



Newcastle City Council

EOTAS Policy

**For Children and Young People with Education,
Health, and Care Plans receiving Education Other
than at School
(EOTAS)**



December 2025: V2

(Replaces V1 - September 2024)

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Introduction

Newcastle Council's ambition for children and young people with Special Educational Needs and/or disabilities (SEND) as set out in our [SEND Strategy](#) is that:

... 'We work together to create an inclusive city to ensure children and young people with SEND get the right support at the right time so that they go on to live their best lives..'

To achieve this ambition Newcastle Council (referred to as the LA throughout the rest of this document) is strongly committed to the principle that children/ young people should receive their education at a school/setting. However, the LA recognises that there may be a small number of children/ young people who may not be able to attend school, for example, because of illness, emotionally based school non-attendance (EBSNA), exclusion from school, or because they have complex special educational needs. Where children are unable to attend school LAs have a duty to make arrangements for the provision of suitable education and this may include the provision of **EOTAS** which stands for **Education Other than at School**.¹

Our aim is to support children and young people to return to a school or educational setting as soon as it is appropriate for them, as we know that most children and young people achieve better outcomes when they are engaged in a school or setting environment.

While they are receiving EOTAS, our ambition is to ensure children and young people have access to services that are of a comparable quality and standard to those they would receive in a school or setting.

Purpose of this document

This document sets out the LA's position on the conditions of use of EOTAS. This includes the criteria for a child/young person to be educated other than at school or college and to describe the arrangements that will be made by the LA when an EOTAS programme of education has been agreed for a child/young person.

What is Education Other than at School (EOTAS)?

EOTAS means the education provision for children or young people outside of a formal education setting. It means the child or young person would not be on roll at a school or post-16 institution and the special educational provision could happen at home or at another setting. It can only be agreed:

- For a child/ young person going through an Education Health and Care (EHC) needs assessment, or those with an EHC plan at an annual review, who are unable to have their needs met at their school/setting and
- Where the LA is satisfied that it would not be possible for any schools/setting to deliver the special educational provision that the LA has determined is necessary.

¹ EOTAS is the term used in the SEND Code of Practice. You may also see this referred to as EOTIS – Education otherwise than in school which is used in the Children and families Act to ensure that post 16 and early years education is included.

- Under an EOTAS package, the LA is responsible for the child/young person's education and the child/young person will not be required to be on the roll of an educational setting.

All EOTAS packages of support will be regularly reviewed to ensure the child/young person returns to an educational setting as soon as they are able, and an appropriate placement has been secured.

For more information about the Education, Health and Care assessment and planning process please see: [Education, Health and Care Plans \(EHCP\)](#).

For more information about the Education, Health and Care annual review process please see: [Reviewing an EHCP](#).

What does the law say?

Section 61 of the Children and Families Act 2014 states that:

1. A LA in England 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 in a school or post-16 institution or a place at which relevant early years education is provided.
2. A LA may do so only if satisfied that it would be inappropriate for the provision to be made in a school or post-16 institution or at such a place.

Before doing so, the LA must consult the child's parent or the young person.

Recent case law is attached at Appendix 1 of this policy.

What could a package of EOTAS look like?

EOTAS packages of support are built up to meet the specific needs of individual children and young people and so vary widely. Some examples are set out in the list below.

- Online schooling.
- Home tuition.
- Other tuition centres.
- Therapies such as Speech and Language, Occupational Therapy and Physiotherapy.

An EOTAS support plan could include a combination of this support.

You may hear this type of education support referred to as **alternative provision (AP)**. The LA has published a directory: [Newcastle Alternative Provision](#) that lists the providers on the LA's framework and the services that they offer. Packages of support can be arranged with multiple providers. Alternative provision is commissioned for three tiers of intervention:

<p>TIER 1</p> <p>Targeted support AP specialist early interventions and support to help at-risk pupils stay in mainstream school</p>	<p>TIER 2</p> <p>Time-limited placements Short-term placements in AP to assess and address pupil's needs, with the expectation of return to their mainstream school</p>	<p>TIER 3</p> <p>Transitional placements Placements in AP for pupils who need support to move on, either to a new school or sustained post-16 destination</p>
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Alternative providers (not registered with Ofsted) are only legally allowed to provide 17 hours of education per week. If additional hours are required this may be sourced from other providers.

