

Statement of Intent

October 2022

Children and Young People Educated Outside of the
School System

For Children with an Education Health and Care Plan

1. Introduction

Solihull Metropolitan Borough Council is committed to ensuring all children of compulsory school age who live within the Council's area receive a suitable full-time education. For most children this will mean they receive their education in a school or alternative provision setting, however some parents will choose to electively home educate their children. In very limited and exceptional circumstances, where this is not possible, children with an Education Health and Care Plan, may access their education otherwise than in school or college (EOTIS/EOTIC). This has previously been known as Education Otherwise than at school (EOTAS).

The purpose of this document is to clarify the legal interpretations around Education Otherwise than in School or College and identify the role of the Local Authority, Schools, families, and services in this regard. The statement includes reference to Elective Home Education (EHE) for which further information can be found on the Local Offer.

Children Missing Education (CME) are children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being in school or college. More information can be found at [Children missing education service \(solihull.gov.uk\)](http://solihull.gov.uk/children-missing-education-service).

EOTIS/EOTIC applies only to children with an Education, Health and Care Plan (EHCP).

2. Legal Framework

The Education Act 1996 (Section 7) imposes a duty on parents to secure, either by regular attendance at school or otherwise, efficient full-time education for their child "of compulsory school age"¹. This duty applies equally to children with an EHCP although the process for identifying a suitable placement for such children is different. The Local Authority will generally only agree to name the specific school requested by the parent in the child's EHCP if, having consulted the school concerned, it is satisfied that the school is suitable for the child's needs and that the child's attendance at the school would be compatible with the provision of efficient education for other children, or the efficient use of the Local Authority's resources.

¹ A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between 1 January and 31 March, then they are of compulsory school age on 31 March; if they turn 5 between 1 April and 31 August, then they are of compulsory school age on 31 August. If they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31 December. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen.

The Local Authority expects the vast majority of children or young people who have an EHCP, to receive the special educational provision specified in the plan within a school or college setting.

In some very limited circumstances, the Local Authority may arrange for any of the special educational provision specified in a child or young person's EHCP to be made otherwise than in a school or college setting. However, the Local Authority can only make such arrangements if, having consulted the child's parent or the young person, it is satisfied that it would be inappropriate for the provision in question to be made in a mainstream, alternative provision, or specialist educational setting (Children and Families Act 2014, Section 61).

Provision that has been arranged for a child or young person under Section 61 of the 2014 Act has been commonly referred to as 'Education Otherwise than at School' (EOTAS). It is now referred to as Education Otherwise than in School or College. (EOTIS/EOTIC)

Where it has been decided by the Local Authority that it would be inappropriate for any of the special educational provision specified in a child or young person's EHCP to be made otherwise than in a school or college, Section I of the plan (which would normally specify the 'type' of school or college that the Authority thinks would be appropriate for the child or young person, and name the specific school or college of this type that the child or young person is to attend) will generally be left blank.

It is the Local Authority's intention to use EOTIS/EOTIC to support the majority of children and young people back into a mainstream or specialist educational setting (i.e., a school or college) placement that meets their needs, at the earliest opportunity. We will assess the needs of children and young people requiring education outside of the school setting and use this to inform gaps in provision within Solihull, and therefore feed into the commissioning cycle.

3. What does EOTIS/EOTIC look like?

Decision Making:

EOTIS/EOTIC is only available to children and young people who have an EHCP. The child's parent (or in the case of young person aged 16 – 25 years, the young person themselves) may make a request for the Local Authority to consider exercising its power to arrange EOTIS/EOTIC under Section 61 of the Children and Families Act 2014 either during an EHCP needs assessment or re-assessment, or during an annual or interim review of the EHCP. On rare occasions, the recommendation for EOTIS/EOTIC may be made by the local authority.

There must be clear evidence as to why the child or young person cannot attend any educational establishment of any type, including evidence from education advisory teachers (usually from the local authority Specialist Inclusion Support Service), educational psychologists and health professionals as deemed appropriate by the local authority. There may be evidence from a Social Care perspective, if applicable.

If the request is from a parent, the supporting evidence will initially be considered by the EHCP officer responsible for the child or young person's case. Any requests must then receive further approval from both the EHCP service manager, and the Head of SEND.

