

Report to the Cabinet

23 March 2026

Wards: All wards

Education Otherwise Than in School (EOTIS) provision**Report of the** Director of Children, Young People and Family Services**Report Status:**

This item is not exempt

Therefore exempt reasons are not applicable

This is a key decision. The matter is in the Forward Plan

[Forward Plan reference number: 0002/26](#)**1. Purpose of the Report and Summary**

- 1.1 This report seeks approval for extending the current Multi-Academy Trust led Education Otherwise Than in School (EOTIS) provision for one year, until August 2027, pending undertaking a full tender process to identify suppliers for longer-term contracts. Other EOTIS provisions will be supported by the Open Tuition Framework where appropriate, or spot purchase arrangements while the alternative provision review is undertaken.
- 2.1 The purpose of the recommendations is to ensure the Local Authority (LA) meets its statutory duties for children and young people unable to attend school.
- 3.1 The Children and Families Act 2014 places an absolute duty on the Local Authority under Section 42 to secure all special educational provision specified in Section F of an EHCP, regardless of setting. In addition, where a child or young person is unable to attend school for reasons such as illness, exclusion or otherwise, the Local Authority has a statutory duty under Section 19 of the Education Act 1996 to arrange suitable education for them, whether at school or otherwise. Where ongoing or complex needs mean that a child or young person requires provision otherwise than at a school or post-16 institution, the Local Authority may formalise this under

Section 61 of the Children and Families Act 2014 (Education Otherwise Than in School – EOTIS/EOTAS).

- 4.1 It is therefore essential that the Local Authority has access to high-quality, legally compliant EOTIS and interim Section 19 arrangements that can deliver not only tuition, but also therapeutic, behavioural, sensory and holistic interventions that meet the full range of complex needs typically included within Section F of an EHCP.

2. Recommendations

- 2.1 To extend existing EOTIS contracting arrangements by one year, until August 2027, as detailed below, at a total cost not to exceed £902,000:

Contract	Needs	Hours Per Week	Number of Places	Cost Per Place	Maximum Cost
Venn Academy Trust (Sullivan Centre)	SEMH – medical and mental health needs	15 – 18 hours per week	8	£40,000.00 per annum	£320,000.00
Constellation Trust	SEMH – unregulated behaviours	15 – 18 hours per week	8	£40,000.00 per annum	£320,000.00
Humber Education Trust (Tweendykes Academy)	SLD needs, with co-existing neurodiversity and sensory processing needs	10 hours per week	4	£22,000.00 per annum	£88,000.00
Constellation (Rise Academy)	SEMH – unregulated behaviours	15 – 18 hours per week	6	£29,000.00 per annum	£174,000.00

- 2.2 To approve entering a formal tender process to identify suppliers for provision from September 2027 onwards, at a total cost not to exceed £902,000 per annum, with contracts being for two years with an option to extend by a further year.
- 2.3 To provide delegated authority to the Director of Children’s, Young People and Family Services in consultation with the Portfolio Holder for Children, Young People, Families and Learning to award contracts following completion of the tender process.

3. Reasons for Recommendations

- 3.1 The request for a one-year extension is to enable the Local Authority to undertake a fully informed commissioning exercise. Additional time is required to:

- Consolidate and analyse EOTIS data from the first full year of MAT-led arrangements, including demand patterns, cost profiles, reintegration outcomes and EHCP compliance indicators.
- Align future EOTIS commissioning with the outcomes of the Alternative Provision (AP) Review, ensuring that new packages reflect national expectations for AP quality, safeguarding, accountability and reintegration.
- Ensure that the final service specification reflects the direction of travel being set out in the forthcoming national White Paper, including anticipated reforms to SEND, AP, and LA commissioning duties.
- Incorporate learning from parents/carers, schools, and providers during 2025/26, ensuring the future contract is co-produced and reflects lived experience.

This extension therefore ensures that the subsequent full tender results in a long-term, future-proofed, statutory-compliant EOTIS model that delivers best value and best outcomes.

