



Family Voice Surrey Collective Parent Carer Response

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

We welcome the opportunity to contribute a collective parent-carer response to the consultation on Education Other Than At School (EOTAS).

Our overall view is that **reform is needed**, as the current EOTAS system can be very difficult to have agreed outside a tribunal – parent carers are often forced into legal processes when their child or young person is simply unable to attend an education setting. The current arrangements are often inconsistent, difficult to navigate and place too much responsibility on parents to identify, arrange and coordinate their child's education. EOTAS is not widely or consistently understood by professionals, settings or Local Authorities this creates huge barriers for children and young people and often prolonged periods of missed education before appropriate provision and support is put in place.

However, reform **must** improve the system rather than restrict access to EOTAS or make returning to school the assumed outcome. The suggestions outlined in the consultation appear to reduce the circumstances where EOTAS would be necessary even further, try and fit a package into a generic specialist package when the main purpose of EOTAS is to offer an individualised and bespoke package of support to meet the needs of a child or young person. **Therefore, we have grave concerns regarding the proposals set out in the consultation.**

EOTAS must continue to be arranged for those whose needs cannot be met in any educational setting.

Some children require EOTAS because their needs **cannot** be met within **any** school or college setting. While reintegration at some stage **may** be appropriate for some children, it should never become the default expectation. The majority of children and young people on EOTAS packages have got extreme trauma from being in settings that have not met their needs and as such reintegration is likely to cause further trauma and distress – there must be an individual decision making on reintegration as many cases it will simply be totally inappropriate at any stage. The proposals set out read as if they are talking about Section 19 – alternative provision which as we know is very different to EOTAS and this drive for reintegration particularly for those at primary school age if not looked at individually could lead to further trauma and missed education.

Children and families should not lose appropriate provision simply because a return to school or college may be possible at some point in the future. Readiness for transition cannot always be predicted, particularly around key stages and post-16 education.

Earlier identification and specialist intervention

We strongly support earlier identification of SEND and earlier intervention. However, this will only work if schools and families can access the specialist professionals needed to properly understand children's needs.

Some children reach the point where EOTAS is needed following prolonged difficulties from unmet need in school and delays in assessment, therapy or specialist support. They have often met crisis before it is put in place. Early intervention must therefore mean more than identifying children earlier: it must provide **timely access to appropriate expertise and support**.

Investment in specialist services is essential if the proposed reforms are to reduce the number of children reaching crisis point.

Reviews, stability and accountability

We support appropriate monitoring and accountability for EOTAS provision. However, we have significant concerns about three-month reviews becoming a mechanism for regularly questioning whether a child's provision should continue.

Three months may not be long enough for a child with significant anxiety, dysregulation or other complex needs to settle into provision and demonstrate progress. Continual uncertainty can itself undermine engagement and wellbeing. Children on EOTAS packages have often had turbulent education experiences and they need calm and consistency to enable them to begin to feel safe again.

Reviews should therefore be **proportionate, outcome-focused and supportive**, rather than creating a cliff edge at which provision can simply be withdrawn.

Regular reporting against agreed outcomes can provide effective accountability without making the continuation of education feel constantly at risk.

Parents should not become education commissioners

A major concern is the level of responsibility currently placed on families. Parents can find themselves identifying providers, constructing education packages, arranging tuition and therapies, chasing funding and coordinating professionals.

Parents of children receiving EOTAS have not chosen elective home education. They should not be expected to become education commissioners because the existing education system has been unable to meet their child's needs.

We welcome the idea of **dedicated EOTAS/alternative provision teams and specialist case officers**. This could significantly improve consistency, provided these teams are properly resourced and staffed by people with genuine knowledge and understanding of EOTAS and SEND.

Individualised provision and provider choice

We support appropriate quality standards and accountability. However, EOTAS provision must remain sufficiently flexible and individualised to reflect the highly individual and varying needs of children. The proposals do not outline what a specialist package will look like but we know that EOTAS is highly individualised because it has to be – removing this to place it into a predesigned package is not going to meet the varying needs of children that require EOTAS.

