

Government consultation on SEND reform: education otherwise than at school

Response from Kids

About Kids

Kids is a national charity for disabled children, young people and their families. For more than 50 years, we have provided a wide range of services to disabled children and young people from age 0 – 25 with all types of special educational needs and disabilities (SEND). Kids reaches 35,000 people per year across 65 local authorities, including a high proportion of children who are educated out of school or have spent time out of school, including through EOTAS. Our services support learning and development, play and social opportunities, and deliver family advice, support and mediation services.

Kids' positions on EOTAS

EOTAS is an effective and essential form of education for children whose needs cannot be safely or effectively met in a school environment. For many children with the most complex needs, it is the only available form of education. Children with EOTAS have often experienced extended periods out of education, without meaningful opportunities to learn, socialise or engage with their community. EOTAS offers an opportunity to return to learning, rebuild mental health and wellbeing, and work towards reintegrating with their community – within or outside of a school environment.

EOTAS must not be seen primarily as a short-term solution or a means to return to a school environment. Its success should be judged by whether it enables meaningful learning, wellbeing and progression—not simply whether it results in a return to mainstream education.

While EOTAS can be life-saving for some children, it places an immense burden on families who are forced into full-time caring and advocacy roles.

Through analysis of case studies, surveys, conversations with parents, and input from Kids' practitioners, we have identified the following points about EOTAS, which we believe should inform any reforms to EOTAS provision:

1. **Children with EOTAS are among the most complex, and often present with multiple overlapping needs and conditions.** This means that they are likely to require multiple Specialist Provision Packages. By definition, it would be inappropriate for children with EOTAS to be educated in any school, and are likely to require highly specialist, personalised support from across education, health and care.
2. **EOTAS is often needed because the education environment is the barrier, rather than a lack of willingness to learn.** Children and young people with EOTAS often want to learn, but could not do so safely or consistently in a conventional school environment. This is particularly evident where they

have co-occurring anxiety, trauma, autism, ADHD, PDA, sensory needs, physical health conditions, sleep disorders or other complex needs, where school attendance exacerbates these needs. As one young person told us, "Being at home doesn't mean I don't want an education. It means I need education to happen differently."

3. **For some children, earlier intervention could have prevented escalation to crisis and allowed the child to remain in an education setting; for others, a school environment would never be appropriate.** Strengthening quality of SEND expertise and inclusive provision in schools could reduce the need for EOTAS packages. However, there will always be some children for whom school is not the right environment, but who can be supported to thrive in alternative settings.
4. **Effective EOTAS is highly individualised, flexible and responsive to change.** Successful packages combine education with therapeutic, health, sensory, vocational or community-based support, and adapt to factors such as anxiety, fatigue, sleep patterns, readiness and interests. Flexibility needs to continue after a package is agreed, rather than provision becoming fixed and difficult to change.
5. **Success should be measured by meaningful progress and improved wellbeing, not return to school.** EOTAS should not be viewed simply as a temporary route back to mainstream. The most important outcomes are whether the child can learn, improve their wellbeing, build confidence and relationships, and progress towards a realistic future. Successful packages often initially prioritise reducing anxiety, establishing trust and rebuilding the child's capacity to engage. Independent accountability and clear rights of appeal are important safeguards in achieving this.
6. **Securing EOTAS does not guarantee that appropriate provision will be delivered.** Many families continue to face disputes over tuition hours, providers, choice of individual tutors/therapists, and therapy provision even when specified in an EHCP. There can be a significant gap between what is specified in a plan or secured through Tribunal and what is delivered in practice. This leads some parents to consider EHE as an alternative, where provision can be adapted without seeking permission from the LA.
7. **EOTAS places a significant burden on families, and parents and siblings should receive support.** Many parents are forced to leave their jobs to provide constant care and advocacy for their children's complex needs. Parents often describe the process of securing support as a full-time job: gathering evidence, challenging decisions, attending tribunal, organising provision, and monitor delivery. The current system particularly disadvantages families who cannot leave employment, pay privately for provision, understand complex legal processes or advocate confidently. Parents often reflect on negative impacts on their own mental and physical health, and inability to find respite. Siblings are also impacted, including when parent attention is largely focused on the disabled sibling.
8. **Multi-agency coordination is essential, but support is often fragmented.** Most children with EOTAS require provision from across education, health and care. However, services often consider needs separately and fail to communicate, resulting in fragmented packages and gaps in support;

parents also struggle to coordinate across services without support. The most effective packages involve regular communication between families, tutors, therapists and other professionals, with therapies integrated into everyday learning.

