

LOOKED-AFTER CHILDREN POLICY

This policy is linked to a wide range of legislation, which is listed below.

Introduction

There are in the region of 73,000 children, most of them of school age, who are looked after by local authorities (LAs). Legislation over the past four decades has slowly improved the outlook for these children, but there remains a significant gap between their prospects and those of their peers. Their academic performance is often lower and they are over-represented in a range of vulnerable groups.

Exclusions are a major issue for looked-after children (LAC); nearly 1% of all LAC are permanently excluded from school as opposed to just above 0.1% of all children. Schools are advised that they should be especially sensitive to LAC because they are by definition at risk of low attainment and exclusion. Schools should try every means practicable to keep them in school, seeking professional advice as appropriate.

The statutory definitions

Under the *Children Act 1989*, as amended by the *Children and Families Act 2014*, a child is defined as 'looked-after' if s/he is looked after by an LA or provided with accommodation for more than 24 hours by the LA. There are four main groups of LAC:

- Children who are accommodated under a voluntary agreement with the person who has parental responsibility for that child.
- Children who are the subjects of a care order or interim care order.
- Children who are the subjects of emergency orders for their protection.
- Children who are compulsorily accommodated – this can include children who are remanded to the LA or subject to a criminal justice supervision order with a residence requirement. The term 'in care' applies only to children who are subject to a care order by the courts under the Children Act 1989, updated to November 2018. Children who are cared for on a voluntary basis are said to be 'accommodated' by the LA under the Act.

LAC may be looked after by:

- The LA where their school is situated.
- Another LA but living in the same LA as their school is situated.

Further general legislation affecting LAC

- Additional statutory guidance on the education of LAC was issued under section 52 of the Children Act 2004. This guidance sets out the essential actions LAs should take to comply with the duty to promote educational achievement.
- Statutory guidance on the duty on LAs to promote the educational achievement of LAC comes under section 52 of the Children Act (2004) issued in 2005.
- The Education (Admission of Looked-after Children) (England) (Regulations) 2006 set out when an admissions authority for a maintained school must give priority in its oversubscribed criteria to a 'relevant looked-after child'.

- The Education and Inspections Act 2006 gives further protection to LAC by acknowledging the right of a parent to state their school preference. The admissions authority must comply with this preference. However, if one of a number of statutory exceptions applies, the parent's application can be refused. The parents have a right of appeal.
 - Where a child has been permanently excluded from two or more schools, however, if the parent's application is refused, there is no appeal for a period of two years. Under the Act, if an LA wishes to admit such a child to a school for which it is the admissions authority (that is, a community or voluntary controlled school) it must give notice of the decision to the governing board. The governing board may, within seven days, refer the matter to the schools adjudicator claiming that admission of the child would cause serious prejudice to the provision of education or use of resources.
 - If the adjudicator agrees with the school, the decision to admit the looked-after child is annulled. The adjudicator may decide that another school must admit the child provided that s/he has not already been excluded from that school.
 - In the case of schools which are their own admissions authority, the LA can give a direction to admit a looked-after child to any school in England, other than a school for which the LA is the admissions authority or a school from which the child has been excluded.
 - The LA has to consult the admissions authority for the school specified in the direction. The admissions authority needs to inform the LA within seven days whether it is willing to admit the child. Again the school can refer the matter to the adjudicator on 'serious prejudice' grounds.
- The admissions priority given to looked-after children also applies to academies and state funded faith schools of all types. Under the Admissions Code 2012 as amended 2015, academies can also choose to give admission priority to children on pupil premium, which category includes looked-after children. The Education (Infant Class Sizes) (England) (Amendment) Regulations 2006 added LAC as a category of 'excepted pupil' when dealing with infant class size admissions.
- Care Planning for Looked-after Children and Care Leavers 2013 increases the emphasis on more effective care planning for looked-after children.
- The Admissions Code 2012 as amended in 2015 confirms the 'excepted' status of looked-after children and the fact that they are a first priority group in oversubscription criteria in schools, (other than secondary grammar schools that admit students using a selection test). The criterion also now applies to adopted children who were formerly in care.
- The Care Planning, Placement and Case Review (England), Regulations 2010 as amended by The Care Planning, Placement and Case Review (England) (Miscellaneous Arrangements) Regulations 2015.
- The SEN code of practice January 2015 applies to many LAC.
- Promoting the educational achievement of looked-after children – statutory guidance for LAs March 2018 underlines the fact that it is the duty of the LA to act as a corporate parent and support their educational achievement.
- The Children and Families Act 2014 amended the Children Act 1989 to require LAs in England to appoint at least one person for the purpose of discharging the LA's duty to promote the

educational achievement of its looked-after children wherever they live or are educated. The person, the virtual school headteacher (VSH) must be an officer employed by the LA or another LA in England.

