

Submitted to SEND reform: education otherwise than at school
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Glossary and key terms

Comparison of EOTAS Special educational provision and alternative provision

Introduction

About this consultation

Who this is for

Chapter 1: Reforming education otherwise than at school

How our proposed SEND reforms can better meet the needs of children and young people

A reformed approach to EOTAS within the context of specialist provision packages

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?

Provide any information you consider helpful (optional, up to 250 words):.

Children and young people who are unable to continue their education in a formal setting but are not eligible for a Specialist Provision Package must have a guaranteed and enforceable route to suitable, individualised education based on need. This should include clear accountability, defined timescales for provision to begin, a named lead professional, involvement of appropriate health and specialist services, and access to independent redress.

The proposed reforms risk creating an eligibility gap for CYP whose needs make formal education inappropriate but who do not meet the threshold for an SPP. Our survey identified 23 CYP enrolled but unable to attend school and 11 who were out of school or not receiving education, demonstrating that this gap already exists in practice.

A CYP's need for suitable education does not disappear because they fail to meet an eligibility threshold. Support must recognise cumulative, fluctuating and interacting needs rather than requiring CYP to fit a prescribed profile. Early support is important, but it must be the right support. CYP should not have to repeatedly fail within existing provision before alternatives can be considered.

DfE must explicitly guarantee that SPP eligibility will not become the gatekeeper for access to education outside a formal setting. Provision should be determined by individual need, not eligibility category.

Identification and management of EOTAS arrangements from 2030

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

Responsibility should be shared between the local authority, who would decide whether EOTAS is arranged as part of any package, and the named school or further education setting who would manage EOTAS provision on a day-to-day basis

Please provide reasons for your answer (optional, up to 250 words):

We have significant concerns about making a school or FE setting responsible for managing EOTAS in every case. Mandatory school oversight may itself be inappropriate for some of the CYP EOTAS exists to serve.

Some CYP require EOTAS precisely because formal educational environments are inappropriate. Families describe school-related distress and trauma where continued association with "school" can itself become a barrier to engagement.

We favour shared LA/setting responsibility where setting involvement is appropriate, but there must be an exception where evidence demonstrates that school association itself creates a barrier to accessing education.

The LA must retain statutory accountability. Sole setting responsibility risks fragmentation and potential financial conflict where the organisation managing provision is also affected by its cost.

Families already report delays, difficulties securing provision and parents having to coordinate arrangements themselves. Reform must not transfer these existing problems from LAs to schools.

Parents must not become unpaid commissioners, administrators or coordinators of statutory EOTAS.

The system must identify who secures each element of provision, who pays providers, who resolves failures, who families contact and who is ultimately accountable.

Accountability must be for suitable education actually delivered, not provision commissioned on paper.

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?

Please provide reasons for your answer (optional, up to 250 words):

Transferring commissioning responsibility without addressing existing failures risks moving dysfunction rather than solving it.

Families report agreed provision taking more than five weeks to begin, delayed payments to tutors and providers, unpaid mileage, parents sourcing and assessing providers themselves, parents being expected to supervise provision, difficulties accessing Personal Budgets, and provision being reduced where a CYP cannot tolerate a tutor entering their home. These failures directly determine whether CYP receive their education.

Any future commissioner must have protected funding, sufficient administrative capacity, SEND expertise, access to EP, OT, SALT and mental health input, appropriate training, clear provider-payment deadlines and transparent accountability arrangements.

A parent's availability to remain at home, supervise a tutor or provide premises must never become a condition of their child receiving education. Safeguarding should be built into the provision itself, with responsibility for appropriate staffing or alternative venues resting with the commissioner rather than parents.

Parents should not be expected to fund any shortfall between an allocated Personal Budget and the actual cost of delivering required provision. Budgets should not be reduced because of administrative issues such as late provider invoicing.

National requirements should also prevent artificial hierarchies of evidence. Relevant evidence from teachers, tutors, OT, SALT and other appropriately qualified practitioners should be considered on its merits and not disregarded solely because an Educational Psychologist has not duplicated the assessment.