EOTAS will only be funded during the usual school term (38 weeks), not during school holidays. Provision will normally be commissioned during school hours.

Where children receives one to one tuition this is not usually provided as a full-time package, i.e., equivalent to the 25 hours a week that is provided in school. The law does not define 'full-time' but the Department for Education states, that if a child/young person receives one to one tuition, the hours of provision could be reduced as this provision is more concentrated than being in a school classroom. The number of hours arranged must be 'comparable' to that provided in school and not equivalent to it.

How long does EOTAS last for?

EOTAS is usually explored as a temporary measure until the identification of an appropriate educational setting for the child or young person. But an EOTAS package can last as long as needed, deemed to be appropriate and in line with other statutory obligations.

All EOTAS arrangements must set out the expected length of the EOTAS and how a child or young person will be supported to return to a school /setting. The annual review of the Education, Health and Care (EHC) plan provides an opportunity to set out plans for the reintegration of the child or young person into a school/setting.

What is covered and not covered by this procedure?

This policy relates to children/young people who have an EHC plan, where their needs cannot be met in a school/setting, and it is considered that their needs will be best met by being educated other than at school (EOTAS).

It does not cover those:

- Who cannot attend school for medical reasons.
- Who are electively home educated.
- Who are on part time timetables.

How is an EOTAS package agreed and recorded in the EHC plan?

If parents/carers express a preference for an EOTAS package of support, during the EHC assessment or the annual review process, the request will be considered by a multi-

disciplinary panel, in line with the normal EHC assessment or review timescales. The Panel includes professionals from education, health, social care and the Educational Psychology Service. For those children open to a social care team, their allocated worker's views will be sought. These views will be shared with the family. The Panel will:

- Consider the documentation about the child or young person's needs, including any EHC Plan.
- Take account of the views expressed, especially those of the child/young person and the parents or carers, the Education Psychology Service, the SEND Support, Assessment and Review Team and any other professional and agency the LA feels would be appropriate.
- Take account of advice and information from any person requested by the child's parent or young person, where the LA considers it reasonable to do so. For example, they may suggest consulting a GP or other health professional. (SEND Code of practice page 156)

If the EOTAS request is declined, the EHC plan will be finalised to describe a type of suitable school (mainstream or specialist). Ideally the plan will also name a suitable school following a consultation with the school. Once the plan is finalised parents/carers have a legal right to appeal the placement decision. Advice on making SEND appeals to the Tribunal is available from: www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability

If parents or carers choose not to send their child or young person to the school or setting named in the EHC plan, or the alternative provision the SEND Caseworker Team will work closely with the Attendance Team to review the circumstances and determine the most appropriate next steps.

If it is agreed that EOTAS is appropriate the SEND EOTAS Caseworker will liaise with parents/carers and providers to set up the package. An EOTAS package needs to:

- Provide the child or young person with an efficient and, where possible, a comparable full-time education package that is suitable for their age, ability, aptitude and special educational needs.
- Support the child/young person's aspirations, ensuring their voice is central.
- Ensure provision meets the educational outcomes of the EHC plan.
- Set out the child/young person's health needs.
- Set out the child/young person's early help and children's social care needs.
- Where the child/young person's needs make them eligible for children's continuing care the children's continuing care package should be set out in sections G and F of the EHC plan.
- Provide the child/young person with a broad and balanced curriculum, including core subjects.
- Prepare for transition to post-16, including the opportunity to achieve appropriate accreditation.
- Consider provision necessary to prepare young people for their next steps.
- Ensure provision for pastoral support, potentially including early help.

