

Educated Otherwise Than in School/College Policy

(Previously Referred to as Education
Otherwise Than at School (EOTAS))

September 2026 V2

Hull City Council

Definitions

Term	Meaning
SEND	Special Educational Needs and Disabilities
EHCP	Education, Health and Care Plan
LA	Local Authority
EOTIS	Educated Otherwise Than In School
EOTAS	Education Otherwise Than At School
EHENA	Education, Health and Care Needs Assessment
RSEP	Request for Specialist Education Provision Panel

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1. Foreword

Hull City Council is committed to ensuring that all children and young people receive a suitable education that enables them to achieve positive outcomes, maximise their potential and prepare successfully for adulthood.

The Council's ambition is for children and young people to be educated within their local communities wherever possible and appropriate. We recognise that most children and young people with Special Educational Needs and Disabilities (SEND) can have their needs met effectively within mainstream or specialist educational settings through high-quality teaching, reasonable adjustments, appropriate support and effective partnership working.

However, there are circumstances where a child or young person's needs are such that education within a school or post-16 institution is inappropriate, or where interim arrangements are required to ensure children and young people continue to receive education and special educational provision whilst a placement is being secured or other barriers to attendance are addressed.

This policy sets out Hull City Council's approach to Educated Otherwise Than In School (EOTIS), previously referred to as Education Otherwise Than At School (EOTAS), including provision arranged under:

- Section 61 of the Children and Families Act 2014.
- Section 42 of the Children and Families Act 2014.
- Section 19 of the Education Act 1996.

2. Purpose

The purpose of this policy is to:

- Ensure lawful and consistent decision-making.
- Promote person-centred planning.
- Clarify the Local Authority's statutory duties.
- Support positive educational outcomes.
- Maintain high aspirations for children and young people with SEND.
- Ensure compliance with relevant legislation and statutory guidance.
- Provide clarity for children, young people, parents, carers, schools, colleges and professionals.

3. Definition of EOTIS

Educated Otherwise Than In School (EOTIS), previously referred to as Education Otherwise Than At School (EOTAS), describes educational arrangements whereby education and/or special educational provision is delivered outside a school or post-16 institution.

For the avoidance of doubt, only arrangements agreed on the basis that it would be inappropriate for the special educational provision to be made in a school or post-16 institution constitute EOTIS under Section 61 of the Children and Families Act 2014. The term EOTIS is also used within Hull City Council as an operational description for interim provision commissioned under Section 42 of the Children and Families Act 2014 and Section 19 of the Education Act 1996. In such cases, the underlying legal basis for the provision will remain Section 42 or Section 19 respectively.

A. Section 61 EOTIS (May be long term)

Provision arranged under Section 61 of the Children and Families Act 2014 where the Local Authority is satisfied that it would be inappropriate for the special educational provision required by a child or young person to be made in a school or post-16 institution.

B. Interim Section 42 EOTIS (temporary while securing placement)

Provision arranged on a temporary basis where a child or young person has an EHCP and the Local Authority is actively seeking an appropriate educational placement but is not immediately able to secure one.

These arrangements enable the Local Authority to continue fulfilling its duty under Section 42 of the Children and Families Act 2014 to secure the special educational provision specified within Section F of the EHCP.

C. Interim Section 19 EOTIS (temporary while ensuring suitable education)

Provision arranged on a temporary basis where a child of compulsory school age would otherwise not receive suitable education because of illness, exclusion or other reasons, in accordance with Section 19 of the Education Act 1996.

4. Guiding Principles

Hull City Council will:

- Maintain high aspirations for all children and young people.

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- Promote inclusion wherever possible and appropriate.
- Consider mainstream education as the starting point in line with the SEND Code of Practice.
- Make decisions based on evidence and individual circumstances.
- Place children, young people and families at the centre of decision-making.
- Ensure provision is outcome-focused.
- Fulfil all statutory obligations.
- Regularly review EOTIS arrangements.

Preparing for Adulthood

For children and young people receiving EOTIS provision, Hull City Council will maintain a clear focus on preparation for adulthood in accordance with the SEND Code of Practice.

Where appropriate, EOTIS arrangements will support the development of:

- Higher education and employment aspirations.
- Independent living skills.
- Participation in the local community.
- Good health and wellbeing.
- Social relationships and community inclusion.

For young people aged 14 to 25, EOTIS arrangements will be designed to support progression towards adulthood outcomes and will not unnecessarily limit access to further education, training, employment opportunities or community participation.