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?

Provide any information you consider helpful (optional, up to 250 words):

Consistent, needs-led EOTAS decisions require safeguards that keep the focus on the individual child or young person, not on eligibility categories, cost, age, diagnosis, available places or prescribed delivery models.

The key test should remain: ***What provision does this CYP need to receive a suitable education?*** Decision-makers must distinguish between EOTAS used because no suitable placement is currently available, and EOTAS required because school or college is itself inappropriate for that CYP. Reform must not prevent the latter simply to address shortages in the former.

Decisions should consider cumulative, fluctuating and interacting needs, CYP and family evidence, and all relevant professional evidence, including teachers, tutors, OT, SALT and other qualified practitioners—not only EP evidence. A CYP should not have to repeatedly fail mainstream, specialist or AP placements before EOTAS is considered.

There should be clear statutory accountability, a named lead professional, transparent responsibilities for commissioning, payment and problem-solving, and enforceable timescales for provision to begin. Parents must not become unpaid coordinators, supervisors or funders.

Safeguards should also include independent redress, continuity of existing provision during disputes or LA moves, access to health/specialist input, meaningful CYP participation, and data collection identifying cases where EOTAS is used because suitable placements are unavailable. This would allow shortages to be addressed without treating appropriate EOTAS as failure.

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

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

Provide any information you consider helpful (optional, up to 250 words):

EOTAS must not be designed as a pathway whose success is measured by eventual return to school. Reintegration must be an option where appropriate, not a predetermined outcome. For some CYP, successful long-term EOTAS is the appropriate destination.

Families describe EOTAS following unmet SEND need, placement breakdown, severe distress, anxiety and loss of trust. Families also report tutors approaching CYP with an explicit objective of getting them back into school. This can turn supposedly conditional reintegration into a de facto requirement.

Effective transition requires rebuilding safety and trust, accessible CYP voice, consistent trusted adults, family involvement and no fixed timescale. Before reintegration is attempted, there must be evidence that:

- ☐ the barriers that made school inappropriate have changed;
- ☐ the CYP is ready;
- ☐ the proposed setting can actually meet need;
- ☐ the CYP's views have been meaningfully considered.

The CYP/family must be able to pause or stop reintegration where it causes deterioration without being characterised as non-cooperative or risking loss of EOTAS.

Success should be measured against the CYP's individual educational, wellbeing, participation and preparation-for-adulthood outcomes—not proximity to school attendance.

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

Provide any information you consider helpful (optional, up to 250 words):

There must be an explicit right to pause or stop reintegration where evidence shows that it is harming the CYP. Resource pressure, cost or provider availability must never determine that a CYP is “ready” for school.

Every review should explicitly establish:

1. Have the barriers that made school inappropriate actually changed?
2. Does the CYP feel safe and ready?
3. Does evidence support the proposed environment?
4. Can that setting demonstrably meet the CYP’s needs?
5. Is change proposed because it benefits the CYP rather than because EOTAS is difficult or expensive to commission?

Review is essential. Presumption is not.

Outcomes must remain genuinely individual. For some CYP, progress may include qualifications; for others it may include wellbeing, engagement, communication, independence or community participation.

A CYP progressing successfully through EOTAS is not failing to progress simply because they have not moved closer to a school classroom.

Where reintegration causes deterioration, that is important evidence about its appropriateness and must trigger review rather than increased pressure to continue.

Reintegration should be one possible outcome of review—not the purpose of review.

Appealing decisions regarding EOTAS arrangements

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?

Provide any information you consider helpful (optional, up to 250 words):

We strongly oppose replacing independent Tribunal scrutiny of disputed EOTAS decisions with an early review conducted by the same local authority whose decision is being challenged. This is a reduction in independent redress, not an equivalent alternative.

Families already describe weak complaints systems and lack of consequences when provision is not delivered. One respondent summarised the problem as:

“You are complaining to the people who the complaint is about.”