- Focus on helping to address and overcome the barriers which are preventing children/young people from accessing school and facilitate integration into a long-term setting as soon as is appropriate.
- Educate in accordance with the wishes of parent/carers, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, resulting in the efficient use of public resources.
- Where possible specify how the child/young person's return or integration into school, or some other educational provision will be facilitated. Good practice would be within two academic terms or as soon as is appropriate for the child/young person. However, not all children on EOTAS will be able to have targets/milestones recorded within a plan for getting back into school or other placements, and to do so may be detrimental to their wellbeing.
- Manage the delivery, monitoring and review of the EOTAS program in place.

Whilst EOTAS is being considered, the school will continue to have responsibility to provide an education to the child/young person and deliver the current EHC plan. They will remain on the roll of the school until the EHC plan is finalised, EOTAS agreed, and the school will no longer be named in Section I.

EOTAS should be recorded in the child/young person's EHC plan as follows:

- **Section B** should set out all of their **special educational needs**, including those that show *why* education in a setting is inappropriate. These could be, for example, mental health or sensory needs.
- **Section F** should give a clear and detailed description of the support they need. This could include therapies which are classed as educational provision, such as speech and language therapy, and other support provided by health or social care which educates or trains the child or young person. It is important that all the necessary details are set out, such as who (in terms of role/qualification) will oversee the package of support, who will deliver it and what particular expertise they may need, and any input needed from specialists. It should also specify that this provision will be delivered as 'EOTAS' in Section F.
- **Section I should be left blank** if no setting is going to be attended at all, and the child/young person will be removed from the school roll at the formal education setting. The child/young person will be noted on the LA's case management system as EOTAS.
- **Section J** will detail the special educational needs and outcomes to be met by any agreed direct payments relating to section F. Not everyone will have a personal budget and receive direct payments, and more information is set out later on in this document.

Who pays for the EOTAS package?

Education provision

Following an assessment of need the LA is responsible for making special educational provision, the LA must directly commission and fund the provision in section F, ensuring the outcomes identified within the EHC plan are being met. Families may also request a

personal budget to manage some or all this provision themselves. The provision, funding and any personal budgets will be identified by the EOTAS Caseworker and agreed with families.

Health provision

Any identified health needs within the EHCP will be discussed as part of the EOTAS package, with relevant input from health professionals at the Annual Review.

Social care and early help provision

Following an assessment of need, social care and early help provision will be identified on the basis of the needs of the individual child by the Designated Social Care Officer. Appropriate social care and early help professionals will be represented at the Annual Review of the EHC plan.

Continuing care eligibility and funding

Where a child/young person's has significant needs they may be eligible for children's continuing care funding. Their needs must be set out in sections G and F of the EHC plan.

The SEND SAR team and EOTAS Caseworker will consider whether the child/young person is likely to meet the criteria and will submit referrals. Appropriate health professionals will be represented at the Annual Review of the EHC plan.

What will and will not be funded as part of the EOTAS package?

When considering funding requests for EOTAS, we will take into account the equivalent cost of provision the child would receive in an educational setting and evaluate whether this represents an efficient use of resources.

All provision that is specified in the EHC plan will be funded. Anything that sits outside of the EHC plan will not be funded, for example:

- Any provision not listed in Section F of the EHCP.
- Personal cash reimbursements.
- Illegal activities.
- Home adaptations.
- Household bills (heating, lighting, food, etc.).
- Extra-curricular activities.
- Capital developments.
- Independent Alternative Provision if LA provision meets needs.
- Dangerous activities.
- The cost of hire of rooms or commercial spaces will not be funded. IF a child is not in receiving education at an external provider, it is expected that education will take place in the child/young person's home.

Who ensures that EOTAS providers will provide quality provision?

EOTAS can include a wide range of learning opportunities and may involve any number of providers. All providers commissioned by the LA will be part of the Alternative Provision framework, which means they will meet the LA's quality standards. As set out below.

