

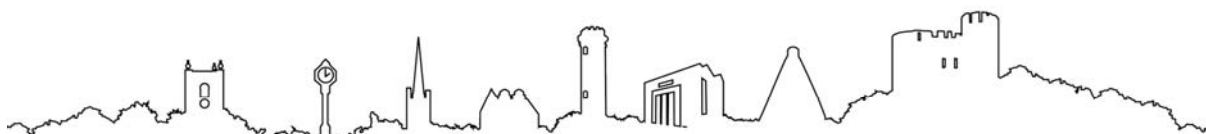
Dudley Statement for Education Otherwise Than At School (EOTAS)

1. Introduction

- (1) Dudley Metropolitan Borough Council (the Local Authority) is committed to ensuring that it exercises its functions relating to the provision of education with a view to promoting high standards, ensuring fair access to educational opportunity and promoting the fulfilment by every child concerned of their educational potential. This applies to children and young people of compulsory school age to receive a suitable education either at school or otherwise than at school and, in conjunction with the following documents that are likely to influence the delivery of EOTAS provision and this statement describes how the Local Authority will achieve this commitment:
- (a) Acts of Parliament, Regulations and case law;
 - (b) The Department for Education's (DfE) guidance, especially on Elective Home Education (April 2019); and
 - (c) Other relevant Dudley MBC policies, including:
 - The Elective Home Education (EHE) Standard Operating Procedure / Policy;
 - Standard Operating Policy for Pupil Placement and for Children Missing Education (CME).

2. The Law

- (i) Section 7 of the Education Act 1996 states that the parent of a children of compulsory school age has a legal duty to ensure that they:
- "... [an] efficient full-time education suitable — ... [to their child's] age, ability and aptitude, and ... any special educational needs [they] may have, either by regular attendance at school or otherwise."*
- (ii) It adds, in section 19(1) of the Education Act 1996, that:
- "Each local (education) authority shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them."*
- (iii) However, a local authority's duty, in relation to pupils who have been permanently excluded from their school, academy or pupil referral unit, takes effect from the sixth school day of that exclusion.



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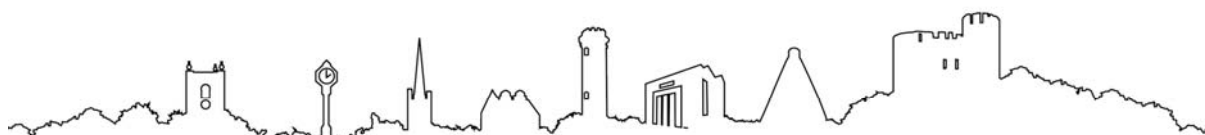
- (iv) In most cases, the Local Authority has commissioned local short stay schools and pupil referral units to assist it to comply with its duties under section 19(1), but where appropriate the Local Authority can commission other educational packages, such as Alternative Provision, to provide EOTAS.

3. Elective Home Education

- (i) Elective home education is a term used to describe a choice by parents to provide education for their children at home, in some other way or a combination of both, instead of sending them to school full-time. This is not the same as the EOTAS that a local authority has legal duty to provide.
- (ii) The Local Authority recognises the rights of children, young people and their parents or carers to choose to be educated otherwise, i.e. 'Elective Home Education' (EHE).
- (iii) However, the Local Authority has a legal duty to be satisfied that the education being provided to children and young people of compulsory school age is suitable.
- (iv) To that end, in compliance with the law and the DfE's guidance on EHE, the Local Authority's EHE SOP / Policy provides a framework via which children and young people who are being home educated and their parents / carers can let the Local Authority know the educational provision that they have in place and discuss the child or young person's progress.
- (v) In the case of children and young people with Education, Health & Care (EHC) Plans, the Local Authority has an additional responsibility to ensure that the provision deemed necessary in the child or young person's EHC Plan is being received.
- (vi) Where the Local Authority is satisfied that a suitable education is being provided, it is not required to take any further action.