An early review by the same decision-maker does not resolve that structural problem.

We recognise the distinction between challenging the named setting and challenging the underlying decision about EOTAS. Retaining some challenge concerning a named setting does not provide equivalent independent scrutiny of whether EOTAS should start, continue, materially change or cease.

Families need adequate notice, disclosure of evidence, advocacy, meaningful CYP participation and access to an independent decision-maker with power to require action.

Where cessation or material reduction of established EOTAS is disputed, existing provision should ordinarily continue while that dispute is resolved.

Independent redress is a fundamental safeguard, not administrative duplication. A decision capable of removing a CYP’s established educational provision must be capable of meaningful independent challenge.

Quality assurance and regulation of EOTAS provision

Quality assurance of EOTAS provision for young people over the age of 16

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?

Yes, I agree for children and young people on new and existing arrangements

Provide any additional information you consider helpful (optional, up to 250 words) :

We support stronger quality and safeguarding standards only if “quality” is not defined by resemblance to school. Standardising EOTAS into school-shaped provision would destroy precisely the flexibility that makes education accessible for some CYP.

Families describe CYP requiring tutorial or flipped learning, low visual-load materials, interest-led education, asynchronous/online learning, different academic levels across subjects, highly personalised providers or qualifications spread across several years.

These are not lower expectations. They are adaptations enabling CYP to access ambitious education.

National standards should assess:

safety, expertise, suitability, educational ambition, accessibility, outcomes and responsiveness to individual need.

They should not prescribe a standard pedagogy, timetable, location or curriculum-delivery model.

Regulation must also be proportionate enough to retain excellent small and specialist providers. Removing these providers in pursuit of consistency could leave CYP with provision that meets national standards on paper but cannot meet their individual needs.

EOTAS must remain capable of looking radically unlike school. “Different” must not be coded as “lower quality”.

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?

Neither agree nor disagree

Provide any additional information you consider helpful (optional, up to 250 words) :

Quality assurance is necessary, but the LA should not be the sole judge of provision that it commissions, funds and may have a financial incentive to limit. Families already report LA-approved provider lists failing to contain provision suitable for individual CYP. An approved list must therefore never become a closed menu.

Where no listed provider can meet assessed need, commissioners must be able—and required—to secure suitable provision elsewhere.

Quality assurance must examine availability as well as quality. A high-quality framework is meaningless where the provision a particular CYP requires does not exist locally.

We support national standards alongside independent oversight, transparent provider information, CYP/parent feedback, clear complaints/escalation mechanisms and formal lived-experience input.

Quality assurance should assess whether provision meets the individual CYP's needs and outcomes, rather than merely whether providers comply with a standard delivery model.

Quality assurance must not become provision restriction. A provider's absence from an approved list cannot make an unsuitable available provider suitable.

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?

Neither agree nor disagree

Provide any additional information you consider helpful (optional, up to 250 words):

Post-16 quality assurance must not disadvantage CYP whose successful educational pathway differs from the standard age-based model.

Families describe academically capable CYP who cannot manage a conventional examination load but can succeed when GCSEs or equivalent qualifications are spread across several years. Funding, accountability or quality measures must not penalise that pathway.

Families also identify CYP who could not access school but subsequently re-enter education successfully through college or university.

DfE should research why those environments become accessible when school was not. Relevant features may include greater autonomy, subject/interest-led study, flexible timetabling, individual support, different relationships with teaching staff and environments that feel fundamentally different from school.

This evidence could identify what these CYP needed educationally much earlier.

Post-16 standards must recognise qualifications, FE/HE, employment, independence, self-advocacy, wellbeing and community participation as legitimate individual outcomes.

Quality assurance must measure meaningful progression for the individual young person, not conformity to an age-standardised pathway. A longer or different route to an ambitious outcome must not be classified as a poorer outcome.