Reviews of EOTIS arrangements will consider whether the provision continues to promote progress towards the young person's longer-term aspirations and adulthood outcomes.

5. Legal Framework

The primary legal framework for this policy includes:

- Children and Families Act 2014.
- SEND Code of Practice: 0-25 Years.
- Education Act 1996.
- Equality Act 2010.
- Keeping Children Safe in Education.
- Relevant SEND Tribunal case law.

Where EOTIS is arranged under Section 61, the Local Authority must be satisfied that it would be inappropriate for the child's or young person's special educational provision to be delivered within a school or post-16 institution.

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Nothing within this policy removes or limits Hull City Council's statutory duties under the Children and Families Act 2014, Education Act 1996, Equality Act 2010 or associated regulations and guidance.

6. Forms of EOTIS Provision

EOTIS provision may include:

- Home tuition.
- Online learning.
- Blended learning.
- Hospital education.
- Therapeutic education programmes.
- Vocational provision.
- Other provision identified as necessary through assessment and specified within an EHCP.

7. Eligibility for Section 61 EOTIS

The Local Authority's starting point is that, wherever possible and appropriate, children and young people should be educated within a school or post-16 institution. However, where evidence demonstrates that it would be inappropriate for the special educational provision required by a child or young person to be made in a school or post-16 institution, the Local Authority will consider whether arrangements under Section 61 Children and Families Act 2014 are necessary. No presumption will be applied either for or against EOTIS, and all decisions will be based on the individual facts and evidence of each case.

Section 61 EOTIS may be considered where:

- EOTIS may be considered during an EHC Needs Assessment where evidence suggests Section 61 may ultimately be required. Formal Section 61 arrangements can only be reflected within a final EHCP.
- Evidence demonstrates that it would be inappropriate for the required special educational provision to be delivered within a school or post-16 institution.
- The views of parents, carers and the young person have been considered.
- Professional advice demonstrates that it would be inappropriate for the child or young person's special educational provision to be made in a school or post-16 institution in accordance with section 61 Children and Families Act 2014.

Each case will be considered individually.

The Local Authority will consider:

- Educational Psychology advice.
- Medical evidence.

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- Attendance information.
- Previous placement history.
- Views of the child or young person.
- Views of parents and carers.
- Advice from relevant professionals.

No single factor will determine eligibility.

8. Consultation and Decision Making

Before agreeing Section 61 EOTIS, the Local Authority will:

- Consult with parents/carers or the young person.
- Consider all available evidence.
- Review professional advice.
- Explore whether provision could reasonably and appropriately be delivered within a school or post-16 institution.
- Record the reasons for its decision.

Recommendations regarding EOTIS arrangements will be considered through the RSEP Panel in accordance with its Terms of Reference. The Local Authority retains statutory responsibility for all decisions relating to EHCP provision and placement arrangements.

9. EHCP Requirements

Where EOTIS is agreed through the EHCP process:

Section B

Must clearly describe all identified special educational needs.

Section F

Must specify all special educational provision required including:

- Nature of provision.
- Frequency.
- Duration.
- Staffing arrangements.
- Qualifications required.
- Specialist expertise required.

The Local Authority remains responsible for securing all provision specified in Section F unless lawful Direct Payment arrangements have been agreed.

Section I

Where a child or young person attends no educational institution, Section I will generally remain blank.

Section J

Parents and young people may request a Personal Budget in accordance with the SEND Regulations. Any request will be considered in line with the Council's Personal Budget Policy.

10. Section 61 EOTIS

Section 61 EOTIS applies when:

- The Local Authority determines that it would be inappropriate for provision to be made in a school or post-16 institution.
- The arrangement is reflected within the EHCP.
- Provision is secured and monitored by the Local Authority.

Section 61 EOTIS may be temporary, medium-term or long-term depending on the individual circumstances of the child or young person. There is no presumption that Section 61 EOTIS will be temporary.

11. Interim Section 42 EOTIS

Hull City Council recognises that at times a child or young person may require a specialist placement which is not immediately available.

Where the Local Authority accepts that an educational placement is appropriate but is temporarily unable to secure a suitable placement, interim EOTIS may be commissioned to enable the Local Authority to continue fulfilling its duty under Section 42 of the Children and Families Act 2014 to secure the provision specified within Section F of the EHCP.

Examples may include:

- Home tuition.
- Online education.
- Outreach support.
- Alternative provision commissioned to meet EHCP outcomes.

Section 42 EOTIS is an interim arrangement and does not indicate that a school or post-16 institution is inappropriate.