9. **Accountability for delivery is as important as the legal right to provision.** Some families are able to secure provision through advocacy or Tribunal, but this does not guarantee consistent implementation. A reformed system must include effective mechanisms for monitoring and enforcing delivery once provision has been agreed, including clear timescales, named responsibility for each element, contingency arrangements and a rapid route to escalate non-delivery.
10. **Public information on EOTAS is insufficient.** Parents and practitioners both acknowledge lack of understanding of EOTAS, its purpose and processes. The majority of families report sourcing their own information about EOTAS, rather than receiving quality-assured support from services like SENDIASS or IPSEA. This risks the spread of misinformation, misconceptions, and unrealistic expectations, as well as placing unnecessary burden on the family to self-educate about EOTAS.

Conditions for successful EOTAS reforms

Kids believes the following conditions must be met for EOTAS reforms to be effective:

- **Flexibility must be maintained** – including in the design of the package, who administers it, and how often it's reviewed.
- **EOTAS must remain needs-based** and tailored to the individual child; it must not be standardised or based on pre-set packages.
- **Parents, carers and children must be involved in decisions** about EOTAS – this must be mandatory for all local authorities.
- **Reintegration must not be the primary aim.** Any reforms must recognise that for some children, schools do not offer an appropriate environment, and EOTAS is an effective long-term solution.
- **Families should have access to an independent keyworker** to help them to secure and coordinate appropriate provision, work across agencies, coordinate reviews and understand their rights.

Positions on proposed reforms

Management of EOTAS arrangements from 2030

We recognise that there are significant inconsistencies in how EOTAS is arranged and delivered across local authorities, and this can contribute to poor experiences and outcomes for some families.

Each of the proposed options has their benefits. When operating effectively, local authority oversight can strengthen access to wider services (including health, social care and voluntary services), provide consistent administration of budgets, and oversee accountability of external providers. School oversight could provide easier access to expert educators, facilities, exams, peer opportunities, and can support transitions back into schools where appropriate.

However, for many families with EOTAS, relationships have broken down with the local authority as a result of extensive battles for effective provision and a history of dereliction of duty to provide support in an EHCP.

We also have concerns about a fully school-led model. Our analysis of case studies has revealed that children with EOTAS have highly complex, co-occurring needs. This means that it is highly unlikely that their needs could be met by a single school or through a single Specialist Provision Package. In addition, we are concerned that transferring primary responsibility to individual schools could create conflicts around budgets, admissions and attendance. We are also concerned that commissioning multiple schools to deliver different types of EOTAS packages could increase inconsistency, rather than reduce it.

We therefore recommend a third option: The local authority should retain statutory responsibility for agreeing, funding, and quality-assuring EOTAS packages, and the local authority should name an independent organisation to manage EOTAS provision and delivery. The independent organisation would work with the family to build a bespoke package that truly meets their child's needs, coordinate provision across services, and provide family support to ensure families understand EOTAS processes and legal entitlements. Each child should have a named EOTAS coordinator or key worker who can coordinate education, health and care provision and ensure that the child's and family's views are heard. The independent organisation can build strong relationships with the family and with local providers, while avoiding conflicts of interest over funding, admissions or attendance. This model could operate similar to SENDIASS, mediation, and domestic abuse services, which are commissioned through statutory funding but delivered through independent organisations or charities.

Appropriate transition into and out of school or further education setting from 2029/30

Transitions must only be agreed when it meets the child's needs and is in their best interests. Transitions back into school can be effective when they are gradual and based on clear, jointly agreed objectives.

The DfE must recognise that the school environment is not appropriate for every child, and that returning to a school must not always be the primary objective. The success of EOTAS must be measured based on wider outcomes, including academic progress, wellbeing, and engagement with the community. Forcing a child to return to school without the right support will not result in a high quality education: it will exacerbate anxiety, risk self-harm, and reduce the likelihood that a child might successfully engage with education and their wider community.