Chapter 2: Supporting children and young people on existing EOTAS arrangements

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

A different approach should be taken (please specify)

Provide any additional information you consider helpful (optional, up to 250 words):

We support rigorous, evidence-based review of EOTAS arrangements. However, we do not support age-triggered reassessment or any presumption that a primary-aged child receiving successful EOTAS should progress towards school. Primary age is not evidence that EOTAS has ceased to be appropriate.

Review and removal are not the same thing. Any review should be focused on whether current provision remains suitable and effective, not on securing a predetermined outcome.

Where primary-aged CYP are subject to additional reassessment while secondary and post-16 arrangements continue by default, DfE should demonstrate why age or completion of primary education is an appropriate indicator that educational need may have changed.

Reviews should take place at meaningful review points and where evidence indicates a material change in circumstances. They should consider current needs, progress, wellbeing, the views of the child or young person, whether the barriers that made school inappropriate have changed, and whether any proposed alternative is demonstrably suitable.

Age alone must not determine the outcome. Where EOTAS remains effective and appropriate, continuity should be the default unless evidence clearly demonstrates that a change would benefit the child or young person.

EOTAS at age five should mean neither "EOTAS forever" nor "school eventually". It should mean that EOTAS is appropriate now, and that future provision will continue to be determined by the individual child's developing needs and circumstances.

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?

Neither agree nor disagree

Provide any information you consider helpful (optional, up to 250 words):

We support this proposal only if successful existing EOTAS arrangements are protected and any reassessment remains genuinely needs-led. Without those safeguards, we do not support automatic transfer simply because a child or young person is primary-aged.

Reassessment should focus on whether the CYP's needs have changed, not on whether they can now be fitted into a Specialist Provision Package, alternative provision school or another delivery model created through SEND reform.

Where evidence continues to demonstrate that EOTAS is appropriate:

EOTAS must remain available;
effective existing provision and providers should continue where appropriate;
bespoke pedagogy and curriculum approaches must be protected;
there must be no presumption of reintegration into a formal setting;
transitions must not interrupt education; and
families must retain meaningful access to independent redress.

A CYP should not lose successful provision because the administrative framework surrounding that provision has changed.

Where a new arrangement is proposed, the burden should be on demonstrating how it will better meet the CYP's identified needs and outcomes. CYP should not be required to experience failure within a new placement or model before a previously successful approach is reconsidered.

The overriding principle should be continuity where provision is working, with change only occurring where there is clear evidence that an alternative arrangement would better meet the CYP's individual needs.

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

A flexible, case by case approach

Provide any additional information you consider helpful (optional, up to 250 words):

The proposals risk creating a statutory cliff edge whereby a child or young person (CYP) remains unable to access school but loses the statutory mechanism securing suitable education because they no longer meet a new eligibility threshold. This must not happen.

A bureaucratic eligibility decision does not demonstrate that the unmet need, distress or breakdown of trust that made formal education inaccessible has disappeared. Educational need does not cease to exist simply because statutory eligibility changes.

Before any change in provision is made, decision-makers should establish:

what has actually changed in the CYP's needs;
whether formal education is now accessible;
whether any proposed provision is demonstrably suitable;
the views of the CYP;
what relevant professional evidence shows; and
how educational continuity will be maintained.

There must be no arbitrary transition deadline. Where school remains inaccessible, an enforceable route to suitable education must remain available regardless of EHCP or Specialist Provision Package status. Otherwise, the reforms risk recreating the eligibility gap identified elsewhere in this consultation.

Transition should occur only where evidence demonstrates that another educational arrangement is now more appropriate and better able to meet the CYP's needs. The burden should be on demonstrating that the proposed arrangement is suitable, rather than expecting the CYP to experience failure before support is reconsidered.

The overriding principle should be that provision follows need. A CYP should not lose effective educational provision simply because they no longer fit an administrative category.

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

Provide any information you consider helpful (optional, up to 250 words):

Continuity should be the default unless evidence demonstrates that change benefits the CYP. Transition must not itself become a cause of educational breakdown.

