



Response to the SEND Reform: Education Other Than At School (EOTAS) Consultation

Somerset Parent Carer Forum CIC has reviewed all the feedback from families and run focus sessions to collect views from local families. Using this feedback, we submit our response to the consultation on Education Other Than At School (EOTAS).

We agree that reform is needed. The current system can be difficult for families to navigate, with EOTAS often only secured after prolonged periods of unmet need and, in some cases, legal challenge. Families often carry the responsibility of having to organise and manage the EOTAS package.

Reform must recognise that EOTAS is not a failure of a child or family to engage with education. For many children, it is the appropriate educational response when the existing education environment cannot meet their needs.

The purpose of reform should therefore be to ensure that children receive the right education, at the right time and in the right way, not to reduce the number of children accessing EOTAS, make provision easier to withdraw, or transfer decision-making to settings that may have been unable to meet their needs in the first place.

Children who cannot access school must not be left with less choice, less accountability and fewer rights simply because their education is being delivered outside a school setting.

EOTAS and Section 19 must not be confused

A major concern for parent carers is that many families struggle to understand the difference between EOTAS and Section 19 alternative provision. The consultation blurs these lines further and risks increasing the confusion that already exists in the system.

These are not interchangeable forms of education. They have different legal bases, purposes and decision-making arrangements. Families who are already dealing with a child unable to access school should not be expected to navigate complex legal distinctions simply to understand what education their child is entitled to receive.



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When a child's needs cannot appropriately be met in a school or college, the system must have clear routes to make that decision and provide education around the child's individual needs. EOTAS must not become a rebranded form of alternative provision or a temporary arrangement while a child is expected to return to school.

Parent carers have reported getting caught up in arguments between service about costs and children are having to wait while these issues are resolved. This is not acceptable and needs to be addressed. To support everyone's understanding and reduce the fight that can be felt in the system we need clear, accessible information for children, young people, their families and professionals explaining:

- the difference between EOTAS and Section 19;
- when each route applies;
- who is responsible for arranging and funding provision;
- who makes decisions about the provision; and
- what rights families have to challenge those decisions

Decisions around EOTAS packages

The distinction between coordinating provision and deciding what provision a child requires needs to be considered carefully. Parents have serious concerns about proposals for a named school or college to allocate and manage EOTAS. Parents feel the idea of a school which has previously been unable to meet a child's needs then being given responsibility for determining the package that replaces school-based education, is a conflict and will potentially undermine the decision-making process.

A school may potentially provide a useful point of contact, but it should not be responsible for determining what an EOTAS package should contain, and which providers are used or whether a child should return to school. The focus should not be what can the school arrange/provide but be focused on the child's needs.

Where EOTAS is required because it is inappropriate for a child's special educational provision to be made in a school, it is fundamentally problematic for that same school to have significant control over the alternative provision. Removing the LA responsibility for EOTAS does not remove the feeling of needing to fight, it simply moves the battlefield.



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Schools are already under significant pressure and cannot reasonably be expected to take on complex commissioning and case-management responsibilities without substantial additional expertise and funding. There is a risk that schools will purely see this as a safeguarding responsibility rather than the focus being on outcomes.

Individualised EOTAS packages

Children requiring EOTAS have highly individual needs. Packages may involve a whole range of provision such as specialist teaching, tuition, therapies, mentoring, vocational learning, community-based education or a combination of different provision. Parents are concerned about the idea of standardised support packages especially as these are still to be defined.

Cost or administrative convenience must not determine whether a child receives appropriate provision. EOTAS provision must be designed around the child, not simply based on the services a school or Local Authority already has available. The starting point must always be:

“What education and provision does this child need?” not “What can the school provide, arrange or afford?”

Reintegration into school

Some children may eventually be ready to return to a setting, but this must never be an assumed outcome or a measure of whether EOTAS has been successful.

Many children reach EOTAS following prolonged periods of unmet need, distress and difficult educational experiences. For some, returning to a school environment may not be appropriate at all. Any transition must therefore be based on an individual assessment of the child's needs, wishes, wellbeing and readiness. The child voice must be central to this.

One of the key areas our families highlighted was the need for a safety net. Many young people and families were concerned that a system built on a return to school model which took away EOTAS would add anxiety which in turn would cause the return to a setting to fail. It was felt that if a child or young person had the security to know that if a school return did not work the EOTAS package would continue, that this would reduce the level of pressure and make the process more likely to work.



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Parents are not and should not be commissioners

Parents of children receiving EOTAS have not chosen elective home education. They should not be expected to identify providers, construct education packages, arrange tuition and therapies, chase funding and coordinate multiple professionals. The quality assurance should also not sit with parents.

Equally, responsibility should not simply be transferred from parents to schools. This needs to be a partnership with the child's need central to any arrangements. EOTAS case management needs clear Local Authority accountability and meaningful involvement of families and young people.

There must be clear responsibility for arranging and funding EOTAS. Families must not be left caught between schools, Local Authorities and other services. Reviews should be proportionate and focused on outcomes, rather than becoming regular opportunities to question whether EOTAS should continue.

Removal of rights

Parents are concerned about any reduction in families' existing rights to challenge decisions. The answer to high levels of disagreement is to improve decision-making and early intervention. The answer is not to remove the ability of families to appeal when decisions are wrong. This will lead to more families feeling the only option available is to home educate their child or young person.



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Our position

Somerset Parent Carer Forum CIC is calling for reform that strengthens children's rights to appropriate education rather than creating new barriers to accessing EOTAS.

- **Clarity, independence and accountability** — Families must have clear, accessible information distinguishing EOTAS from Section 19 alternative provision, including who is responsible for decisions, funding and delivery. Decisions about EOTAS must be made by appropriately qualified and independent professionals, with clear Local Authority accountability and strong, independent routes for families to challenge decisions.
- **Genuinely individualised provision** — Where school-based provision is inappropriate, children must have timely access to EOTAS designed around their individual needs. Packages must be flexible and sufficiently funded to provide what the child actually requires, rather than being restricted to what a school already has available, can arrange or can afford.
- **A clear separation between schools and EOTAS decision-making** — A school may have a role in coordinating or communicating about provision, but it must not have unilateral control over an EOTAS package or determine what education, providers or support a child receives.
- **Stability, participation and rights** — Children, young people and families must be meaningfully involved in designing and reviewing provision. Reviews must be proportionate and supportive rather than creating continual uncertainty about whether education will be withdrawn. EOTAS must not become easier to end, and families must retain meaningful access to independent routes of appeal and challenge.



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