropriate.

What makes an educational setting 'inappropriate'?
The word inappropriate was considered in the case of *TM v London Borough of Hounslow*, which confirmed that the full effect of the word must be considered, and that the local authority (LA) must determine whether a school setting would "not be suitable" or "not be proper". These circumstances must depend on the facts of the situation and consideration of the following (but this is not an exhaustive list):

- child's background and medical history
- particular educational needs of the child
- facilities that can be provided by a school
- facilities that could be provided other than in a school
- comparative cost of the possible alternatives to the child's educational provisions
- child's reaction to education provisions, either at a school or elsewhere
- parents' wishes (the LA must consult with parents before arranging EOTIS)

Examples of EOTIS provision can be:

- Online Schooling
- Home tuition
- Other tuition centres
- Work placements (post 16)
- Voluntary work
- Life skills training
- Therapies such as Speech & Language, OT and Physio
- Hospital schooling



The idea is that the provision in the EHCP should be completely tailored to the individual and their needs.

Evidence to support a request for EOTIS can be:

- A pupil cannot access mainstream education
- A pupil cannot attend any school-based setting
- A pupil has not attended school for an extended period
- A pupil having mental or physical health difficulties as barriers
- A pupil has experienced bullying or other complex life circumstances
- A pupil is chronically disengaged from education
- A pupil's reactions to a school-based setting

If an EOTIS package is agreed, then case law has determined that:

- Section I of the plan should be left blank
- your child will not be on roll at a formal educational setting
- the provision in regard to the EOTIS package should be set out in Section F of the EHCP.

Additionally, DfE guidance states that local authorities should consider making equivalent food provision for children receiving EOTIS who qualify for benefits-related free school meals.

How can I request EOTIS?



Firstly, an EHCP will need to have been agreed or already be in place. You can then request an EOTIS package as part of the EHC needs assessment process (at the draft EHCP stage), ask for one within a reassessment of an EHCP or ask for this at an annual review of the plan. The request should be considered in conjunction with the parent or carer, the young person if appropriate and the Local Authority. The Local Authority must consider your parental wishes but importantly will need to establish whether the evidence that EOTIS is necessary has been established.

In West Sussex, SENAT has a specific EOTIS team and any request would go to panel for agreement.

The legal test for the Local Authority to consider when a parent or young person makes a request for an EOTIS package is set out in ***Section 61 of CAFA 2014:***



(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 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. The Local Authority must therefore be satisfied that it would be inappropriate for the provision to be made in an educational setting such as a school or post 16 institution.

How is EOTIS different to Elective Home Education (EHE)?
Parents can choose to educate their children from home (electing to home educate). This means that they make their own arrangements (and funding) for their child's education. If your child has an EHCP and you choose to electively home educate, the local authority no longer has a legal duty to secure any special educational provision set out in the EHC plan, because you are deemed to be making your own suitable alternative arrangements. Their only duty would be to hold an annual review of the EHCP each year.

If, however, the local authority (LA) deems school or college to be inappropriate for your CYP, the LA should arrange for your child's special educational provision to be delivered somewhere other than in a school-based setting. The LA would then be responsible for continuing to secure and fund that provision in the EHCP.

If your child is on SEN Support
If your child or young person has SEN but does not have an EHCP and you feel that their current educational placement is not working out for them or is in danger of breaking down, it might be worth speaking to the school or setting about reviewing their SEN support. For more information see our SEN Support factsheet.



If things do not improve you could ask the local authority for an EHC needs assessment. This is a chance to identify all your child or young person's needs and the support that they may need to learn. It might be, that with the right support, your child or young person could continue their education within their current setting. Alternatively, they may require special educational provision which could be provided other than at school (EOTAS).

The Information Advice Support Service Network (IASSN) has released an EOTAS policy briefing.

Service Statement

The role of the SENDIAS service is to ensure all parents, children and young people have access to impartial information, advice and support so they can make informed decisions related to their situation. Any information that is shared with the service is in confidence unless permission has been obtained to share this with any individuals, services and agencies that may be able to help in the circumstances. For more detail, view our policies and privacy notice on our website.

How to contact us: Tel: 0330 222 8555 / **Email**:send.ias@westsussex.gov.uk or cyp.sendias@westsussex.gov.uk (up to age 25) / **Website**:www.westsussexsendias.org

To view factsheet online and access all links: https://tinyurl.com/btwbxzep
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