Our evidence identifies anxiety, SEMH, unmet need and damaged trust as significant factors in education difficulties.

Stable transition requires trusted relationships, CYP control over pace, family co-production, multi-agency working, continuity of successful provision, realistic curriculum/qualification pathways and the ability to pause or reverse a transition.

Progression must not be synonymous with reintegration. Some CYP progress through qualifications over extended timescales; others later access FE/HE despite being unable to access school.

National continuity protection is also required when families move between local-authority areas. Families report viable EOTAS packages being put at risk of wholesale reassessment simply because they move a few miles across an LA boundary.

A change of postcode must not function as a change of educational need.

The receiving LA should maintain an existing workable package while any genuinely necessary review occurs, with clear duties on LAs to cooperate over providers, funding and information.

Administrative transition should never unnecessarily interrupt a CYP's education.

Quality assurance for existing EOTAS provision

Chapter 3: Children receiving alternative provision because their health needs cannot be met in school

Improving the suitability of provision

The role of schools and system coherence

15 How effective is the current system in enabling schools to put in place early support for children whose health needs affect their participation in education, before requiring the local authority to arrange alternative provision?

Highly ineffective

Provide any additional information you consider helpful (optional, up to 250 words):

Current early support is too often ineffective because CYP can be treated as attendance problems before the underlying SEND, health need or school-related distress is understood.

Our survey found 44% of families reported difficulty accessing health services, alongside concerns about CAMHS, OT and SALT waits and families repeatedly having to chase services.

Families also describe situations where professionals recognise that a CYP cannot access the available educational environment while attendance processes nevertheless continue.

Early intervention must mean identifying and removing barriers to education—not simply intervening earlier to increase attendance.

This requires timely health/specialist input, reasonable adjustments before crisis, prompt suitable education where health prevents attendance and individual assessment of what the CYP can actually access.

There is a significant risk that tightening EOTAS eligibility without ensuring suitable alternatives simply moves CYP into persistent/severe absence or greater reliance on Section 19 provision. That would move the problem between statutory categories rather than solve it.

DfE should monitor whether these reforms increase severe absence, Section 19 demand or the number of CYP receiving no suitable education. Earlier support should be measured by earlier access to suitable support, not attendance alone.

16 How could roles and responsibilities between schools, local authorities and health services be clarified to support more timely and effective support for children who are unable to attend school due to health reasons and require alternative provision?

Provide any information you consider helpful (optional, up to 250 words):

Families must not be expected to join fragmented public services together themselves. Responsibilities across education, health and wider services should be explicit, enforceable and subject to clear timescales.

Families report repeatedly having to chase referrals, appointments and follow-up actions themselves. The system should instead provide a named lead professional responsible for coordination, with clearly allocated education and health responsibilities, effective information-sharing arrangements, published pathways, implementation timescales and a clear escalation route when agencies fail to act.

Attendance processes also require appropriate safeguards. Families describe situations where schools and professionals recognise that a setting cannot meet a child or young person's needs, yet unauthorised absence processes, attendance-related contact and threatened fines continue. A CYP who cannot access an unsuitable setting should not be treated as though they are simply refusing to attend a suitable one.

Staff responsible for attendance and safeguarding should receive training in SEND, neurodivergence, mental health, school-related distress, trauma and reasonable adjustments. Safeguarding should remain robust, but engagement with families should be individualised and proportionate rather than escalating distress.

Most importantly, disagreement between schools, local authorities and health services must never leave a CYP without suitable education while agencies determine responsibility. The statutory system, not families, should carry the burden of coordination. Children and young people should continue to receive appropriate support and education throughout any dispute or transition period.

17 Where an alternative provision placement is required to meet health needs, how can children be better supported to transition back into a school?

Provide any information you consider helpful (optional, up to 250 words):

Return to school must be based on evidence that school has become accessible to the individual CYP. It must not be triggered simply by time spent in AP or an assumption that reintegration is inherently the successful outcome.