4. Who should receive EOTAS?

- (i) In line with section 19 of the Education Act 1996, the Local Authority should only provide EOTAS to children and young people of compulsory school age who may not receive a suitable education due to illness, exclusion from school or for some other reason.
- (ii) This can include children or young people:
 - (a) Who have been admitted to and are receiving medical treatment at Tier 4 Hospital;
 - (b) Who are at serious risk of permanent exclusion or, from the 6th school day after their exclusion, those who have been permanently excluded, but do not have a school place; or
 - (c) Children or young people unable to attend school as a result of their exceptional social circumstances or their severe and complex special educational needs or medical condition.
- (iii) However, in line with the law, it is the Local Authority's intention to use EOTAS to support the vast majority of children and young people into a mainstream or specialist placement that meets their needs.



5. Dudley MBC's EOTAS Process

- (i) As EOTAS is intended to be an interim or short term educational provision to facilitate a child or young person's return or integration into school or some other educational provision with an EHCP, it is essential that the Local Authority work in partnership and flexibly with the child or young person, their parents or carers and other partners and agencies when considering requests for, determining the content of and managing EOTAS provision
- (ii) Therefore, when making decisions about EOTAS, the Local Authority will adhere to the following process:

(a) Determining whether to provide or continue to provide EOTAS:

- Decisions about whether it is necessary for the Local Authority to provide or continue to provide a child or young person with EOTAS shall be made by the Local Authority's Multi-Agency Special Educational Needs Panel having considered:
 - ⇒ The documentation, information and views submitted by the child or young person and their parents or carers on the subject;
 - ⇒ The information collated by the Local Authority, from the professionals and agencies that it deems necessary, about the child or young person's school attainments, such as the most recent Annual Review information' attendance, and behaviour logs; reports/letters from professionals currently involved with the CYP, school consultation responses, any other relevant needs and circumstances; for example and
 - ⇒ The legislation and statutory guidance that explains when a local authority has a legal duty provide EOTAS.
- Given the expertise of Dudley Education Psychology Service in such matters, its representative will be asked to lead the discussion at the Multi- Agency SEN Panel meeting when members are asked to make a decision about providing or continuing to provide EOTAS.

(b) The educational provision within an EOTAS package:

- If it has been decided that it is necessary for the Local Authority to provide a child or young person with EOTAS, the Local Authority will commission a local short stay school, pupil referral unit or another individual or organisation to, within 10 school days of being requested:
- Consider the documentation supplied to it by the Local Authority about the child or young person's needs, including any EHC Plan;
- Take account the views expressed, especially those of:
 - ⇒ The child or young person and the parents or carers;
 - ⇒ Dudley Education Psychology Service;
 - ⇒ The Local Authority's SEND Team; and

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- ⇒ Any other professional and agency that the Local Authority deems appropriate;
- Develop, and agree with the Local Authority, an EOTAS program of work that will:
 - ⇒ Provide the child or young person with an efficient and, where possible, full-time education that is suitable to their age, ability, aptitude and special educational needs;
 - ⇒ Specify how it will facilitate the child or young person's return or integration into school or some other educational provision within two academic terms or sooner and
 - ⇒ Result in the efficient use of public resources;

AND

- Manage the delivery, monitoring and review of the EOTAS program in place.

NB: *If a child or young person has an EHC Plan, its contents should be amended and the EOTAS program should be appended to the document.*

(c) Monitoring and reviewing of EOTAS provision:

- The Local Authority will monitor a child or young person's progress on their EOTAS program and conduct a review of that provision:
 - ⇒ Every six school weeks; or
 - ⇒ At least once each academic term.
- The format of the interim review will include the Child and young people, parent/carers, and involved professionals' view of current provision, progress, and plan for returning to school. These areas will be covered in the agenda at the review.

(d) Emergency review of an EHC Plan:

- If a child or young person with an EHC Plan has been following an EOTAS program for two academic terms, the Local Authority will arrange for an emergency review of their EHC Plan, to explore what else can be done to facilitate their return or integration into school or some other educational provision.
- However, integration into a school or some other education provision remains unsuitable or cannot proceed, the Local Authority will work flexibly with the parent, carers, child and young person to ensure that continue to follow an appropriate EOTAS program until it is next reviewed.

6. Concerns and complaints about EOTAS

- (i) The child or young person or their parents or carers are entitled to:
- (a) Raise any concerns that they may have about their EOTAS provision with their Local Authority Case Officer; or
 - (b) Submit a complaint via:
 - The corporate complaints procedure; or
 - The complaints procedures detailed in the SEND Code of Practice (2015), if the child or young person has an EHC Plan.

7. Further Information

- (i) Local Offer Website
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