Safeguarding: The safety and welfare of children and young people is our highest priority and the LA's duties in relation to safeguarding are the same for all children, however they are educated and covers the following:

- Ensuring children are seen regularly by an appropriate professional. When a child/young person is on a school roll but is not attending, the school/setting is required to carry out checks to ensure that the child/young person is safe and well. When a child/young person is on an EOTAS package the safe and well checks are the responsibility of the LA. Our commissioning arrangements for alternative provision require providers to update the EOTAS Caseworker each week to confirm that the child/young person has been seen or to raise any concerns.
- All commissioned EOTAS providers must ensure their staff have undergone appropriate Disclosure and Barring Service (DBS) checks.
- Commissioned providers must regularly inform the EOTAS Caseworker of the child's attendance by using the LA's Attendance Collection Tool.
- If child/young person has an allocated social worker, the social worker will be responsible for safe and well checks in line with their safeguarding procedures. The EOTAS Caseworker will liaise with the social worker to clarify responsibilities and ensure that any concerns are raised with the EOTAS Caseworker.
- If concerns are raised with the EOTAS Caseworker they will immediately discuss these concerns with their line manager and determine an appropriate response.

Alternative providers must also demonstrate that the following are in place before they can join the framework.

- **Registration:** Providers must hold all relevant and appropriate registrations for the services they deliver.
- **Policies and Insurance:** Providers are required to maintain up-to-date policies (including safeguarding, health and safety, and data protection) and adequate insurance cover.
- **Health and Safety:** Providers must comply with all health and safety legislation and demonstrate robust risk management procedures.
- **Learning Programmes:** Programmes must be tailored to meet the outcomes specified in the child or young person's Education, Health and Care Plan (EHCP).

How do we make sure the child/young person is making progress?

Progress reports from providers are expected at a frequency determined by the child/young person's needs as specified in the EHC plan, and as a minimum each half term. This is irrespective of which party commissioned the alternative provision. The reports will be reviewed by the EOTAS Caseworker to:

- ensure the provision is effectively meeting the child's needs.
- check that progress is being made towards reintegration to a school/setting.
- explore what else can be done to facilitate the child/young person's return or integration into a school or some other educational provision.

If integration into a school or some other education provision remains unsuitable or cannot proceed, the LA will work flexibly with the parent/carer, child/young person to agree an appropriate EOTAS program until it is next reviewed.

Whilst review meetings will be held as appropriate, they must be completed within 12 months of the initial EHC plan being finalised or within 12 months of the previous review. If a personal budget is agreed and direct payments paid, a review must be held within 3 months of the agreement and every year thereafter.

In most cases the annual review of the EHC plan will be arranged by the LA and consideration will be given as to whether EOTAS is still appropriate for each child/young person. To do this the LA will review evidence showing that it is still not appropriate for the child/young person to be educated in an educational setting. This will include reconsulting with schools who the LA consider can meet needs and any schools that the parents would prefer for their child/young person.

To ensure that EOTAS is working as intended the progress of all children and young people with an EOTAS package will be considered each term as part of the Strategic Alternative Provision and Inclusion meeting.

If there are concerns regarding the suitability of the EOTAS arrangements, or a change in need, the LA will consider initiating an early review.

Coordinating the EOTAS plan

Providing funding for parents/carers to act as an EHC plan coordinator is not in line with the regulations set out in the SEND Code of Practice. We want 'parents to be parents' and not have to worry about day-to-day commissioning and accounting issues. To commission and coordinate EOTAS packages the LA has invested in an EOTAS Caseworker and an AP framework.

If parents choose to use an Alternative Provider which is not approved by the LA, this will be considered as part of personal budget application. If this is approved parents must accept responsibility for the quality of the provision and all of the checks usually carried out by the EOTAS Caseworker.

What if my child/young person is entitled to free school meals?

In March 2024 the Government published updated guidance for free school meals, which for the first time made reference to children and young people educated other than at school: You can read the guidance here: [Free school meals \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Whilst no specific provision is made in legislation for free school meals to be provided to children who are in receipt of EOTAS, LAs are expected to consider making equivalent food provision for children who are receiving EOTAS who meet both of the following criteria:

- the child would meet the benefits-related criteria for free school meals if they were in a state-funded school.
- the meals would be provided in conjunction with education and would, in line with the aim of free school meal provision, be for the purpose of enabling the child to benefit fully from the education being provided.