The Local Authority will:

- Continue actively seeking a suitable placement.
- Maintain communication with families.
- Monitor educational progress.

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- Review the arrangement regularly.
- End the arrangement when an appropriate placement is secured.

The Local Authority will evidence ongoing efforts to identify and secure an appropriate placement and will keep a record of consultations and placement searches undertaken.

12. Interim Section 19 EOTIS

The Local Authority has a duty under Section 19 of the Education Act 1996 to arrange suitable education for children of compulsory school age who would otherwise not receive suitable education because of illness, exclusion or other reasons.

Interim EOTIS may be used to discharge this duty.

Circumstances may include:

- Physical illness.
- Mental health difficulties.
- Medical treatment.
- Placement breakdown.
- Other exceptional circumstances resulting in a child being without suitable education.

Examples of provision may include:

- Tuition at home.
- Hospital education.
- Online learning.
- Alternative provision.
- Outreach support.

All Section 19 EOTIS arrangements are temporary and subject to regular review, with reintegration into a suitable educational setting as the primary objective. While Section 19 provision will ordinarily be arranged for an initial period of up to six weeks, the duration will depend on the individual facts and circumstances of each case.

Where provision continues beyond six weeks, it will be formally reviewed at least termly, with monitoring contact taking place every six weeks. Prior to implementing a Section 19 package, the Local Authority will, wherever practicable, convene a multi-agency meeting. However, the absence of such a meeting will not prevent the Local Authority from taking urgent action where necessary to secure suitable education for the child or young person.

The Local Authority considers that a multi-agency meeting involving the current educational setting, parents or carers, the child or young person (where appropriate),

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and relevant professionals is an important mechanism for developing a shared understanding of need and determining whether the Local Authority's duty under Section 19 is engaged and, if so, the nature and extent of the provision required.

The Local Authority will work towards:

- Reintegration into education where appropriate.
- Securing a suitable long-term placement.
- Ensuring continuity of education throughout the interim period.

13. Distinguishing EOTIS Arrangements

Type	Legal Basis	Duration
Section 61 EOTIS	Children and Families Act 2014	May be short, medium or long term
Section 42 EOTIS	Children and Families Act 2014	Interim only
Section 19 EOTIS	Education Act 1996	Interim only As a commissioning starting point, a package of up to 10 hours tuition may be considered via Yortender. The amount commissioned will be determined by individual need, professional advice and the requirement to provide suitable education.

The term EOTIS may be used operationally to describe all three arrangements. However, the legal basis, decision-making process and purpose may differ.

14. Commissioning arrangements

Use of the YorTender Framework- Hull City Council is committed to securing high-quality, value-for-money EOTIS provision through transparent and robust commissioning arrangements.

Where EOTIS provision is required, the Council will ordinarily seek to commission provision through its approved YorTender procurement and commissioning framework. Providers included within the relevant YorTender framework have been subject to procurement, due diligence, quality assurance and contractual compliance processes and are therefore considered the Council's preferred source of EOTIS provision.

As a general principle, the Local Authority will utilise YorTender-approved providers as the first and preferred option when commissioning EOTIS arrangements. This

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approach supports consistency, quality assurance, safeguarding oversight, value for money and effective contract management.

There may, however, be exceptional circumstances where a suitable provider cannot be identified through the YorTender framework, or where the individual needs of a child or young person require specialist provision that is not available through approved framework providers.

In such circumstances, the Local Authority may commission provision outside of the YorTender framework where it is satisfied that:

- The provision is necessary to meet the identified needs of the child or young person.
- The provider has been subject to appropriate due diligence and safeguarding checks.
- The provider demonstrates the required qualifications, experience and capacity to deliver the provision.
- The commissioning decision represents an appropriate and proportionate use of public funds.
- Appropriate contract management and quality assurance arrangements are in place.

Any decision to commission provision outside the YorTender framework should be appropriately authorised in accordance with Hull City Council's financial regulations, procurement requirements and EOTIS governance arrangements, with a clear rationale recorded to demonstrate why an exception was necessary.

15. Elective Home Education

EOTIS is distinct from Elective Home Education (EHE).

Where parents elect to home educate:

- Parents assume responsibility for providing suitable education.
- Parents are responsible for arranging educational provision.
- The Local Authority is not generally required to secure educational provision where parents are making suitable alternative arrangements.

Under EOTIS:

- The Local Authority commissions and monitors provision.
- Statutory duties remain with the Local Authority.
- Provision is secured through statutory duties under Section 61, Section 42 or Section 19.

