Department
for Education

The designated teacher for looked-after and previously looked-after children

Statutory guidance on their roles and responsibilities

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Summary

About this guidance

This is statutory guidance from the Department for Education, issued under sections 20(4) and 20A(4) of the Children and Young Persons Act 2008. This means that the governing bodies of maintained schools, academy proprietors and the designated staff member at maintained schools and academies must have regard to it when promoting the educational attainment of looked-after and previously looked-after children[1].

This guidance replaces previous guidance under the name, *The role and responsibilities of the designated teacher for looked-after children*, issued in 2009.

Expiry or review date

This guidance will next be reviewed in June 2020.

What legislation does this guidance refer to?

Section 20 of the Children and Young Persons Act 2008 ("the 2008 Act").

Section 20A of the 2008 Act inserted by section 5 of the Children and Social Work Act 2017 ("the 2017 Act").

Section 2E of the Academies Act 2010 inserted by section 6 of the 2017 Act.

The Designated Teacher (Looked-After Pupils etc.) (England) Regulations 2009.

Who is this guidance for?

This guidance is for governing bodies of maintained schools in England[2], proprietors of academies and designated teachers for looked-after and previously looked-after children in such schools. It may also be of interest to head teachers, Special Educational Needs Co-ordinators (SENCOs) and other teaching staff working with such children.

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[1] Under the Children Act 1989, a child is looked after by a local authority if s/he is in their care or is provided with accommodation for more than 24 hours by the authority. They include the following: (i) children who are accommodated by the local authority under a voluntary agreement with their parents (section 20); (ii) children who are the subject of a care order (section 31(1)) or interim care order (section 38); and (iii) children who are the subject of emergency orders for the protection of the child (section 44).

[2] A 'maintained school' means a community school, foundation school, voluntary aided school, voluntary controlled school, community special school, foundation special school or maintained nursery school.

Main points

For the purposes of this guidance:

- a child 'looked-after by a local authority' is one who is looked after within the meaning of section 22 of Children Act 1989 or Part 6 of the Social Services and Well-being (Wales) Act 2014;
- a previously looked-after child is one who is no longer looked after in England and Wales because s/he is the subject of an adoption, special guardianship or child arrangements order which includes arrangements relating to with whom the child is to live, or when the child is to live with any person[3], or has been adopted from 'state care' outside England and Wales; and
- a child is in 'state care' outside England and Wales if s/he is in the care of or accommodated by a public authority, a religious organisation or any other organisation the sole or main purpose of which is to benefit society.

Looked-after children

Section 20 of the 2008 Act places the following duties on governing bodies:

- to designate a member of staff (the designated teacher) as having the responsibility to promote the educational achievement of looked-after children, including those aged between 16 and 18 who are registered pupils at the school;
- to ensure that the designated teacher undertakes appropriate training (section 20(2); and
- the governing body and the designated teacher must have regard to this guidance and any other relevant guidance issued by the Secretary of State.

Section 20(3) of the 2008 Act gives the Secretary of State powers to make regulations setting out the qualifications and experience which the designated teacher should have.

Following amendments by the 2017 Act, Section 2E of the Academies Act 2010 places the similar duties on Academy proprietors in England.

The *Designated Teacher (Looked-After Pupils etc) (England) Regulations 2009* require that the designated person is:

- a qualified teacher who has completed the appropriate induction period (if required) and is working as a teacher at the school (regulation 3(2)); or
- a head teacher or acting head teacher of the school (regulation 3(3)).

[3] This duty does not apply to Child Arrangement Orders which only govern where a child is to spend time and/or contact.

Previously looked-after children

Following amendments made by the 2017 Act, section 20A of the 2008 Act and Section 2E of the Academies Act 2010 place duties on the governing body of a maintained school in England and the proprietor of an academy in England to:

- designate a member of staff to have responsibility for promoting the educational achievement of previously looked-after pupils who are no longer looked after in England and Wales because they are the subject of an adoption, special guardianship or child arrangements order, or were adopted from 'state care' outside England and Wales;
- ensure the designated person undertakes appropriate training; and
- ensure they and the designated teacher has regard any guidance issued by the Secretary of State.