Where EOTIS is not agreed (i.e. on the basis that the Local Authority is not satisfied that it would be inappropriate for any of the special educational provision specified in the EHCP to be made in a school or college), the EHCP officer will continue to work with the family to ensure that appropriate educational provision is made for the child or young person (i.e. by way of the child or young person's attendance at a suitable mainstream, alternative provision, or specialist educational setting).

EOTIS/EOTIC Educational provision:

Where the Local Authority is satisfied that it would be inappropriate for the child or young person to attend an educational establishment of any type (even with a bespoke package of support), an EOTIS/EOTIC package will be determined by the EHCP officer in consultation with the child's parent(s) or the young person. The package is for academic and educational provision only, so will not include extra-curricular activities or mentoring services, unless these form part of the special educational provision specified in Section F of the EHCP. Provision may include online schooling or the use of tutors. In all cases, EOTIS/EOTIC is expected to be time-limited, the eventual aim being the reintegration of the child or young person into an appropriate educational setting.

Monitoring and review:

An EOTIS/EOTIC package will initially be agreed for a maximum of 12 months, to fit in with the annual cycle. The time limitations are in place for the best interests of the child or young person, to ensure they continue to receive the most suitable provision for their needs. However, EOTIS/EOTIC is generally considered to be a 'steppingstone' back into a school or college environment and children and young people will therefore be encouraged to return to school or college once it is appropriate for them to do so, based on their reintegration plan. A formal (i.e., statutory) review of an EHCP can be arranged at any time, should this be deemed necessary (for example, where there are concerns that the provision specified in the EHCP is not meeting the needs of the child or young person). All packages will in any event be reviewed annually (i.e., during the annual review of the child or young person's EHCP) and a request by a parent or young person for the EOTIS/EOTIC to continue will need to be considered as part of the annual or interim review. Again, EOTIS/EOTIC is not intended to be a long-term solution, the aim of such packages being to prepare the child or young person for an eventual return to an appropriate educational setting.

See Appendix I for the full EOTIS/EOTIC process.

4. Elective Home Education for Children with an EHCP

Elective Home Education ('EHE') is where a child's parent(s) choose to "provide education for their children at home or in some other way they desire, instead of sending them to school full-time" (Elective home education: Departmental guidance for parents, 2019). Whilst the right to educate

a child at home applies equally where the child has an EHCP, if a specialist setting is named in Section I of the plan, the Local Authority's consent is necessary for the child's name to be removed from the admission register of the school concerned. In deciding whether to consent to the child's name being removed from the admission register of the named special school, the Local Authority will consider whether the home education to be provided would meet the special educational needs of the child.

If it is satisfied that the home education to be provided for a child with an EHCP is suitable, the Local Authority has no duty to arrange any of the special educational provision that is specified in Section F of the plan. Rather, if a parent makes the decision to electively home educate their child, then they are responsible for ensuring an efficient and suitable education relevant to the child's age, ability, aptitude and considering any special educational needs they may have. Parents will also assume full financial responsibility for the child's education, including public examinations, books, and equipment. More information can be found here:

[Home education \(Elective home education\) \(solihull.gov.uk\)](http://solihull.gov.uk)

If a child is electively home educated, the parent(s) will be responsible for sourcing any additional professional advice and support that they may need to ensure that the education that they provide is suitable. The Local Authority will contact the parent(s) on an annual basis to seek reassurance that the child is still receiving a suitable education.

Where a child with an EHCP is being electively home educated, an annual review of the EHC Plan is still required, and this will be arranged by the EHCP service.

5. Pupils with Medical Conditions

Where pupils have medical conditions that may cause them to miss out on education because of their health needs, there are specific duties for schools and local authorities. The following document should be read for further guidance on this:

[ensuring-good-education-for-children-with-health-needs_1993749.pdf \(govdelivery.com\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/199374/ensuring-good-education-for-children-with-health-needs_1993749.pdf)

Where a child or young person is finding it difficult to consistently attend and positively engage with a school, the local authority has produced guidance and support for Emotionally Based School Non-Attendance. More information on this can be found here:

<https://www.solihull.gov.uk/Children-and-family-support/localoffer/Emotionally-Based-School-Non-Attendance>

6. Contact

Parents can contact the EHCP service or the Inclusion service for more information on any of the areas raised within this document.

7. Appendices

Appendix I: EOTIS/EOTIC process

