

Report to:	Cabinet	Date: 25 April 2025
Subject:	EOTAS (Education other than at School) Policy	
Report of	Deputy Leader and Cabinet Member for Children and Young People	

Summary

1. Between the 12th and 16th February 2024, Bury's Local Area Special Educational Needs & Disabilities (SEND) services were inspected by the Care Quality Commission (CQC) and Ofsted. The inspection team identified widespread, systemic failings in services and highlighted the challenge that we need to do more to improve the outcomes of children and young people with special educational needs.
2. The inspection identified 6 priority actions which Bury Council and NHS Greater Manchester ICB are jointly responsible for, along with 3 areas for improvement. As a result of the inspection outcome, the local authority has been issued with an Improvement Notice, and we will be subject to monitoring visits followed by a re-inspection in approximately 18 months.
3. Area for Improvement 2 from the Local Area SEND Priority Impact Plan states that Leaders across the partnership should continue to develop the range of suitable AP available to children and young people in Bury. Leaders should further embed the improved oversight of Alternative Provision (AP) and Education Otherwise than at School (EOTAS) packages in Bury. They should publish the refreshed policy for EOTAS, providing support so that this policy is clearly understood.
4. Section 61 of the Children and Families (CFA) Act 2014 sets out when a local authority can decide that a child or young person's special education provision can be made otherwise than at school, via an Education, Health & Care (EHC) Plan. A local authority can only do this in consultation with parents or young people if it is satisfied that it would be inappropriate for provision to be made at a school, post 16 or early years setting.

Recommendation(s)

1. Cabinet is recommended to review the Area SEND Inspection Report and the Local Area SEND Partnership Priority Impact Plan
2. Cabinet is asked to review the EOTAS policy and approve this for publication on the local offer and for local implementation.

Reasons for recommendation(s)

1. The policy has been developed considering legal requirements and co-produced with the parents and carers whom children and young people have

an identified EOTAS arrangement and amended based upon their recommendation.

2. The policy has been considered and approved by the SEND & Improvement Assurance Board (SIAB).

Alternative options considered and rejected

1. An EOTAS policy is required as part of the SEND Improvement Plan. There is not an alternative to publishing a policy.

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Background

There are currently 42 young people in Bury with Education Health and Care Plans who have EOTAS status and packages in place. In the year 24/25 £730,000 was allocated to personal budgets allocated to parents for the delivery of EOTAS packages.

The number of young people with EOTAS has increased over the past five years from 10 in 2020 to 42 at the current time. Approximately three quarters of these packages are for Year 11 and post16 learners with 50% post 16.

There is not currently an EOTAS policy in place in Bury and this policy has been developed to ensure clarity with regard to legal requirements and to address issues raised by the parents of EOTAS young people.

Processes and procedure have been amended to reflect the principles within the policy and ensure clear decision making and guidance of the development and review of packages in order to ensure young people receive a good quality of provision through the package and to ensure value for money.

Training has been provided to the SEND Assessment & Review Team, regarding EOTAS, Elective Home Education (EHE), and Section 19 to ensure legal compliance and that adequate support is provided.

Links with the Corporate Priorities:

Please summarise how this links to the Let's Do It Strategy.

The EOTAS policy links to the Bury Let's Do It strategy by:

Promoting the participation and inclusion of children and young people in their local community through a positive experience in their school life and being the best, they can be. The specification will actively seek to understand the barriers to a child and

young people disengaging or dropping out of school and addressing those needs so to overcome this.

Improving the life chances of the children and young people to be healthy, stay safe, enjoy and achieve and make a positive contribution in their social and economic wellbeing.

Preparing for adulthood by building self-confidence and raising aspirations for independence and employment.

Communities will be more connected, diverse and vibrant and will benefit from young people who are socially and economically active in their local area.

Equality Impact and Considerations:

Please provide an explanation of the outcome(s) of an initial or full EIA and make specific reference regarding the protected characteristic of Looked After Children. Intranet link to EIA documents is [here](#).

A full EIA has been carried out identifying the likely characteristics and circumstances of children and young people this policy may impact. The policy has the flexibility to respond to specific needs and requirements when accessing and using the policy and therefore has only positive impacts and no negative impacts.

Environmental Impact and Considerations:

*Please provide an explanation of the Environmental impact of this decision. Please include the impact on both **Carbon emissions** (contact climate@bury.gov.uk for advice) and **Biodiversity** (contact c.m.wilkinson@bury.gov.uk for advice)*

2. The policy aims to promote the use of local providers, based in, or close, to Bury as far as possible. This is intended to ensure young people's needs are met in provision as close to home as possible and to ensure reduced transport, thus reducing their carbon footprint and the cost of transport and travel.

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
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Parental dissatisfaction with new policies and procedures	Policy has been co-produced with parents who have expressed satisfaction with this process. A ongoing parent forum is to be established once the policy is approved to ensure the feedback from parents is incorporated into practice on an ongoing basis.
Increased numbers of EOTAS requests due to dissatisfaction with other provision and/or lack of sufficiency	Processes in place for multi-agency consideration of requests to ensure that the legal threshold for EOTAS status is evidenced. Ongoing work with post 16 providers in order to increase range of provision available through registered providers and reduce demand on EOTAS post 16.
Increased cost of EOTAS packages	Policy provides greater clarity as to what the outcomes of packages should be in order to ensure positive outcomes and value for money. Increased monitoring and review of packages, including review by Education Psychological Service at transition points. Training provided to the EHCP Case Officers.

Legal Implications:

3. The EOTAS policy that is proposed complies with the law and demonstrates responsiveness to the areas of concern summarised in the OFSTED/CQC inspection.
4. The policy has been co-produced with parents and reflects a process of continuous discussion and consultation. Post implementation of the policy there is a proposed parent forum to continue the process of continuous discussion.
5. Section 61 Children and Families Act 2014 allows for special educational provision for children and young people for whom education at a school or post 16 institution is inappropriate. A Local Authority 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 at school or a post 16 institution *only if satisfied that it would be inappropriate for the provision to be made there. Before doing so, the Authority must consult the child's parent or the young person (Section 61(2)-(3)).*
6. The policy complies with legislation, case law and the principles set out in the SEND code of practice (Chapter 1).

Financial Implications:

To be completed by the Council's Section 151 Officer.

7. There are no financial implications arising directly from the report.

Appendices:

Please list any appended documents.

EOTAS Policy

Background papers:

Please list any background documents to this report and include a hyperlink where possible.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
EOTAS	Education other than at School. Section 61 of the Childrens Act 2014 sets out that a local authority may grant EOTAS status where it is established that the provision in a young person's Education Health and Care Plan cannot be delivered in a school or post 16 institution.