Where transitions are possible, they often involve transitioning into college, which offers a significantly different learning environment compared to secondary school.

The risks of ineffective reintegration include parents feeling forced into elective home education to prevent further harm, lower oversight from the LA, long periods without suitable education if a child continues to experience school avoidance/non-attendance, loss of confidence and identity as a learner, and greater difficulty engaging the child in education later.

Appealing decisions regarding EOTAS arrangements

We are deeply concerned about proposals to remove families' right to appeal EOTAS provision to the SEND Tribunal. We have spoken to numerous families who have secured effective EOTAS through tribunal. In these cases, they typically held

extensive evidence and recommendations of EOTAS from specialist professionals, yet requests for EOTAS were rejected by the LA. Appealing to Tribunal was the only route to secure the education and therapy that their child was legally entitled to. Restricting the right to appeal decisions about EOTAS will not lead to improved outcomes for children with SEND; instead, it risks leaving children in unsuitable placements that cannot meet their needs, with potentially serious consequences for their health, wellbeing and education.

The consequences of delayed or rejected EOTAS, as a result of inability to appeal, include:

- Extended periods without suitable education
- Escalating anxiety, distress and trauma
- Increased distressed behaviour or shutdown
- Self-harm or deteriorating mental health
- Greater social isolation
- Increased pressure on families, including family breakdown and loss of parental employment
- Greater demand on health, social care and crisis services
- Increased risk of becoming NEET.

Removing the right to appeal EOTAS decisions could also undermine wider government priorities. If children are left without suitable education, they face a greater risk of becoming NEET, and their parents may be unable to return to or remain in employment. Nearly half of Kids' survey respondents reported needing to leave their employment or reduce their working hours to care for their child, including while waiting for approval of EOTAS.

Families must therefore retain an enforceable right to challenge decisions about EOTAS and the provision included within an EOTAS package. If provision is instead specified through an ISP, families must have an equivalent legal right to challenge whether that provision is sufficient and appropriate.

Quality Assurance and regulation of EOTAS provision

It is widely acknowledged that there is no national guidance on EOTAS, and that this contributes to inconsistency between local authorities and between packages within individual local authorities.

The consultation document proposes introducing national standards to govern providers of EOTAS, but we recommend taking a step further and introducing national guidance to improve consistency across local authorities. Guidance should establish minimum entitlements and quality expectations while maintaining flexibility and without prescribing a single model of provision.

National standards could cover:

- A consistent and transparent decision-making process
- Clear timescales for considering requests
- Meaningful participation by children and families
- Minimum safeguarding and quality-assurance requirements
- Expectations for suitably qualified providers
- Access to an appropriate breadth of education
- Integration of therapies specified within the EHCP
- Social, community and preparation-for-adulthood opportunities
- Timescales for reviews of provision

- Clear routes for challenging decisions
- Regular monitoring of outcomes and wellbeing
- Protection from unsuitable or repeatedly failed reintegration attempts

The standards should define what a good EOTAS process and package must achieve, rather than prescribe exactly where, when or how every child should learn. Flexibility is central to EOTAS and must be protected.

Recommendations for immediate reforms

The following recommendations can be implemented in the short term, without waiting for new legislation, to improve the experiences of children and families with EOTAS.

1. **Develop national guidance** for local authorities to improve consistency. Guidance must set **minimum expectations, without removing flexibility or defining what EOTAS packages should look like**. Guidance can establish consistent minimum expectations related to:
 - a. Decision making processes
 - b. Timescales
 - c. Engagement with children and families
 - d. Safeguarding
 - e. Quality assurance
 - f. The types of provision that should be considered, without defining what individual packages should look like.
2. **Strengthen public information about EOTAS** to ensure parents source information from reputable sources. This public information can be based on the above national guidance, providing a consistent resource for parents.
3. **Introduce a keyworker/navigator for each family:** Parents are often left to identify and source provision for their children. Families must be provided with a trained keyworker who can design a package of support and ensure delivery across services. This is in line with Ofsted's recommendation in 2025 to "appoint a lead professional from health, social care or education who knows the child and their family well. They should hold key responsibilities for the coordination of services."
4. **Develop the evidence base:** Conduct further research to build a more detailed understanding of the EOTAS cohort and what provision is effective.