The Secretary of State has the power to make regulations to prescribe the necessary qualifications or experience of the designated member of staff for previously looked-after children.

Designated teachers will want to satisfy themselves that the child is eligible for support by asking the child's parents for evidence of their previously looked-after status. For children adopted outside England and Wales, the child must have been looked after by a public authority, a religious organisation or other provider of care whose sole purpose is to benefit society. Where parents are unable to provide clear evidence of their child's status, designated teachers will need to use their discretion. In such circumstances, designated teachers could discuss eligibility with the Virtual School Head (VSH) to agree a consistent approach.

What does this mean for you?

The governing body of a maintained school and the proprietor of an academy must ensure that an appropriately qualified and experienced member of staff (hereafter referred to in this guidance as the 'designated teacher') undertakes the responsibilities within the school to promote the educational achievement of looked-after and previously looked-after children on the school's roll. They must also ensure that the designated teacher undertakes training that is appropriate to carrying out this duty.

Why looked-after and previously looked-after children need the support of a designated teacher?

1. Many looked-after and previously looked-after children have suffered disrupted learning, may have missed extended periods of school, and many of them have special educational needs (SEN). The gaps in their learning and, in many cases the emotional impact of their experiences, are likely to have become significant barriers to their progress. The complexity of this fragmented educational experience with high incidence of SEN, needs careful assessment and planning. Excellent practice in supporting looked-after and previously looked-after children already exists in many schools. The designated teacher role is statutory to help ensure that effective practice becomes universal.
2. Attainment data for looked-after and previously looked-after children shows that they do not perform as well at Key Stage 2 and Key Stage 4 when compared to non-looked-after children.
3. The support that schools and designated teachers give to children who are looked-after and previously looked-after should not be seen in isolation. All looked-after and previously looked-after children will have a wide range of support mechanisms that will assist in promoting their educational achievement. The child's foster carer (or residential care worker), social worker or, for previously looked-after children, parents or guardian, will have day-to-day responsibilities for the child. Within the local authority, the VSH[4] will provide more strategic support or advice and information for both the child and the school.

The role of the governing body

4. The way in which the role of the designated teacher is carried out varies from school to school. It will depend on the number of looked-after and previously looked-after children on roll, and their individual needs as well as, for example, whether the school caters for primary or secondary age children. Some schools may never have had a looked-after or previously looked-after child on roll, and the designated teacher may not, therefore, be familiar with some of the issues and processes they need to know about.
5. Not all aspects of the role of the designated teacher need necessarily be carried out by a single individual or by a qualified teacher. While lead responsibility for raising attainment of looked-after and previously looked-after children on roll must rest with the designated teacher, schools will need to decide how functions within it, including pastoral and administrative tasks, are most appropriately delegated to suit their own circumstances. If, for example, a secondary school had a significant

[4] The Children and Families Act 2014 amends section 22 of the Children Act 1989 to require local authorities in England to appoint an officer employed by that or another authority in England to discharge the authority's duty to promote the educational achievement of the children it looks after.

number of looked-after and previously looked-after children on roll, the governing body may decide to designate more than one teacher, perhaps with one responsible for pre-16 and a second for post-16 pupils.

6. The governing body, head teacher and school leadership team will want to consider the following in supporting the designated teacher role:

   - Does the designated teacher have appropriate seniority and professional experience to provide leadership, training, information, challenge and advice to others that will influence decisions about the teaching and learning needs of looked-after and previously looked-after children?

   - Does the designated teacher have appropriate seniority and skills to work with the school's senior leadership and governing body to help ensure school policies and approaches appropriately reflect the needs of looked-after and previously looked-after children and act as a champion for them?

   - Does the designated teacher have training opportunities, including time away from timetable commitments[5], to acquire and keep up-to-date the necessary skills, knowledge and understanding to respond to the specific teaching and learning needs of looked-after and previously looked-after children, including a good knowledge of SEN?

   - How does the designated teacher role contribute to the deeper understanding of everyone in the school who is likely to be involved in supporting looked-after and previously looked-after children to achieve?

   - What resource implications might there be in supporting the designated teacher to carry out their role?

   - What expertise can designated teachers call on within and outside the school such as SENCOs, health and mental health support?