Before return, decision-makers must establish whether the health-related barriers preventing attendance have changed and whether the proposed school can now meet need.

Transition requires continuing therapeutic/health input where needed, reasonable adjustments agreed before return, trusted staff, CYP/family participation, flexible pacing and the ability to pause or reverse the process.

Maintaining connection with the previous school should not automatically require direct engagement where that relationship itself contributes to distress.

Where a carefully supported return does not work, this provides important evidence about the accessibility and suitability of the proposed provision. It should trigger rapid reassessment rather than escalation of attendance enforcement.

A failed reintegration attempt must not be reframed as parental or CYP non-compliance.

The objective must remain access to suitable education and improved health/educational outcomes—not restoration of a particular placement for its own sake.

Chapter 4: Children receiving alternative provision from accredited online education providers

18 What approach, if any, should be taken to the duration of placements for children receiving alternative provision through Online Education Accredited Providers?

The duration should depend on individual circumstances

Provide any additional information you consider helpful (optional, up to 250 words):

Online AP should be governed by individual need, not arbitrary duration limits. However, rules designed for temporary online AP must not create a wider assumption that online education is inherently temporary or inferior.

For some CYP, online AP may appropriately be short-term. For others—particularly CYP with fluctuating physical/mental health needs—longer use may be necessary.

Duration should therefore be determined through individual review rather than a rigid maximum.

Separately, families tell us that high-quality accredited online education can form a legitimate long-term component of EOTAS for some CYP. This is distinct from temporary online AP and should not automatically be treated as a holding arrangement pending physical attendance.

The relevant tests for online AP should be:

- ☐ Is it suitable for this CYP?
- ☐ Is it accessible?
- ☐ Is the CYP learning and progressing?
- ☐ Is safeguarding effective?
- ☐ Are wider participation needs addressed appropriately?
- ☐ What does the CYP say?
- ☐ What does the evidence show?

Online provision should be judged by quality, suitability and outcomes. Physical attendance is not, by itself, evidence of higher-quality education.

19 Should children receiving alternative provision through Online Education Accredited Providers remain on the admission register of a school?

It should depend on individual circumstances

Provide any additional information you consider helpful (optional, up to 250 words):

We support retaining a clearly accountable body for CYP receiving online AP, but registration must not automatically create inappropriate attendance, reintegration or school-contact expectations.

Our survey identified CYP currently out of school and receiving no education, so we recognise the importance of ensuring CYP do not become invisible to statutory systems.

However, accountability and physical school connection are not the same thing.

For some CYP, particularly following placement breakdown or school-related distress, direct contact with the previous school may itself create additional barriers. Families also report attendance and safeguarding processes continuing despite the CYP being unable to access that environment.

Registration should therefore establish who remains accountable for education and safeguarding. It should not establish a presumption that the CYP should physically attend that setting or that reintegration must be the intended outcome.

Safeguarding/contact arrangements should be individualised, proportionate and informed by SEND, health needs and school-related distress.

Where the relationship with the existing school has broken down, there must be flexibility in how responsibility and contact operate.

Connection to a setting must serve the CYP's educational and safeguarding needs. The CYP must not be required to maintain an inaccessible or harmful relationship merely to satisfy an administrative model.

About you

20 What is your name?

Name:

Lucy Kennerley

21 What is your email address?

Email address:

Lucy@pcfcheshirewest.org

22 Are you happy to be contacted directly about your response?

Yes

23 Would you like us to keep your response confidential?

No

24 Are you responding as an individual or on behalf of an organisation?

Organisation

Organisation

26 If you are responding on behalf of an organisation, which of the following best describes who/which part of the sector your organisation represents?

representative organisation

If Other, please specify::

Parent Carer Forum

27 What is the name of your organisation?

Type below:

Parent Carer Forum Cheshire West and Chester

28 What is your role within the organisation?

Other

If Other, please specify::

Chairperson

Appendix 1 – supporting children with health needs

Appendix 2- alternative provision 3 tier model