Recommendations for longer term reforms

1. **Introduce an independent body that would be responsible for organising EOTAS packages** and coordinating provision across the local authority, schools, health, social care, specialist therapies, and voluntary sector provision. This would address parents' primary concerns about EOTAS: that it is highly labour-intensive for the family, and involves broken relationships with local authorities or schools.
2. **Maintain tribunal powers for EOTAS:** The tribunal is a critical safeguard to ensure children get the support they need to access an education. Removing the option to appeal will increase the rate of children who are out of school through EBSA or EHE, and risk increasing the rate of NEET.

Consultation Questions

Chapter 1: Reforming Education Otherwise Than At School

Q.1. How can we best support the needs of children and young people who are not eligible for a Specialist Provision Package but are unable to continue their education in a formal setting?

The Government must ensure that all children can access an education, including when this education must take place outside of a school. Children must not have to meet thresholds to access an education.

There should be a Specialist Provision Package or equivalent guarantee of support for children who are unable to continue their education in a formal setting as a result of SEND or health needs. This must include access to qualified and SEND-trained teachers or tutors, opportunities for social activities, and access to therapies required to access education and to maintain wellbeing.

Case study: A young person in Hampshire spent six months in hospital due to her mental and physical health, and ultimately became a wheelchair user. She was academically able and did not require adaptation to the curriculum, and represents the type of child who may be ineligible for an SPP in the future. Her school was not wheelchair accessible, and on her return, she was isolated in the library, without access to teachers or peers, leading to deterioration in her mental health. She left school when it stated it could not meet her needs. Despite having an EHCP and high academic ability (8s and 9s in all GCSEs), she was rejected by every college in her LA due to the complexity of her needs. She finished her A-levels through online providers, without access to peers and limited access to teachers, and sat exams as a private candidate, at significant personal expense.

This is an example of an academically able young person, with significant family support, and capacity to advocate for herself. Other young people in similar circumstances would likely be left behind by these reforms, and would be unlikely to complete their education or secure qualifications.

Q.2. Which approach to commissioning and overseeing EOTAS arrangements do you think would work best?

We recognise significant inconsistencies in how EOTAS is arranged and delivered across local authorities, which can result in poor experiences and outcomes for some families. While both local authority and school-led models have strengths, neither fully addresses the challenges faced by many families with EOTAS.

LA oversight can support accountability, budget management and access to wider services. However, many families have told us that they have lost confidence in the LA, and would prefer EOTAS to be managed by someone other than the LA. School oversight may offer educational expertise, facilities, exams and social opportunities, but could create conflicts around funding, admissions and attendance, while commissioning EOTAS through multiple schools may increase inconsistency.

We recommend that LAs should appoint an independent organisation, such as a charity, to coordinate provision and support families. This organisation should help families navigate processes, co-produce bespoke packages and coordinate across education, health and care services. Every child should have a named EOTAS coordinator or key worker to ensure their needs, and those of their family, are central to decision-making. This approach would support the aim of bringing

support closer to the child by providing a single organisation to oversee all EOTAS packages, while maintaining local authority accountability.

A comparable model already exists in SENDIASS, mediation, and domestic abuse services, where local authorities commission services through statutory funding but delivery is through independent organisations. These organisations can build trusting relationships with families and offer a wider range of support than local authorities alone.

Q.3. Under your preferred approach, what support, capacity or safeguards would be needed to enable the named school or further education setting and/or local authority to undertake their roles effectively?

Communication: Parents often report poor communication from local authorities, particularly around changes to provision: tutors are often changed, or therapies removed, at short notice, despite the acknowledged importance of consistent, trusted relationships. EOTAS providers must maintain open and regular communication with parents to monitor effectiveness of provision and notify/mitigate any changes.

Training & expertise: Parents tell us that EOTAS providers, such as tutoring agencies, are not trained in SEND, particularly for conditions like PDA. Providers should be required to demonstrate relevant qualifications, experience or specialist expertise before being included in an EOTAS package.