The LA has agreed to fund free school meals for those eligible and receiving EOTAS, and parent/carers will be provided with a voucher for £15 a week (cost November 2025) in term time only. Provision for free school meals vouchers during the school holidays may be issued in line with the broader LA approach. These vouchers will only be provided if free school meals are not accessible at the alternative provider.

Will I be entitled to SEN transport?

When a child is receiving EOTAS, entitlement to travel support via the SEND Transport Team is conditional upon meeting the SEND Transport Eligibility Criteria. Newcastle City Council holds a statutory duty to arrange transport at the beginning and end of a usual school day. If the child is eligible the offer of transport may include a [Personal Travel Budget \(PTB\)](#) for parents and carers. This means they may receive payments to be used to provide transport for their child/young person.

Details of the policy and an overview of the service can be found at this link. [Special Educational Needs Disability \(SEND\) Travel Support | Newcastle City Council](#).

How will I ensure my child gets routine health checks that are usually carried out in school?

Whilst on an EOTAS package parents/carers should approach their GP so that they can provide information and guidance about routine health checks that would normally happen in school and other health support services that visit schools regularly. Newcastle School Health Service (known as the 0-19 service) can be contacted on 0191 2823411. Some of the routine health checks and immunisations for children include:

- Eye checks
- Height and weight in Reception and Year 6
- Cervical cancer vaccine (HPV) for girls at around 12-13 years of age
- Diphtheria, tetanus and polio booster, given as a single vaccine between 13 and 18 years old

The School Immunisation team can also be contacted to support with any outstanding immunisations and will work with families to offer the immunisation in either a school or community clinic.

Events and activities

There are occasions where the SEND team pass on offers of activities and events to schools/settings to pass on to their family networks e.g., offers through the holiday activities fund. These offers will also be shared with families on EOTAS packages. Service are available in the: [Community Family Hubs](#).

What about exams?

The LA will make arrangements to ensure that learners have access to appropriate facilities and support to sit their examinations in line with statutory requirements and the provisions outlined in their EHC plan.

Personal budgets

Where a child or young person is educated other than at school, the LA may consider making a **personal budget** to the parent, the young person, or another nominated individual who wishes to arrange the provision themselves. To enable parents to request a personal budget the LA must:

- Provide an **indicative figure** for the personal budget.
- Work collaboratively with the family to develop the proposed provision.

The indicative figure is determined by the SEND Caseworker who:

- Makes referrals to Alternative Providers listed on the Newcastle AP Framework to establish whether they can deliver the provision specified in Section F of the EHCP.
- Reviewing responses from providers and working with the family to identify suitable provision, which may involve more than one provider.

If parents choose to source their own preferred provision, the case will be considered by a multi-agency EOTAS panel who will consider the cost of delivering the provision directly when calculating the **personal budget** allocated to the family.

A **personal budget** is an amount of money that the LA thinks is needed to cover the cost of support set out in the EHC plan. The aim of personal budgets is to give people greater choice and control over the support that they receive. Personal budgets are established to meet individual needs and so each one will be different. But they are typically made up of:

- Tuition costs
- On line learning costs
- Subscriptions
- Therapies
- Resources to aid learning

In certain circumstances, the LA can refuse to provide a personal budget. This may be when the special educational provision is being provided as part of a larger budget, for example, a contract with the NHS to provide all speech and language therapy or occupational therapy, and the LA is unable to separate out or 'disaggregate' the personal budget from that overall larger budget.

If the LA refuse to identify a personal budget or make a direct payment, you cannot appeal against that decision but you can ask for the decision to be reviewed.

A personal budget can be given in three different ways or any combination of the following:

- A **direct payment**: Where a young person or their parent/carer receives funding to purchase their EOTAS services as set out in the EHC Plan.
- A **notional budget**: Where no money changes hands. For EOTAS the LA, holds the funds and purchases the support in the EHC Plan.

- A **third-party arrangement**: Where the direct payment is managed by an independent organisation, such as a voluntary organisation, on behalf of the child/young person or their parent/carers.