   - What monitoring arrangements might be appropriate to ensure that the role of the designated teacher is providing appropriate support for looked-after and previously looked-after children on the school roll?

7. The needs of looked-after and previously looked-after children may have implications for almost every school policy and consideration may want to be given to ensure that policies are effective in reflecting their needs. How schools monitor this is up to them, but some of the issues that may be considered are:

[5] Most VSHs agree that, as a minimum, designated teachers should have two days a year for training opportunities specific to factors that impact on the attainment of looked-after children. As previously looked-after children face very similar challenges, it should be possible to include meeting the needs of these children as part of the same training.

- that there are no unintended barriers to the admission of looked-after and previously looked-after children[6] either at normal transition or any other point of the school year;

- whether there are any issues arising as a result of the number of looked-after and previously looked-after children on roll at the school and the number of local authorities which are involved;

- whether looked-after and previously looked-after children have made the expected or better levels of progress over the past twelve months in line with their peers (i.e. educational, social and emotional progress);

- whether the pattern of attendance and exclusions for looked-after and previously looked-after children is different to that of other children at the school;

- for looked-after children, whether the school's policies are sensitive to their needs, e.g. in accessing out of school hours learning, respecting the children's wishes and feelings about their care status or generally meeting their needs as identified in their personal education plans (PEPs);

- whether any looked-after and previously looked-after children are identified as gifted and talented and how those needs are being met;

- whether any looked-after or previously looked-after children face additional safeguarding challenges of which the school's designated safeguarding lead should be aware;

- whether any looked-after and previously looked-after children have special educational needs (SEN) and whether those needs are being identified and met at the appropriate level;

- whether any looked-after and previously looked-after children have mental health needs and whether those needs are being identified and met;

- whether the school's behaviour management policy is sufficiently flexible to respond to looked-after and previously looked-after children's challenging behaviour in the most effective way for those children;

- how the teaching and learning needs of looked-after and previously looked-after children are reflected in school policies, in particular in relation to interventions and resources;

- what the impact is of any of the school's policies, e.g. on charging for educational visits and extended school activities, on looked-after children; and

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[6] For the purpose of school admissions, **a looked-after child** is a child who is (a) in the care of an English local authority, or (b) being provided with accommodation by such a local authority in the exercise of its social services functions (see Section 22(1) of the Children Act 1989). **A previously looked-after child** is a child adopted from the care of an English local authority under the Adoption Act 1976 or the Adoption and Children's Act 2002 or who, immediately after being looked after by an English local authority, became the subject of a special guardianship or child arrangements order and are still subject to such orders.

- what impact Pupil Premium Plus (PP+) has in supporting the educational achievement of looked-after and previously looked-after children.

8. Governing bodies should, through the designated teacher, hold the school to account on how it supports its looked-after and previously looked-after children (including how the PP+ is used) and their level of progress. In some schools, designated teachers do this by providing the governing body with a regular report. The patchy nature in the numbers of looked-after and previously looked-after children in any one school means it would be best to have a flexible approach to providing such a report.

The role of the designated teacher for looked-after and previously looked-after children

9. The designated teacher should be a central point of initial contact within the school. This helps to make sure that the school plays its role to the full in making sure arrangements are joined up and minimise any disruption to a child's learning.

10. The most effective designated teachers have a leadership role in promoting the educational achievement of every looked-after and previously looked-after child on the school's roll. This involves, working with VSHs to promote the education of looked-after and previously looked-after children and promoting a whole school culture where the personalised learning needs of every looked-after and previously looked-after child matters and their personal, emotional and academic needs are prioritised.