- The Children and Social Work Act 2017 further defines the responsibilities of LAs for LAC, the role of the VSH and the designated member of staff in both maintained and academy schools.

The role of the virtual school headteacher

The VSH should ensure that schools understand the role of the LA as corporate parent and its duty to promote the educational achievement of LAC. S/he must also ensure that a culture is promoted by the LA that takes account of the child's views according to age and understanding in identifying and meeting their educational needs.

In arranging a school placement for a looked-after child, a school should be sought that is best suited to a child's needs. Equally, since there is likelihood that LAC may move school during their educational careers, the VSH must ensure that there is an informed discussion about the choice of school that will best meet their needs.

Schools judged by Ofsted as good or outstanding should be prioritised for LAC in need of a new school. LAC should not be placed in schools judged inadequate. The VSH will ensure that the LAC are given the highest priority within school admission arrangements and, as excepted pupils, they have special rights in relation to infant class size regulations. School governing boards should be reminded by the VSH of the importance of specific professional development for senior leaders and designated teachers in supporting the achievement of looked-after children.

An up-to-date list of designated teachers should be maintained by the VSH to assist with internal communications both within their home LA but also to assist other authorities that have placed children in the home authority.

The VSH should have a quality assurance role in relation to personal education plans (PEPs). The VSH should ensure that PEPs are reviewed each school term, to keep abreast of the child's educational progress and to ensure that this information is fed into the next care plan review.

Statutory guidance for school governing boards

The DFE has published updated guidance entitled 'The designated teacher for looked-after and previously looked-after children (DFE 2018)'. Additional guidance for schools can be found in 'Working together to safeguard children (DFE 2018)'. These documents are the most important ones for schools and cover the following areas.

- **The statutory framework.** Since September 2009, the governing boards of all maintained schools are required under the Children and Young Persons Act 2008 to appoint a designated teacher to promote the educational achievement of LAC who are on the school roll. This requirement is reiterated in the SEN code.
- **The role of the governing board.** The governing board must ensure that the designated teacher undertakes appropriate training. As a minimum, the governors must consider an annual report from the designated teacher which contains information as specified in the guidance. The governing board and senior leadership team (SLT) should consider the report and act on any issues it raises so as to support the designated teacher and maximise the impact of the role.
- The role of the designated teacher within the school.

- The role of the designated teacher in developing the personal education plan (PEP).
- The relationship of the designated teacher to others beyond the school.

In addition to the statutory guidance above, good practice guidance for schools is contained in two documents issued by the then DCSF in 2009. These are 'Improving the attainment of LAC in primary schools' and 'Improving the attainment of LAC in secondary schools'.

The pupil premium

- All looked-after children who have been in care for at least one day and are aged 4 to 15 at 31 August, as recorded in the latest LAC data return, are eligible for the pupil premium grant plus (PPG+).
- For the financial year 2019/20, the PPG+ for LAC is £2,300. Schools will also receive £2,300 for each pupil who has left LA care because of adoption, a special guardianship, a child arrangements order or a residence order.
- LAs will pass on to schools the PPG+ for each of their eligible LAC.
- LAs can decide whether to make this payment on an annual or a termly basis.

SEN

- Over 70% of looked-after children have some form of SEN. Under the SEN code of practice 2015, a significant proportion of these children will now have an education and health care plan (EHCP). The school should have an annual review meeting for each looked-after child to look at all aspects of the EHCP (and also of those children who may still have a SEN statement).
- LAs will have particular responsibilities for these children and will act as a 'corporate parent' which means that everyone working for the LA has a shared responsibility for safeguarding and promoting their welfare.
- The Children and Families Act 2014 requires every LA to have a VSH (see above) who leads a virtual school team which tracks the progress of children looked after by the LA as if they attended a single school. School SEN departments should work closely with the VSH to ensure that LAs have effective processes in place for meeting the SEN of looked-after children.