Flexibility: Families frequently encounter delays when requesting changes to provision, for example where a tutor or therapy is not meeting their child's needs. EOTAS providers, whether schools or independent organisations, should have the authority to make changes requested by parents without requiring approval from the LA.

For example, a parent in Ealing with a personal budget asked to appoint a specific tutor with expertise in her daughter's needs. Approval of the tutor took several months, during which time her daughter was not receiving any teaching. Once approved, the local authority made payment to the tutor six months late. This parent called for simpler administration, faster response time, and more autonomy to make decisions within the personal budget.

Understanding local systems of support: The administering body must have a strong understanding of the support systems that are available within a local area, and strong relationships with a range of local providers, to build an appropriate package of support for each child.

Q.4. What safeguards should be in place to support consistent, needs-led decisions about when Education Otherwise Than At School (EOTAS) is the most appropriate way to meet a child or young person's needs, including where suitable school or further education provision may be limited or unavailable?

Decisions about EOTAS must be based on the needs of the individual child, and must not be based on pre-determined expectations to return to school.

To ensure decisions are needs led:

- The child and their parents/carers must be actively involved in assessing whether EOTAS is appropriate, with their evidence given proper weight.
- Families must be provided with a trained keyworker to design the EOTAS package and ensure provision is delivery by all providers. The keyworker

would also ensure that parents are well-informed about their rights and available support: parents and practitioners report a significant lack of accurate public information about EOTAS, and are often left to identify and source provision for their children.

- Local authorities must explain in writing how they have reached their decision to issue/not issue/cease EOTAS, to help reduce inconsistency and support accountability.
- Decision makers must understand the difference between an available school place and one that can meet all of a child's needs. They must consider the child's ability to access the environment, curriculum, timetable, social and sensory demands, therapies, communication support and relationships with staff.

Case study: One family in Wakefield approached over 21 schools seeking a place for their son, but each concluded that it could not meet the child's combination of sensory, communication, emotional regulation and mental health needs. Although school places existed in theory, there was no placement the child could safely access. In this example, EOTAS was not only the family's preferred option; it was the only means of securing an education. Decisions must consider whether a placement is genuinely suitable, rather than whether a place is technically available.

Q.5. What factors are important for effective reintegration planning for children and young people receiving EOTAS provision?

The assumption that EOTAS should lead back to school does not reflect the experiences of many children and families. In reality, a return to school is often neither achievable nor desirable. When a child has experienced sustained distress in an education setting, ongoing absence may indicate that the environment is unable to meet their needs. Attempting to reintroduce a child to any similar environment can worsen existing trauma and damage trust in adults and services.

Reintegration should be determined by the child's individual circumstances rather than by set timescales, funding considerations or an expectation that EOTAS is inherently temporary. While some children may eventually benefit from a suitable school placement, others may require EOTAS over the long term because no available school can provide the support and environment they need. Many families tell us they would welcome a return to school if such a placement existed, but have been unable to identify one that could meet their child's needs.

Where a transition back into school is successful, it is typically built on careful planning, sufficient resources and clear evidence that the new school can provide the right support. Key features commonly include:

- The child having a genuine voice in decisions about their education
- Appropriate staff training and understanding of the child's needs
- A focus on wellbeing and sustained participation, rather than attendance alone, as the measure of success
- Ongoing support from a trusted adult
- Gradual, low-pressure introductions to the new setting
- Flexibility to slow, pause or reverse the process if needed

- Continued access to relevant elements of EOTAS during the transition

Case study: A young person in East Riding of Yorkshire with ADHD, communication needs and a history of trauma was granted EOTAS after they experienced repeated suspensions, changes of placement and increasing disengagement from education and lack of trust in professionals. The young person successfully re-engaged with learning because their EOTAS package connected learning with their interests and future aspirations. Following a sustained period of stability, they moved into a small specialist vocational setting. This transition was successful because it was gradual, elements of EOTAS (mentoring from a trusted adult) were maintained during the transition, and the receiving setting adapted its approach.

Q.6. What safeguards are needed to ensure reintegration planning best supports progress and the child or young person's long-term outcomes?