11. Designated teachers should take lead responsibility for ensuring school staff understand the things which can affect how looked-after and previously looked-after children learn and achieve and how the whole school supports the educational achievement of these pupils. This means making sure that all staff:

    - have high expectations of looked-after and previously looked-after children's learning and set targets to accelerate educational progress;

    - are aware of the emotional, psychological and social effects of loss and separation (attachment awareness) from birth families and that some children may find it difficult to build relationships of trust with adults because of their experiences, and how this might affect the child's behaviour;

    - understand how important it is to see looked-after and previously looked-after children as individuals rather than as a homogeneous group, not publicly treat them differently from their peers, and show sensitivity about who else knows about their looked-after or previously looked-after status;

    - appreciate the central importance of the looked-after child's PEP in helping to create a shared understanding between teachers, carers, social workers and,

most importantly, the child's own understanding of how they are being supported;

- have the level of understanding they need of the role of social workers, VSHs and carers, and how the function of the PEP fits into the wider care planning duties of the authority which looks after the child; and

- for previously looked-after children, understand the importance of involving the child's parents or guardians in decisions affecting their child's education, and be a contact for parents or guardians who want advice or have concerns about their child's progress at school.

12. Designated teachers are also likely to have a more direct and day-to-day role in promoting the educational achievement of looked-after and previously looked-after children, either directly or through appropriate delegation. This can be achieved by:

    - Contributing to the development and review of whole school policies and procedures to ensure that:

        - they do not unintentionally put looked-after and previously looked-after children at a disadvantage;

        - there is effective induction for looked-after and previously looked-after children starting school, new to the school and new to care;

        - there are effective procedures in place to support a looked-after child's learning;

        - particular account is taken of the child's needs when joining the school and of the importance of promoting an ethos of high expectations about what s/he can achieve;

        - transitions to the next phase of a child's education are supported effectively to avoid children losing ground – e.g. moving schools from primary to secondary school or because of a change in placement or exclusion;

        - thought is given to the future, careers advice and guidance, and financial information about where appropriate further and higher education, training and employment;

        - when enrolling at the school, parents and guardians of previously looked-after children are reminded that they need to inform the school if their child is eligible to attract PP+; and

        - there are no barriers to looked-after children accessing the general activities and experiences the school offers to all its pupils (e.g. taking into account possible transport difficulties and the arrangements for looked-after children to attend meetings).

    - Promoting a culture in which looked-after and previously looked-after children;

- are able to discuss their progress and be involved in setting their own targets, have their views taken seriously, and are supported to take responsibility for their own learning;

- are prioritised in any selection of pupils who would benefit from one-to-one tuition, and that they have access to academic focused study support;

- are encouraged to participate in school activities and in decision making within the school and the care system;

- believe they can succeed and aspire to further and higher education or highly skilled jobs; and

- can discuss difficult issues (such as SEN, bullying, attendance) in a frank manner with a sympathetic and empathetic adult.

- Being a source of advice for teachers about:

  - differentiated teaching strategies appropriate for individual pupils who are looked-after or previously looked-after children; and

  - the use of Assessment for Learning (AfL) approaches to improve the short and medium term progress of looked-after and previously looked-after children, and help them and their teachers understand where they are in their learning (including any knowledge gaps), where they need to go, and how to get there.

- Working directly with looked-after and previously looked-after children and their carers, parents or guardians to:

  - promote good home-school links;

  - support progress by paying particular attention to effective communication with carers, parents or guardians;

  - ensure carers, parents or guardians understand the potential value of one-to-one tuition and are equipped to engage with it at home;

  - ensure carers, parents or guardians are aware of how the school teaches key skills such as reading and numeracy; and

  - encourage high aspirations and working with the child to plan for their future success and fulfilment.

- having lead responsibility for the development and implementation of looked-after children's PEP within school in partnership with others as necessary; and

- working closely with the school's Designated Safeguarding Lead to ensure that any safeguarding concerns regarding looked-after and previously looked-after children are quickly and effectively responded to.

13. When supporting previously looked-after children, designated teachers should be aware of the following: the VSH must provide information and advice to parents

and designated teachers on meeting the needs of these children - this may be general information, including training opportunities, or information and advice on individual children at the request of their parents or designated teacher. The designated teacher should fully involve parents and guardians in decisions affecting their child's education, including any requests to the VSH for advice on meeting their individual needs.

Supporting looked-after children

14. This section covers designated teachers' role regarding looked-after children. Requirements applying to previously looked-after children are covered in the section on *Supporting both looked-after and previously looked-after children*.

Developing the Personal Education Plan (PEP)

The PEP and its importance

15. All looked-after children must have a care plan. This is drawn up and reviewed by the local authority responsible for the child. It should identify intended outcomes and objectives for the child and provide the framework to work with the child and carers in relation to their emotional and behavioural development, identity, relationships and self-care skills. The care plan must also include a health plan and a PEP.