- 3.2 These recommendations allow for the delivery of statutory duties under Section 42 and Section 61 of the Children and Families Act 2014 and Section 19 of the Education Act 1996. Section 42 of the Children and Families Act 2014 is a duty to secure all special educational provision in Section F of Education, Health and Care Plans (EHCPs) for children and young people unable to attend school.
- 3.3 The number of children and young people with EHCPs have been increasing since 2014. The number of children and young people on EOTIS packages have also been increasing, as has the annual spend on EOTIS provision. The number of pupils on EOTIS April 2023- 38 compared to the number of pupils on EOTIS January 2025- 74. The Multi-Academy Trust EOTIS contracts are less than the average EOTIS package spend.
- 3.4 The recommendations align with SEND Code of Practice and Regulations (annual review duties; multiagency working; timeliness and child centred planning).
- 3.5 The preferred option (option 3) is a coordinated model using Trust-led EOTIS packages, buffered by tuition frameworks for specific gaps. This approach ensures statutory compliance, improves outcomes (including reintegration and GCSE access), and mitigates risks.
- 3.6 The contracts enable requirements to be taken forward more expeditiously, between all relevant contract holders. This ensures provision is secured in a timely manner and there is reduced risk of the child or young person left without education and offer that is legally outlined in the EHCP and what the council have a duty to secure.
- 3.7 The contracts will add improved safeguarding measures around some of the most vulnerable children and young people as they are Ofsted registered.
- 3.8 The contracts will enable the children and young people to have their needs met better with improved outcome through higher quality of provision. All the providers

have been inspected and obtained an outstanding Ofsted judgement due to their robust offer and specialist skill set.

- 3.9 Reduced average costs per pupil place will be achieved through the contracts, alongside the better quality of provision. The average spend on EOTIS with unregistered providers is £56,000.00. These contracts will have a maximum cost of £40,000.00 per pupil and an offer of increased hours of provision.
- 3.10 A tender process for longer-term contracts would ensure that Hull City Council is compliant with the 2023 Procurement Act.
- 3.11 Hull City Council, alongside East Riding of Yorkshire Council, have procured an Open Tuition Framework to support children and young people who are currently out of education. This provision can be offered either face to face or online, to meet the needs of a range of pupils. This framework became live in September 2025 and offers compliant means of commissioning tuition based provision.
- 3.12 Other provision that is not tuition based, e.g. vocational educational offers and other alternative provisions, will not be able to join this framework. A review of alternative provision is currently taking place and it is envisaged these 'other' providers will be compliantly commissioned as part of the next steps identified following the review.
- 3.13 While Option 2 offers rapid access to short-term 1:1 tuition, it is important to acknowledge that the Tuition Framework is only suitable for very short-term, interim arrangements—for example, day-6 provision following an exclusion or meeting short-term academic gaps under Section 19 of the Education Act 1996.
- 3.14 Most children who require EOTIS have highly complex and co-existing needs which extend far beyond academic tuition. This includes therapeutic input, sensory regulation, behavioural programmes, access to specialist staff and structured reintegration pathways—none of which can be reliably delivered through the Tuition Framework model.

Further limitations of Option 2 include:

- **Safeguarding risks** due to the use of multiple micro-providers with variable governance arrangements.
 - **Fragmentation of delivery**, making coordination of multi-agency provision and annual reviews more difficult.
 - **Restricted exam access**, as tuition-only models often cannot act as the host/exam centre.
 - **Inconsistent attendance monitoring** and variable quality assurance.
 - **Limited reintegration pathways**, promoting drift and dependency on EOTIS.
- 3.15 For these reasons, Option 2 should be viewed as a supporting mechanism rather than a viable full model for complex EOTIS cases.

4, **Key Organisational Impacts**

Impact on other Executive Committees (including Area Committees) and decision makers:

4.1 There is no impact on other Executive Committees

Contribution to the delivery of the Community Plan, the Council Plan and/or Area Plans:

4.2 There are the following impacts on areas identified in the Community Plan:

Community Plan Priority	Positive Impact
Supporting Inclusive Communities	<ul style="list-style-type: none"> • Access to Education for All: Ensures suitable, full-time education for CYP unable to attend school, promoting inclusion and reducing inequality. • Advancing Equality: Addresses barriers for vulnerable groups, fostering equal opportunities and social cohesion.
Improving Health and Wellbeing	<ul style="list-style-type: none"> • Therapeutic and SEMH Support: Integrated packages improve wellbeing and family stability. • Reduced Stress for Families: Clear governance and timely provision reduce uncertainty and complaints.
Economic and Skills Development	<ul style="list-style-type: none"> • Better Educational Outcomes: Access to GCSEs and reintegration pathways reduces NEET risk, supporting Hull's ambition for a skilled workforce. • Long-Term Value: Lower litigation costs free resources for proactive investment in education and community services.
Safe and Sustainable Communities	<ul style="list-style-type: none"> • Safeguarding Assurance: Ofsted-registered Trusts ensure robust safeguarding, aligning with Hull's commitment to safe environments. • Environmental Considerations: Coordinated provision and digital learning reduce unnecessary travel, supporting sustainability goals.

Impact on other key strategies/business plans

4.3 The recommendations support the “*SEND improvement and sufficiency planning*” priority within the Learning and Skills Business Plan.