Reintegration should only be considered where it supports the young person's needs, wellbeing and long-term development. The primary measure of success should not be whether a child returns to school, but whether they are able to engage in learning, improve their wellbeing, develop confidence, build positive relationships and make meaningful progress towards an achievable future.

Robust independent oversight and clear rights of appeal are important safeguards to ensure decisions remain focused on the child's best interests.

Any discussion about reintegration must be led by the young person and their family. Sustainable outcomes are far more likely when the process is developed collaboratively, not imposed on the child or family.

Decisions about readiness for reintegration should be informed by professionals with detailed knowledge of the child. This may include clinical and therapeutic specialists such as SALTs, OTs, educational psychologists or CAMHS practitioners. Families should also be able to involve professionals they trust because of their understanding of the child, including voluntary sector workers and other practitioners. Parents often report that swimming instructors, forest school teachers or art therapists have some of the most valuable insights into their child's needs, and their expertise should be recognised where families consider it relevant.

Where reintegration is attempted, flexibility must be built into the process. Progress should take place at the child's pace, with the ability to reduce hours, pause, or step back if difficulties emerge. Families must also retain the option of returning to EOTAS where a placement is unsuitable or risks undermining the child's wellbeing and progress.

Case study: One young person receiving EOTAS wanted eventually to attend a mainstream setting with enhanced support. Their successful transition required early planning, visits at quiet times, a consistent trusted adult, a flexible timetable and opportunities to build relationships before formal attendance began. Elements of the EOTAS package continued during the transition, with progress assessed through wellbeing and sustainable engagement rather than attendance alone. Crucially, the plan allowed the young person to reduce attendance or return temporarily to EOTAS if their wellbeing deteriorated.

Q.7. What arrangements are needed to provide parents with a clear route to resolve disputes if decisions are made: about whether new EOTAS provision should be put in place; or to change or cease EOTAS provision that has already been put in place?

We are deeply concerned by proposals to restrict the right to challenge decisions relating to EOTAS at tribunal. Limiting appeal rights would reduce accountability and leave families reliant on alternative routes, such as judicial review, formal complaints, or the Local Government and Social Care Ombudsman. Clear, accessible and enforceable mechanisms for redress will be essential if EOTAS reforms are to be effective.

Families must continue to have a right of appeal regarding the content of an EOTAS package specified in Section F of an EHCP. If provision is instead set out in an ISP, families must have an equivalent legal mechanism to challenge the provision contained within that plan.

There should also be quicker and more accessible ways for families to challenge failures to deliver EHCP provision. Existing routes, including judicial review, formal complaints and the Local Government Ombudsman, are often complex, lengthy and, in the case of judicial review, dependent on legal expertise. In practice, these routes are most accessible to families with the capacity, knowledge and confidence to navigate and pursue them.

The consequences of delayed or rejected EOTAS, as a result of inability to appeal, include long periods out of education, increased rates of EHE, escalating anxiety and trauma, self-harm, deterioration in mental health or suicidal ideation, social isolation, family breakdown, loss of parental employment, and greater difficulty engaging the child in education later.

Case study: One family sought EOTAS after their child experienced significant distress within a school environment and was unable to access education safely, resulting in EBSA. Despite evidence from the family and professionals, EOTAS provision was not agreed until the family appealed. The appeal process enabled the evidence to be independently considered and a suitable package to be secured. Without the right to appeal, the child may have remained without meaningful education or been expected to return to an environment that could not meet their needs. This illustrates why mediation and complaints processes cannot replace an enforceable right of appeal.

Q.8. Do you agree or disagree that non-school alternative provision delivering EOTAS special educational provision to children of compulsory school age should be required to comply with new national regulatory standards?

We agree that non-school alternative provision delivering EOTAS should comply with new national regulatory standards that are developed specifically for EOTAS. National standards should establish minimum entitlements and quality expectations, while maintaining flexibility and without prescribing a single model of provision or adding unnecessary bureaucracy.

Parents must also have the flexibility to source providers that are appropriate for their child (for example, where they already hold strong relationships with a specific practitioner), provided they meet minimum standards for level of qualification (appropriate for the role) and safeguarding.