16. Safeguarding

Children and young people receiving EOTIS remain entitled to the same safeguarding protections as those educated within schools and colleges.

All commissioned providers must:

- Have robust safeguarding procedures.
- Follow safer recruitment requirements.
- Maintain appropriate DBS checks.
- Comply with statutory safeguarding guidance.
- Report safeguarding concerns appropriately.

The Local Authority will maintain oversight and quality assurance arrangements.

17. Monitoring and Review

All EOTIS arrangements will be monitored.

Reviews will consider:

- Progress towards outcomes.
- Attendance, participation and engagement with provision.
- Wellbeing.
- Effectiveness of provision.
- Appropriateness of arrangements.
- Future educational planning.

Section 61 arrangements will be reviewed as part of the annual review process and may be reviewed more frequently where circumstances change or where consideration is being given to a return to institutional education.

Interim Section 19 and Section 42 EOTIS arrangements should be reviewed regularly with the expectation that they will cease once a suitable placement or alternative long-term arrangement is available. Reviews are held termly with 6 weekly contact point checks.

18. Co-production

Hull City Council is committed to co-production.

Children, young people and families will be supported to:

- Express their views.
- Contribute to provision planning.
- Participate in reviews.

The child's or young person's wishes and feelings will be given due regard in accordance with their age and understanding.

Decision Making and Exercise of Discretion

Hull City Council recognises that every child and young person presents with a unique combination of strengths, needs and circumstances.

Nothing within this policy creates a presumption for or against Educated Otherwise Than In School (EOTIS) arrangements. The purpose of this policy is to provide a framework for lawful decision-making and not to restrict the Local Authority's discretion.

All decisions relating to EOTIS will be made on the individual facts of each case, having regard to:

- The child or young person's identified special educational needs.
- The evidence available at the time of the decision.
- The views, wishes and feelings of the child, young person and their parent(s) or carer(s).
- Relevant professional advice.
- The Local Authority's statutory duties.
- Any relevant case law, guidance or Tribunal decisions.

Where this policy refers to typical arrangements, standard commissioning models or indicative review periods, these are intended as guidance only and may be departed from where the individual circumstances of the child or young person require a different approach.

19. Disagreement Resolution, Mediation and Appeals

- Parents and young people have the right to:
- Access information, advice and support services.
- Request disagreement resolution.
- Access mediation.
- Appeal relevant decisions to the First-tier Tribunal (SEND).
- Make complaints using the Council's complaints procedure.
- Escalate complaints to the Local Government and Social Care Ombudsman where appropriate.

SEND Tribunal Decisions

SEND Tribunal and Legal Rights

- Hull City Council recognises that the Tribunal has the power to consider whether it is appropriate for special educational provision to be delivered otherwise than in a school or post-16 institution and may make decisions relating to the content of an Education, Health and Care Plan, including the educational provision required to meet a child or young person's needs.

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- Where the Tribunal issues an Order, Hull City Council will comply with its legal obligations and make any necessary amendments to the Education, Health and Care Plan within the statutory timescales.
- Nothing within this policy is intended to restrict or limit the rights of parents or young people to seek mediation, disagreement resolution or to exercise their rights of appeal.

20. Equality and Inclusion

Hull City Council will ensure that decisions regarding EOTIS:

- Comply with the Equality Act 2010.
- Promote inclusion and participation.
- Are evidence based.
- Avoid unlawful discrimination.
- Focus on the individual needs and strengths of children and young people.

21. Policy Review

This policy will be reviewed annually or sooner if required by changes to legislation, case law, statutory guidance or local operational requirements.

22. Related Policies, Procedures and Guidance

This policy establishes the strategic and legal framework for Educated Otherwise Than In School (EOTIS) arrangements within Hull City Council. It should be read alongside the Council's associated operational procedures, guidance and governance documents.

Further detailed procedures are set out in separate documents, including but not limited to:

- RSEP Panel Terms of Reference.
- Commissioning Standards and Quality Assurance Framework.
- Corporate Complaints Policy
- Guidance Information Sheet for Appeals via Disagreement Resolution Services, Mediation and First-tier Tribunals
- Alternative Provision Guidance.
- Elective Home Education Guidance.

These documents provide additional operational guidance relating to governance arrangements, commissioning standards, funding processes, placement decision-making, quality assurance expectations, review arrangements and escalation routes. They are intended to support the consistent and lawful implementation of this policy and may be updated from time to time without requiring formal amendment to this policy.

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Where there is any inconsistency between this policy and an operational procedure, the requirements of legislation, statutory guidance and this policy shall take precedence.