Equalities Impact Information

4.4 An Equalities Impact Assessment for the Multi-Academy Trust contract has been completed. The proposal advances equality by ensuring children with SEND who cannot attend school receive suitable education tailored to their needs. There are therefore positive impacts on disability and age characteristics, and no adverse

impacts identified for other protected groups. Future actions include embedding multiagency reviews and safeguarding protocols.

- 4.5 Equity: The recommendations ensure CYP with complex needs who cannot attend school receive suitable, full-time education tailored to their needs—meeting s19 and EHCP duties.

5. **Consultation**

- 5.1 Consultation has taken place with service areas within the Children and Family Services directorate. Officers within Hull City Council Procurement and Commissioning teams will collaborate on specification development and ensure that the Council requirements are addressed in consultation with the required service areas. Consultation regarding the approach outlined in the recommendations has taken place with the Hull Learning Partnership Board. Consultation with pupils and parents/carers also takes place during the EHCP annual review process.

6. **Background**

- 6.1 Education Otherwise Than in School (EOTIS), is a system in the UK where a Local Authority provides education for children with complex needs who cannot attend mainstream or even special schools, funded and arranged by the LA, as detailed in Section F of an Education, Health and Care Plan (EHCP). It is for children needing tailored, off-site provision (like home tuition, online learning, or therapy) due to health, social, emotional, or behavioural issues.
- 6.2 The LA faces increased demand for bespoke non-school provision. Reliance on fragmented tuition frameworks could lead to compliance gaps, weak governance, and poor reintegration outcomes. Updated statutory guidance requires stronger oversight and structured provision.
- 6.3 If services are not contracted correctly then there is a risk of a compliance gap in securing all Section F provision for EOTIS learners with complex needs. Case law confirms LAs must move proactively, cannot defer to provider availability, and must have contingency plans.
- 6.4 Fragmented tuition framework delivery (multiple micro providers, variable models) is challenging to coordinate; risks non-delivery of therapies/SEMH programs, limited reintegration pathways, inconsistent exam access, and weak capacity for frequent reviews and QA. National AP guidance now heightens expectations for oversight and safe commissioning, particularly where unregistered AP is used.
- 6.5 Tuition-only provision presents inherent limitations which place the Local Authority at risk, particularly around safeguarding, monitoring and remuneration. Tuition providers may work with large numbers of individual freelance tutors, who are not part of a unified safeguarding culture, do not provide a stable key-adult model, and cannot reliably provide exam arrangements or host qualifications. Furthermore, the remuneration model for tuition frameworks can create inconsistency in availability

and delivery. These limitations significantly restrict the LA's ability to evidence strong oversight and compliance with statutory duties.

6.6 The Council has a statutory duty to provide these services to children and young people. The Council's SEND Team previously spot purchasing EOTIS providers from several service providers. The SEND Team and the Learning Partnership have identified Ofsted registered providers of EOTIS and interim packages of education as an imminent need. The aim of the EOTIS or interim packages is to provide bespoke packages of education and reintegrate the child/young person back into an education setting. EOTIS or interim packages of education are used for several purposes:

- For children and young people who are looked after by the Council, particularly those children who are without a current setting and/or those children who have had a change in their care placement. (Section 19 of the Education Act and Section 42 of the Children and Families Act).
- For children and young people where it is not appropriate for them to be educated in a setting at this time. This may be due to school medical reasons, teenage pregnancy, etc. (Section 61 of the Children and Families Act).
- For children and young people who have been suspended or who are risk of permanent exclusion and there is a placement breakdown (Section 19 Education Act and Section 42 of the Children and Families Act).

7. **Issues for consideration**

- 7.1 LA must secure all Special Educational Provision (SEP) in Section F from the date the final EHCP is issued; the duty cannot be delegated to schools or providers. This is an absolute duty under Section 42 of the Children and Families Act 2014 ; EOTIS arrangements under Section 61 of the Children and Families Act 2014; suitable education under Section 19 of the Education Act 1996.
- 7.2 Courts have issued mandatory orders compelling compliance within tight timescales. Section 19 of the Education Act 1996: LA must arrange suitable education for pupils unable to attend school for exclusion/illness/otherwise; recent guidance clarifies oversight and timeliness.
- 7.3 Failure to secure Section F provision exposes the LA to judicial review and mandatory orders. Annual Review duties: LA must review EHCPs at least annually (more frequently in early years), ensure multiagency input, and notify post review decisions within statutory timescales.
- 7.4 Commissioning standards and alignment to DfE's *Arranging Alternative Provision* guidance (2025), requires the LA to have a duty for: suitability checks, safeguarding, curriculum breadth, attendance monitoring, progress tracking, and provider due diligence (especially where any non-school settings are used).