The DfE should also consider national guidance for LAs that applies across all EOTAS design and delivery – not only to individual service providers. There is currently no national guidance to guide decision making related to EOTAS. To improve consistency across local authorities, national guidance should define:

- A consistent and transparent decision-making process

- Clear timescales for considering requests
- Meaningful participation by children and families
- Minimum safeguarding and quality-assurance requirements
- Expectations for suitably qualified providers
- Access to an appropriate breadth of education
- Integration of therapies specified within the EHCP
- Social, community and preparation-for-adulthood opportunities
- Clear routes for challenging decisions
- Regular monitoring of outcomes and wellbeing
- Protection from unsuitable or repeatedly failed reintegration attempts

The standards should define what a good EOTAS process and package must achieve, rather than prescribe exactly where, when or how every child should learn. Flexibility is central to EOTAS and must be protected.

Case study: A child in Wakefield with autism, PDA, violent challenging behaviour, a language disorder, developmental delay and a sleep disorder was granted EOTAS after multiple placement breakdowns. The family gradually built up trusted relationships with key workers, including with a specialist forest school teacher and personal assistant providing 2-to-1 educational provision, a physio who could meet the child's needs, and an OT where he engaged positively. However, the Local Authority recently decided to replace the teacher, despite being fully qualified, which needlessly disrupted an effective arrangement without an appropriate transition; the child has rejected the new teacher and is now left without educational provision. The parent has requested autonomy and a personal budget to re-hire the teacher and PA within the EOTAS package.

Q.9. Do you agree or disagree that local authorities should be responsible for quality assuring non-school alternative provision delivering special educational provision EOTAS for children of compulsory school age?

We agree that local authorities should maintain statutory oversight of EOTAS and should be responsible for quality assuring provision.

The quality assurance framework should be set out in the national standards discussed in Question 8. Any quality assurance framework should establish minimum standards while maintaining flexibility to deliver an education that meets the needs of every child.

Families report mixed experiences of EOTAS providers. Some tutoring services have lacked sufficient understanding of autism, sensory needs, demand avoidance and trauma, leading to relationships breaking down and children disengaging. In contrast, smaller community providers – including forest schools, swimming instructors, arts practitioners and voluntary organisations – have sometimes achieved strong engagement because they built trusted relationships and adapted support around the child. Quality assurance should therefore establish clear safeguarding, competence and accountability standards without excluding effective non-traditional providers or creating delays through disproportionate bureaucracy.

Q.10. For young people aged 16–25, should quality assurance and oversight arrangements of EOTAS provision align with the approach proposed for children of compulsory school age?

We support the use of a consistent quality assurance framework across all age groups. However, the framework should also reflect the distinct nature of post-16 and post-19 provision. Oversight arrangements should place a stronger focus on outcomes linked to adulthood, such as access to further and higher education, employment opportunities, supported internships, independent living skills and community participation. Young people should play a central role in shaping decisions about their education, support arrangements and future aspirations.

Chapter 2: Supporting Children and Young People on existing EOTAS arrangements

Q.11. When should assessment take place, if at all, for children and young people on existing EOTAS arrangements?

The continued suitability of EOTAS arrangements should be reviewed through the statutory annual EHCP review, and should not introduce new, unnecessary assessments. EOTAS may also be subject to more frequent strategic reviews (considering the young person's long term objectives/outcomes, rather than reviewing the appropriateness of EOTAS itself) during periods of significant change, such as during the first year of a new package, when approaching transitions between phases, or where a return to school is being considered.

EHCP reviews of EOTAS arrangements should take account of the views of the child or young person and their family, together with advice from specialist professionals, including those delivering EOTAS provision. National guidance (see Q. 8) should clearly set out responsibilities and decision-making processes for determining whether EOTAS remains appropriate and continues to meet needs.

Families report that annual EHCP reviews are frequently delayed, leaving plans out of date for prolonged periods. This is particularly problematic during key stage transitions, where schools or local authorities may make admissions decisions based on outdated information. This can result in unsuitable placements that cannot meet a child's current needs, or unsuccessful attempts to return to school where progress has not been reflected in the EHCP.

Reviews must be timely, evidence-led and focused on need. Parents and practitioners should be able to request an early review where needs change significantly. Assessments should identify the provision required by the child and determine whether it is most appropriately delivered within a school setting or an alternative environment.