Your child/young person may also be eligible for other types of personal budgets that are available in Newcastle as set out below:

- **Social Care Personal Budget**: For children and young people who have a social worker, have complex needs and who need extra funding to be “Safe, Equal and Achieving”.
- **Personal Health Budget**: For children and young people (0-17) who meet the criteria for NHS children’s continuing care funding, whose complex needs cannot be met by universal or specialist health services. For more information please see this NHS page: [Children and young people’s continuing care national framework](#). For those over 17 years they may get a personal health budget if they meet the criteria for NHS continuing healthcare which is for those with long-term complex health needs qualify for free social care arranged and funded solely by the NHS. Please see this page for more information: [NHS continuing healthcare - Social care and support guide](#).
- **Personal Travel Budget** is available for children and young people who are eligible for home to school transport: [Personal Travel Budget \(PTB\)](#).

There is more information about personal budgets on our SEND local offer: [Personal Budgets](#)

I would like a direct payment, what do I need to do?

Once a personal budget is agreed for **EOTAS**, parents/carers can request a direct payment if they wish to take responsibility for the delivery and oversight of the EOTAS provision or a specific aspect of the agreed EOTAS plan. This request must take place during a statutory assessment or review of an existing EHC plan.

If the LA can provide what the parent/carer (or young person) is requesting through their own resources, then the request may be refused. The LA can also refuse to make a direct payment if they don’t believe the person receiving the payments would be capable of managing the money, or if they do not believe it would be used in an appropriate way. They can also refuse where it would negatively impact on other services provided, or if it would not be an efficient use of resources.

Where a direct payment is agreed, parents/carers are responsible for commissioning the providers and the LA does not have any contractual basis to monitor the provision, nor be party to the contract.

The LA is likely to break the payment down over the year rather than pay the recipient in one go and will agree the dates a payment will be made with parents/carers or the young person.

The LA will send you a letter of agreement and information about responsibilities and duties. This letter sets out the amount of educational personal budget you will receive for the EOTAS package and how you are expected to use it. You will be asked to sign a letter of agreement.

The [Special Educational Needs \(Personal Budgets\) Regulations 2014 \(legislation.gov.uk\)](http://legislation.gov.uk) places a statutory duty upon the LA to monitor the use of the direct payments. This must be done at least **once within the first three months and when conducting an Annual Review or reassessment** or when considered necessary. Those in receipt of the direct payment will be expected to record their expenditure and provide evidence (such as invoices, receipts, banks statements) that appropriate payments have been made, when requested by LA within 14 days of request. We expect a recipient of a direct payment to use this form to track and monitor expenditure.



Copy of Direct
payment record.xlsx

If the direct payment is not being used appropriately, the LA can stop the payment if the recipient is not using the funds for the provision, or the provision can no longer be secured by that means. Likewise, if the recipient fails to abide by the conditions in the regulations or the agreement, the LA can stop the payments and will give clear reasons to the recipient why this has happened. The LA will recover any funds that are not used appropriately, or outside any conditions or regulations.

Parent/Carer Responsibilities:

When a child is EOTAS, and family is in receipt of a personal budget the parent/carers must:

- Provide the LA with a detailed spending plan.
- Ensure vaccinations are up to date, as you won't have access to a school nurse who comes and vaccinates within school.
- Keep accurate records (receipts, invoices, bank statements).
- Ensure attendance and address issues promptly.
- Conduct safeguarding checks if using non-LA framework providers.
- Maintain a suitable workstation for home tuition.
- Where deemed appropriate, support reintegration into an education setting.
- If employing staff, parents are responsible for all employment aspects.

Disability North can assist with budget/payment management.

[Disability North – Help and advice for disabled people](#): Disability North are a registered charity who are commissioned by Newcastle LA to deliver their Direct Payment Support Service to support families with managing their personal budget and direct payments. They can provide:

- Advice and support on how to use your personal budget.
- Payroll management
- Recruitment and job descriptions
- Managing funds on your behalf

There is no cost to those living in Newcastle to use the Direct Payment Support and they have a dedicated team who will support you if you have or are looking to have a direct

payment. Many of the team use direct payments themselves and use them to employ Personal Assistants for themselves or family members.