16. The PEP is a record of the child's education and training. It should describe what needs to happen for a looked-after child to help them fulfil their potential and reflect, but not duplicate, any existing plans such as EHC plans[7].

17. The PEP is a vital document because it provides a 'collective memory' about the child's education. It is an integral part of a looked-after child's wider care plan.

18. The care plan and PEP may have been drawn up before the child becomes looked-after and is placed. However, if a child becomes looked-after in an emergency, the PEP must be initiated within 10 working days of the start of the first placement. An initial version must be available for the 20 working-day review of the care plan.

19. The PEP should be initiated by the social worker as part of the care plan but developed and reviewed in partnership with relevant professionals. Where the child is on the roll of a school, this will include the designated teacher, although class and subject teachers would have considerable input. If the child has SEN, the SENCO or head teacher would also contribute.

20. The PEP, in addition to being part of the overall care plan, is part of a looked-after child's official school record. If a child moves school, the PEP should be forwarded as a matter of urgency, along with other school records, to the new school when known, and to the main contact (usually the child's social worker) in the local authority which looks after the child.

21. The PEP should help everyone gain the clear and shared understanding about the teaching and learning provision necessary to ensure academic progress and meet the child's educational needs, describing how that will be provided. For this

[7] Local authorities must complete the transition which involves changing from statements of SEN to EHC plans and the new legal framework under the Children and Families Act 2014 by 1 April 2018.

reason, both schools and local authorities, through strong links between the designated teacher and the VSH in the authority that looks after the child, have a shared responsibility for making the PEP a living and useful document. The most effective PEPs reflect the individual planning that all schools undertake for all of their pupils.

22. Unaccompanied asylum seeking or refugee children are entitled to the same local authority support to promote their educational outcomes as any other looked-after child. Education for unaccompanied children may include a period of time in a setting where their full educational needs can be assessed and integrated into the PEP.

Receiving the PEP in school

23. When a child on the school's roll becomes looked after or a looked-after child transfers to the school, the local authority which looks after them must ensure that the designated teacher is notified and receives the up-to-date PEP as a matter of urgency. This should be pre-populated with basic information and should include details about the child, such as:

    - their age, care status, where the child lives, school history, whether the child has special educational needs (including whether they have an Education, Health and Care – EHC - Plan or statement of SEN), and how this is being addressed;
    - the child's carers and their level of delegated authority;
    - the child's parents and what restrictions might apply in relation to their contact with the child; and
    - whom to contact within the local authority that looks after the child (social worker and VSH).

24. The designated teacher will then develop the PEP (see *What the designated teachers should do with the PEP*).

25. Children who are already looked-after when they join the school should have an existing PEP. It should contain all the information about educational progress and how s/he learns best, and arrangements should have been made to have it transferred to the child's new school. If the local authority has not provided the most recent PEP, the designated teacher should follow this up with the authority that looks after the child, either through the VSH or the child's social worker.

What the designated teacher should do with the PEP

26. To make sure the child's PEP meets looked-after children's needs, designated teachers will need to work closely with other teachers to assess their specific educational needs without delay. This assessment of learning needs will help to

identify strengths, weaknesses and any barriers to learning and should form the basis for the development or the review and refinement of the PEP.

27. Although the designated teacher will lead on the plan within the school, other staff in the school may need to contribute to it, for instance the SENCO. The PEP is also likely to contain information about what the local authority and other agencies will do to support the child.