Standardised packages or restrictive approved-provider lists could unintentionally create a one-size-fits-all system. What works for one child may be completely unsuitable for another. EOTAS does not fit neatly into a box and needs to allow providers and commissioners to feel confident that they can coordinate suitable packages of support to meet individual needs effectively.

Quality standards should establish a minimum level of quality without preventing genuinely bespoke provision where this is necessary.

Where approved-provider lists are used, families need transparency about what is available, sufficient choice and access to providers with appropriate specialist expertise. Provision should not be restricted simply because a particular option is cheaper or administratively easier.

Parental involvement and legal safeguards

Parents must remain meaningfully involved in decisions about their child's education.

We are extremely concerned about the proposed reduction in existing tribunal or appeal rights. These rights are an imperative **safety net** when decisions are wrong or families cannot resolve disagreements.

The current high levels of appeals should prompt examination of why families are reaching tribunal and what is failing within the system. The solution should be to improve decision-making, communication and early intervention — **not to remove parents' ability and rights to challenge decisions**.

A fair system should reduce the need for parents to appeal, not reduce their ability to do so.

Far too often the only way EOTAS is agreed is when a parent carer appeals to the tribunal service – this right should remain and to remove this puts these vulnerable children at huge risk of missed education, missed opportunities and decline in

wellbeing. However, within the reforms they should be reducing the need (not the rights) to appeal so that children and young people who need EOTAS get it sooner and families do not have to endure the distressing experience of the appeals process.

Clear accountability and responsibility

Responsibility for a child's education must be clear, particularly where health needs prevent attendance at school or where alternative provision is required.

Families should never be left caught between schools, local authorities and other services while responsibility for arranging or funding education is disputed.

Schools are not equipped or resourced to manage complex EOTAS cases

We have concerns at the suggestion that schools will take over responsibility for managing EOTAS packages – schools are already overwhelmed and school staff do not have the time, training, funding, resources or expertise to understand the complexities of EOTAS. Schools are most often the place that has been unable to meet a child or young person's needs which in turn has meant EOTAS is needed – how can schools therefore be suitably equipped to organise and manage packages objectively?

Within the proposals there is no clear description of how schools will be funded to take on this huge responsibility – schools are already massively overstretched and have very limited funds which already creates a huge problem for children who need additional support. To expect them to manage EOTAS cases is simply going to stretch them further and mean there is even less funding available for those who need it.

The suggestion that disputes can be managed through a school's complaints process also shows little understanding of these highly emotive and complex situations that schools are just not equipped for. There must be clear channels for accountability and ways for families to escalate if they disagree – the proposals appear to have removed any sense of this. There is also not enough access to specialist advice to allow them to act appropriately.

Our overall position

We have grave concerns over the suggested EOTAS proposals and we would like to see reform that delivers:

- earlier identification and meaningful early intervention;
- timely access to specialist assessment and professional support;
- high-quality and accountable EOTAS that is put in place when needed;
- specialist EOTAS case management;
- appropriate monitoring without destabilising children's education;

- genuine individualisation and flexibility – not a one size fits all package;
- meaningful parental participation and choice;
- clear responsibility between agencies; and
- strong legal and independent safeguards to enable families to escalate if they need to.

Reform should **not be driven primarily by a desire to reduce the number of children receiving EOTAS.**

The children who need EOTAS are telling us that the existing system has not been able to meet their needs. We must understand and address those underlying failures rather than simply making EOTAS harder to access or easier to end.

Children must have access to the education that is right for them, and parents must not have to fight, pay for advocacy or rely on legal action simply to secure appropriate provision.

We urge the Government to ensure EOTAS continues to be available for children and young people who cannot have their needs met in an education setting. Legal rights must not be reduced, and families must have the right to appeal decisions that they feel are not right for their child or young person. We support the suggestion to strengthen early intervention and specialist support; however the Government must recognise that this takes time and is not something that happens overnight – children and young people right now need to have the right provision to meet their needs. We would like to see improvements to accountability and consistency, and most importantly ensure that children's individual needs, views and outcomes remain at the centre of the system.