You can contact them on support@disabilitynorth.org.uk or 0191 2840480 and ask for the Direct Payment Team. There is someone available Monday to Friday 9:00am-5:00pm. Or you can use this form if you wish to refer yourself:



Newcastle EDP
Support referral form

LA Responsibilities

- Review and audit spending.
- Provide the correct amount of funds.
- Maintain the EHCP.
- Allow time for information gathering/submission.
- Conduct safe and well checks.
- Keep families informed of decisions.
- Recover any funds where it has been identified that the expenditure is not in line with any conditions or regulations.

Spending Guidelines

Approved Spending:

- Items described in Section F of the EHCP.
- Resources budget (textbooks, stationery, laptops/adaptive technology, tutoring, exam access arrangements).

Concerns and complaints about EOTAS

The child /young person or their parents/carers are entitled to:

- **Stage 1:** Raise any concerns that they may have about their EOTAS provision with their EOTAS Caseworker.
- **Stage 2:** If no satisfactory outcome, escalate to the manager of the Support Assessment and Review Team.
- **Stage 3:** If you are still not satisfied you can submit a complaint via: The LA's corporate complaints procedure: <https://new.newcastle.gov.uk/complaints-compliments>
- **Stage 4:** You can Seek Mediation to help discuss, resolve or prevent any disagreements linked to decisions about EHC needs assessments and plans.
- **Stage 5:** If the LA do not agree that EOTAS is appropriate, parent/carers have the right of appeal through the SENDIST tribunal.

Information about what to do if you are unhappy is on local offer page: [if you are not happy you can appeal](#).

Policy review date

This policy will be reviewed when there is a significant update from the Department for Education.

How we produced this EOTAS policy

A task and finish group from across education, health and social care was set up to develop this EOTAS policy. Membership included:

- Deanne Taylor: Chair, Head of SEND, Newcastle Council
- Marie Leddy: Chair, Newcastle Parent Carer Forum
- Jane Bayley: Team Manager ,SEND Support assessment and Review Team Newcastle Council
- Lani Hall: Education Funding Officer, Newcastle Council
- Alex Rayner: Hadrian School
- Steve Gittins: Chair, SEND Sub Group and Headteacher Tyneview Primary School
- Karen Parker: Head Teacher Sir Charles Parsons School
- Tracey Gregory: Grange First School
- Ann Banks: SEND Service Improvement Lead, Newcastle Council.
- Michelle Fraser: Thomas Bewick School.
- Neil Christie: Early Help & Community Family Offer Service Manager.
- Kelly Kane: Designated Social Care Officer.
- Emma Hayward: EOTAS Caseworker.
- Miriam McGregor: Commissioning and Procurement Lead Specialist – SEND.

Thank you to everyone who helped to produce and keep this document updated 😊.

Appendix 1: Case Law

Recent National SEND Tribunal case law has clarified the high threshold in law which must be met for EOTAS to be determined as necessary and laid out the circumstances in which it might.

[NN V Cheshire East Council \(SEN\): \[2021\] UKUT 220 \(AAC\)](#)

The ruling

In the above ruling, Judge Rowley confirmed that for a child to be no longer enrolled at a school and to have their education delivered entirely via an 'EOTAS' package, the Local Authority (or exceptionally SEND Tribunal) would need to be satisfied that it would be inappropriate to deliver any already identified provision in Section F of the EHC Plan in any school.

Applying the legislation

In applying the legislation, the Council must consider the provision set out in Section F of an EHC Plan and if it would be "inappropriate" for any of the special educational provision to be provided within a school or educational setting, or if some of the provision could indeed, be provided in school, while other provision would be more bespoke.

For example, it may be that a child's anxiety prevents them from going to school to attend more structured and academic lessons. Some of this provision may need to be delivered in a more bespoke manner as 'alternative provision', but the child might still be able to go to school to access a number of specific interventions individually and in groups, and as laid out in Section F of the EHC Plan.

In these situations, the Tribunal case law guides us that these arrangements should be made while the child remains on the roll of a school.