28. The designated teacher has a key role in making sure the PEP is effective in supporting everyone to help the looked-after pupil to make good educational progress. PEPs should:

- identify developmental and educational needs in relation to skills, knowledge, subject areas and experiences;
- set short and long-term educational attainment targets agreed in partnership with the child and the carer where appropriate;
- include a record of planned actions, including milestones on homework, extra tuition and study support, that the school and others will take to promote the educational achievement of the child, based on an assessment of their educational needs;
- include information on how the child's progress is to be rigorously monitored;
- record details of specific interventions and targeted support that will be used to make sure personal education targets are met, especially at the end of Key Stage 2 in relation to English and mathematics, and at Key Stage 4 in achieving success in public examinations;
- say what will happen, or is already happening, to put in place any additional support which may be required - e.g. possible action to support special educational needs involving the SENCO, educational psychologist, or local authority education services (information contained within a EHC plan does not have to be duplicated in the PEP, a reference is sufficient as long as the plans work together to meet overall needs);
- set out information on what will happen or is already happening to identify and support any mental health needs relevant to the child's education;
- set out how a child's aspiration and self-confidence is being nurtured, especially in consideration of longer-term goals towards further and higher education, work experience and career plans. Discussions about longer-term goals should start early and ideally well before Year 9 (age 13-14) at school. High aspirations are crucial to successful planning for the future. They should focus on young person's strengths and capabilities and the outcomes they want to achieve;
- include the child's views on how they see they have progressed and what support they consider to be most effective;

- be a record of the child's academic achievements and participation in the wider activities of the school and other out of school learning activities (e.g. sporting, personal development);

- provide information which helps all who are supporting the child's educational achievement to understand what works for them, helping to substitute for the role that parents might otherwise provide; and

- have clear accountability in terms of who within the school is responsible for making the actions identified in the plan happen.

29. The designated teacher would normally have overall responsibility for leading the process of target setting for looked-after children in school, should monitor and track how their attainment progresses, and ensure that identified actions are put in place. The designated teacher will help the school and the local authority that looks after the child to decide what arrangements work best in the development and review of the PEP.

Monitoring and reviewing the PEP in school

30. Designated teachers should work closely with other staff in school to make sure the child's progress is rigorously monitored and evaluated. They should be able to:

    - judge whether the teaching and learning and intervention strategies being used are working to support achievement and wellbeing; and

    - know whether the young person is likely to meet the attainment targets in their PEP.

31. If the young person is not on track to meet targets, the designated teacher should be instrumental in agreeing the best way forward with them in order to make progress and ensure that this is reflected in the PEP.

32. A child's care plan is reviewed regularly by the authority that looks after them. These reviews are statutory and must be done at the following intervals: the first review must happen within 20 working days of the date the child became looked-after; the second at not more than three months after the first review; and the third and subsequent reviews at not more than six monthly intervals. The review is chaired by an Independent Reviewing Officer (IRO)[8]. The IRO will ask about the child's educational progress as part of the overall care plan review and should have access to the most up-to-date PEP.

[8] Regulation 36 of the Care, Placement and Case Review (England) Regulations 2010 requires the IRO to attend the review meeting "as far as reasonably practicable". When in attendance the IRO must chair the review meeting.

33. So that there can be an informed discussion at the statutory review of the care plan about the child's progress in school, the designated teacher is responsible for ensuring that:

- they review the PEP before the statutory review of the care plan, it is up-to-date and contains any new information since the last PEP review, including whether agreed provision is being delivered;
- the PEP is clear about what has or has not been taken forward, noting what resources may be required to further support the child and from where these may be sourced; and
- they pass the updated PEP to the child's social worker and VSH ahead of the statutory review of the care plan.

34. The school and the local authority which looks after the child have a shared responsibility for helping looked-after children to achieve and enjoy. The content, implementation and review of the PEP enable both the school and local authority to discuss how they can help achieve this. The PEP review should be done through a meeting involving the social worker, the young person, carers and others, such as the VSH.

Transfer of the official school PEP record

35. The designated teacher is fundamental to helping looked-after children make a smooth transition to their next school or college. This includes arrangements to: achieve speedy transfer of the looked-after child's school records to a new school; ensure the child's PEP is up to date; and that the local authority responsible for looking after the child has the most recent version of the PEP.

Transfer out of care

36. When children cease to be looked-after, their educational needs are unlikely to have changed significantly simply because their care status has changed. Although they will no longer be required to have a PEP, designated teachers will wish to consider what is best for continuity and meeting the child's educational needs. This will particularly apply to those who leave care through adoption, Special Guardianship or a Child Arrangements Order, where the designated teacher has a duty to promote their educational attainment. As part of this, designated teachers should maintain links with VSHs who must make advice and information available to them for the purposes of promoting the educational achievement of this group of previously looked-after children.