The role of schools and governing boards

All schools and governing boards can promote better outcomes by:

- Ensuring that the admissions criteria and practices prioritise LAC in accordance with the DFE Admissions Code of Practice 2012 as updated 2015. These priorities apply to maintained schools, academies and free schools alike.
- Ensuring all governors are fully aware of the legal requirements and guidance for the LAC.
- Ensuring the designated teacher is empowered to champion LAC, influence policy and practices across the school and ensure early intervention for any LAC experiencing difficulties.
- Ensuring that the school/academy and governors receive regular reports from the designated teacher.
- Ensuring all LAC have a personal education plan (PEP) – see below. Under the SEN code, many LAC also have a health plan which will involve the participation of the school.

- Schools should keep the LA fully advised about the progress and attendance of the LAC. This will be done in liaison with the VSH.

Personal education plan (PEP)

All LAC should have a PEP which is part of the child's care plan or detention placement plan. The broad areas of information that must be covered in the PEP and are specified in the Care Planning, Placement and Case Review (England) Regulations 2010 as amended. The PEP must now include the contact details of the VSH for the LA that looks after the child.

The designated teacher leads on how the PEP is developed and used in school to make sure the pupil's progress towards education floor standards is monitored.

The PEP (pre-school to age 18) is an evolving record of what needs to happen for LAC to enable them to make expected progress and fulfil their potential.

This includes:

- Access to a nursery or other high quality early years provision.
- On-going catch up support for those who have fallen behind with school work.
- Provision of immediate suitable support if a child is not in school.
- Transition support where needed.
- Support to enable the child to meet short and long term academic achievements and aspirations and to achieve expected levels of progress.
- Careers advice and guidance.
- Out of school hours learning activities, study support and leisure interests.
- Financial help to ensure equality of access to extra-curricular provision and activities.
- Appropriate in-school and extra-curricular targets for the child/young person because the PEP must be concerned with education in its broadest sense.

MODEL LOOKED-AFTER CHILDREN POLICY

Designated teacher for LAC Sara Doherty

Governor with responsibility for LAC Meenu Bedi ?

Aims and objectives

Our objectives

Pippins School seeks to promote the educational achievement and welfare of looked-after children (LAC).

Pippins School's approach to supporting the educational achievement of LAC is based on the following principles:

- Prioritising education.
- Promoting attendance.
- Targeting support.
- Having high expectations.
- Promoting inclusion through challenging and changing attitudes.
- Achieving stability and continuity.
- Early intervention and priority action.
- Listening to children.
- Promoting health and well-being.
- Reducing exclusions and promoting stability.
- Working in partnerships with carers, social workers, the virtual school headteacher (VSH) and other professionals.

The aims of the school with relation to LAC

- To work closely with the VSH to ensure the best possible educational outcomes for LAC.
- To ensure that all policies and procedures are followed for LAC as for all children and young people.
- To ensure that LAC have access to a broad and balanced curriculum.
- Within the personal education plan (PEP), to provide a differentiated curriculum appropriate to the individual's needs and ability.
- To ensure that LAC take as full a part as possible in all school activities.
- To ensure that parents, carers and social workers of LAC are kept fully informed of their child's progress and attainment.

- To ensure that LAC are involved, where practicable, in decisions affecting their future provision.

Application of the policy

- It is important that admissions criteria should not discriminate against LAC.
- This policy recognises that all pupils, especially LAC, need teaching that is fully inclusive.
- The governing board will ensure that the school allocates resources to support appropriate provision for LAC, meeting the objectives set out in this policy.
- It is vital that the school assesses each LAC's attainment on entry to ensure continuity of learning.
- The school will monitor and track the achievement and attainment of LAC (and all other pupils) at regular intervals. LAC will require their care plan to be reviewed, according to their needs, as initiated by the local authority (LA). The young person's views should be sought by the designated teacher and noted on the care plan.
- The school will try not to exclude LAC, but when necessary will exclude in line with the school's exclusions policy, always being mindful of the difficulties this may create in the care placement.
- The designated teacher must know who are all the LAC and will have access to their relevant contact details. The designated teacher will also know about any LAC from other authorities.
- Staff should be encouraged to attend courses that help them to acquire the skills needed to support LAC. The designated teacher will develop staff awareness of issues associated with LAC.
- The school believes firmly in developing a strong partnership with parents, foster parents, carers and care workers to enable LAC to achieve their potential. Review meetings can be used to further these links.
- The school also recognises the important contribution that external support services make in supporting LAC.
- The school will ensure that LAC have equal access in respect of:
 - Admission to school.
 - National curriculum and examinations, both academic and vocational.
 - Out of school learning and extra-curricular activities.
 - Work experience and careers guidance.
- This policy will be reviewed annually.