Case study: A young person in Croydon with severe anxiety and an eating disorder became increasingly withdrawn from school. She was given a temporary place in a PRU, where she received strong mental health support, followed by an EOTAS package. The young person made significant progress through EOTAS and completed her GCSEs. She would like to return to college, however her current EHCP continues to reflect EOTAS support that colleges are unable to provide, and the LA has refused an early review. She is therefore struggling to find a college that will accept her. Where an EOTAS package remains specified in an EHCP but no longer

reflects the young person's needs, families must be able to request urgent reviews and updates to the plan.

Q.12. If a needs assessment takes place and a child of primary age is assessed as eligible for an EHCP, do you agree that they should move onto a Specialist Provision Package, with any EOTAS arrangements managed in line with the proposals set out in Chapter 1?

Kids is concerned that the proposed Specialist Provision Packages (SPPs) risk moving the system away from an individualised, needs-led approach towards one based on standardised provision. Children and young people receiving EOTAS often have complex and overlapping needs that cannot be adequately addressed by a single school setting, let alone a pre-defined package of support.

Where a comprehensive, multi-disciplinary assessment concludes that EOTAS remains the most appropriate way of meeting a child's needs, they should continue to receive a personalised package tailored to their individual circumstances rather than being transferred onto a standardised SPP. This package should be designed in partnership with the child and their family. Any elements of the existing EOTAS provision that have been shown to be effective should be retained as part of future support arrangements.

Q.13. If a need assessment takes place, what should be the next step for those who are not eligible for an EHCP?

Children should not lose access to education simply because they are no longer eligible for an EHCP, nor should this automatically result in placement within a school that cannot meet their needs. Where specialist provision, including EOTAS, is the only realistic way for a child to access education, there must be a mechanism for this support to continue.

Many children educated through EOTAS have the academic ability to thrive in education but have been unable to secure a suitable school place because of significant physical or mental health needs. If an EHCP is removed and an appropriate placement cannot be identified, families should not be left with no option other than unsupported elective home education. Local authorities must continue to have responsibility for ensuring these children can access their educational entitlement.

Decisions about support should be driven by a thorough assessment of need rather than by the availability of particular types of provision. A return to school should not be treated as the default outcome for children who do not qualify for an EHCP. Instead, comprehensive multi-disciplinary assessments should be undertaken with the child, their family and professionals who know the child (including those who delivered EOTAS) to identify the setting best able to meet their needs, which may include continuing home-based education or other forms of alternative provision.

Where a return to school is considered appropriate, the transition should follow the best practice outlined in Q. 5.

Q.14. Which factors best support stable transitions and progression for children receiving EOTAS, including return to education where appropriate?

Returning to school must not be the primary objective for all children. Any transition into a school setting must be guided by the child's needs, appropriately supported, and progressed at a pace that works for them.

Key transition points, particularly from primary to secondary school and from secondary to college, often require additional support. Changes in curriculum, social expectations and future outcomes, including preparation for adulthood, can present significant challenges. Planning should begin well in advance of the transition and be developed in partnership with the child or young person and their family. Wherever possible, transitions should be gradual and adaptable, maintaining continuity while introducing new environments, routines, staff and expectations. Health, social care and educational provision should all be reviewed during these periods.

A change of phase should be treated as an opportunity to review and adapt a child's package of support, rather than creating an expectation that they will return to a conventional education setting. If a placement is being considered, there should be clear evidence that it can meet the young person's needs, and any move should be properly resourced, gradual, and capable of being paused or reversed if difficulties arise.

Case study: An academically able young person in Hull with autism, significant sensory needs, anxiety and fibromyalgia was granted EOTAS when she struggled to attend school due to chronic pain, fatigue and difficulties coping with a busy environment. EOTAS provided flexible tuition, home and online learning, sensory and emotional support, and opportunities for social contact. Reintegration into a conventional full-time school timetable was not considered appropriate, but a carefully planned transition into a smaller and more flexible post-16 environment became feasible. A gradual return to school-based education was explored and was successful after she had re-engaged with education and rebuilt confidence with managing her physical needs.