Supporting looked-after and previously looked-after children

Voice of the child

37. Listening to the voice of looked-after and previously looked-after children is a vital part of successfully understanding and meeting their needs.

38. In feedback from Staffordshire Virtual School, children in care agreed that knowing and having a good relationship with their designated teacher was one of the most important factors in supporting them at school. Schools successful in Staffordshire's local Pupil Premium awards consistently showed that looked-after children felt well supported by their designated teacher and the whole school team; even when education would go off track, everyone was rooting for them and supporting them to get back on track.

Top 5 Tips for Designated Teachers on listening to the voice of the child[9]

- Be available, take the time to get to know me
- Notice if I am upset or angry and listen to me when I need help
- Understand that even though I've had a different past than most people, it doesn't mean I need to be treated differently
- Understand my experience of being looked-after
- Understand that my past will affect my present and my future behaviour even if I don't notice

[9] With thanks to Staffordshire virtual school, these tips are based feedback from the Staffordshire virtual school pupil premium plus awards 2016.

What might listening to the voice of the child look like?[10]

A young person in year 11 had a history of emotional wellbeing issues and periods of education at home and was subsequently taken into care. Integration back into mainstream schooling was supported by periods of alternative provision at a short stay school.

How did listening to the child's voice play a part in positive outcomes for this child? - The young person has been supported to shape their personal education plans, helping to select the interventions and strategies they felt would best help them achieve their goals. Feeling safe and finding their place in the school has been a key area of focus. The young person commented that the teacher "treats me like I am her own child, she treats me with respect, she is taking up her time just to help me"

Outcome - Integration back into mainstream education had been completed and a new care placement had been secured. The young person is on track to make the transition to college following significant gaps in their education. They are in a stable care placement. Most importantly, they have developed self-confidence and feeling of security and being part of a community.

Pupil Premium Plus (PP+)

39. Looked-after children and children adopted from care, on a special guardianship or child arrangements order are eligible for PP+ funding.[11] This is additional funding provided to help improve the attainment of looked-after and previously looked-after children and close the attainment gap between this group and their peers.

40. All pupil premium spending should take account of the specific needs of eligible pupils. Whilst there will be some overlap with needs of economically disadvantaged children who attract the pupil premium, looked-after and previously looked-after children's needs can be very different to others eligible for Pupil Premium. The extra funding provided by the PP+ reflects the significant additional barriers faced by looked-after and previously looked-after children (see *Special educational needs and mental health*). The designated teacher has an important role in ensuring the specific needs of looked-after and previously looked-after

[10] With thanks to Staffordshire virtual school, this case study is based on a nomination to the Staffordshire virtual school pupil premium plus awards 2016.

[11] Children looked after by English local authorities and those previously looked after by an English or Welsh local authority are eligible for PP+ (this does not include children adopted from 'state care' outside England). Children looked after by Welsh local authorities are eligible for the Welsh *Pupil Development Grant or Early Years Pupil Development Grant*.

children are understood by the school's staff and reflected in how the school uses PP+ to support these children.

41. For looked-after children, PP+ funding is managed by the Virtual School Head (VSH) for the purpose of supporting their educational achievement. The VSH and schools, including the designated teacher, should work together to agree how this funding can most effectively be used to improve looked-after children's attainment. All PEPs should include information about how that looked-after child is benefitting from the use of PP+ funding to improve their attainment.

42. For previously looked-after children, PP+ funding is managed by the child's school. The amount a school receives is based on the number of eligible children recorded in the school's annual January School Census return to the Department for Education.

43. For both looked-after and previously looked-after children PP+ is not a personal budget for individual children. The VSH and school manage their PP+ allocation for the benefit of their cohort of looked-after or previously looked-after children and according to children's needs.

44. The designated teacher should:

- for looked-after children, liaise with the VSH so that the designated teacher can contribute to decisions about how PP+ will support improving the child's educational outcomes;
- help raise previously looked-after children's parents' and guardians' awareness of the PP+ and other support for previously looked-after children - this includes encouraging parents of eligible previously looked-after children to tell the school if their child is eligible to attract PP+ funding;
- play a key part in decisions on how the PP+ is used to support previously looked-after children; and
- encourage parents and guardians' involvement in deciding how the PP+ is used to support their child and be the main contact for queries about its use.