8. **Options and Risk Assessment**

8.1 There are 3 identified options.

8.1.1 Option 1 - do nothing

- Description - No change to current fragmented approach; rely on ad hoc tuition and provider availability.
- Benefits – None identified.
- Risks – Legal non-compliance risk (breach of Section 42 duty; judicial review risk); Interrupted education; reduced access to therapies; poor SEMH outcomes; diminished reintegration chances; reputational damage; governance gaps.
- Conclusion - Not viable; exposes LA to significant legal, financial, and reputational risk.

8.1.2 Option 2 – Use Tuition Framework Only

- Description – Commission individual tuition providers to cover EOTIS needs.
- Benefits - Rapid access to 1:1 tuition for core subjects; flexible scheduling; can meet short-term gaps under Section 19 where simple academic catch-up suffices.
- Risks – Delivery model mismatch for complex needs; fragmentation complicates QA and safeguarding; reintegration and exam access limited; annual reviews difficult.
- Conclusion - Partially viable for short-term academic provision, but high risk for Section F compliance and outcomes in complex EOTIS cases.

8.1.3 Option 3 (Preferred): Targeted Trust-Led EOTIS Packages, with Tuition Framework as Buffer

- Description - . Commission Ofsted registered, MAT/Trust-led EOTIS packages coordinated via Learning Partnership Board with LA oversight; deploy tuition framework tactically for gaps.
- Benefits – Legal compliance; integrated SEP and structured curricula; stronger QA and safeguarding; reintegration capacity; annual reviews and multi-agency working; reduced fragmentation; flexibility via tuition buffer.
- Risks – Capacity/lead-in risk; mitigated via phased ramp-up and contingency protocols.
- Conclusion - Most robust model for statutory compliance, safeguarding, outcomes, and value

9. Comments of the Monitoring Officer (Assistant Director Legal Services and Governance)

- 9.1. The decision to extend the existing arrangements for a year as set out in this cabinet report is noted and supported. The decision to extend the existing arrangements enables the Council the time to review the situation and where necessary undertake a procurement exercise.
- 9.2 The legal position on EOTIS contracts is that where a placement is provided by a provider who is acting for pecuniary interest, i.e profit. Then these are a public contract and are subject to the Procurement Act 2023, if the EOTIS contract is with an academy who is not for profit then these fall outside of the Procurement Act 2023. As such there is a mixed approach which will be taken with these placements depending on the Provider. (PG)

10. Comments of the Section 151 Officer (Executive Director of Corporate Resources)

- 10.1 The s151 Officer supports the extension of existing contracts for registered EOTIS provision to all of the full tender process to be undertaken. (JR)

11. Comments of the Assistant Director OD & HR and compliance with the Equality

Duty

- 11.1 The content of the report is noted. There are no staffing, or equality matters arising for the council from this decision. KH

12. Comments of Overview and Scrutiny

- 12.1. This report will be considered by the Children, Young People and Families Overview and Scrutiny Commission at its meeting in March 2026. Sc 9138

13. Comments of the Portfolio Holder - Councillor Tock

- 13.1 The decision to extend the existing contracts with current providers of registered EOTIS provision whilst a review is undertaken is supported. (LT PF1138)

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Officer Interests: None

Background Documents:

Implications Matrix

This Section must be completed, and you must ensure that you have fully considered all potential implications

This matrix provides a simple check list for the things you need to have considered within your report

If there are no implications, please state

I have informed and sought advice from HR, Legal, Finance, Overview and Scrutiny and the Climate Change Advisor and any other key stakeholders i.e. Portfolio Holder, relevant Ward Members etc prior to submitting this report for official comments	Yes
I have considered whether this report requests a decision that is outside the Budget and Policy Framework approved by Council	Yes
Value for money considerations have been accounted for within the report	Yes
The report is approved by the relevant Director/Assistant Director	Yes
I have included any procurement/commercial issues/implications within the report	Yes
I have considered the potential media interest in this report and liaised with the Media Team to ensure that they are briefed to respond to media interest.	Yes
I have included any equalities and diversity implications within the report and where necessary I have completed an Equalities Impact Assessment, and the outcomes are included within the report	Yes
Any Health and Safety implications are included within the report	Yes
Any human rights implications are included within the report	N/A

I have included any community safety implications and paid regard to Section 17 of the Crime and Disorder Act within the report	N/A
I have liaised with the Climate Change Advisor, and any environmental and climate change issues/sustainability implications are included within the report	N/A
I have considered how the decision may contribute or impact on culture and heritage within the city.	N/A
I have included information about how this report contributes to the Community Plan/ Area priorities within the report	Yes
I have considered the impact on air quality, carried out an appropriate assessment and included any resulting actions or opportunities necessary to improve air quality in the report.	N/A
I have considered the impact on Children Looked After and Care Leavers and any resulting actions/implications have been included within the report.	Yes