45. The PP+ can be used to facilitate a wide range of educational support for looked-after and previously looked-after children. It is important that interventions supported by pupil premium should be evidence based and in the best interests of the child.

46. Below is a summary of positive characteristics of interventions which can be helpful when considering whether an intervention might be an effective use of PP+ to support a looked-after and previously looked-after child. Designated teachers may also find it helpful to refer to the *Education Endowment Fund Tool Kit*.

Getting the most from PP+ [12]:

Approaches that are:	Which emphasise:
• Individually tailored to the needs and strengths of each pupil • Consistent: based on agreed core principles and components, but also flexible and responsive • Based on evidence of what works • Focussed on clear short-term goals which give opportunities for pupils to experience success • Include regular, high quality feedback from teaching staff • Engage parents/carers in the agreement and evaluation of arrangements for education support (e.g. via the PEP) • Supporting pupil transition (e.g. primary-secondary/KS3-4) • Raising aspirations through access to high-quality educational experiences • Promote the young person's awareness and understanding of their own thought process (metacognition) and help to develop problem-solving strategies	• Relationship-building, both with appropriate adults and with peers • An emotionally intelligent approach to the setting of clear behaviour boundaries • Increasing pupil's understanding of their own emotions and identity • Positive reinforcement • Building self-esteem • Relevance to the learner: relate to pupil's interests where possible - make it matter to them • A joined-up approach involving social worker/carer/VSH and other relevant professionals • Strong and visionary leadership on the part of both of the pupil's head teachers • A child centred approach to assessment for learning

47. Further detail on the arrangements on how the pupil premium grant operates are set out in the pupil premium conditions of grant. The conditions of grant are available online.

[12] This table was produced by Darren Martindale, Virtual School Head for City of Wolverhampton Council

Raising awareness and staff training

48. A key part of the designated teacher's role is ensuring that they, and other school staff, have strong awareness, training and skills around the specific needs of looked-after and previously looked-after children and how to support them. As part of this, designated teachers should proactively build strong links with the VSH to access training and keep up to date with research and good practice.

49. The designated teacher should ensure that teachers have awareness and understanding of the specific needs of looked-after and previously looked-after children with regards to, among other things:

- special educational needs (including speech, language and communication needs), which the SENCO can also help support;
- attendance and exclusions;
- homework;
- choosing GCSE options;
- understanding and managing any challenging behaviour;
- promoting positive educational and recreational activities, and supporting looked-after and previously looked-after children to be aspirational for their future education;
- understanding the link between emotional wellbeing and being able to make educational progress; and
- training and employment and career planning.

50. Previously looked-after children's challenges and need for support will often continue after they leave care. However, designated teachers' work will need to reflect that their role for previously looked-after children is different to that for looked-after children, as the local authority is no longer their corporate parent.

Special educational needs (SEN)

51. Looked-after children and previously looked-after children are significantly more likely to have SEN than their peers. Of those with SEN, a significant proportion will have Education, Health and Care Plans (EHC plans).[13] It is vital that

[13] By April 2018 all of those children with statements should have had their education, health and care needs assessed by their local authority and, where appropriate, been issued with an EHC plan, as required under Part 3 of the Children and Families Act 2014 Act.

designated teachers are aware of the SEN needs of looked-after and previously looked-after children.

52. Most children with SEN do not have an EHC plan. Instead, the school undertakes to meet their identified needs through SEN support. However, children with higher levels of need will have EHC plans. A significant proportion of looked-after and previously looked-after children fall in to one of these groups.

53. In respect of looked-after children, the designated teacher should ensure that:

- the special educational needs and disability (SEND) code of practice 0 to 25 years, as it relates to looked-after children, is followed; and

- children's PEPs work in harmony with their EHC plan to, coherently and comprehensively, set out how their needs are being met. Professionals should consider how the EHC plan adds to information about how education, health and care needs will be met without duplicating information already in a child's care plan or PEP. Equally, the child's care plan, including PEP, should feed into the care assessment section of the EHC plan.

- Ensure that, with the help of the VSH, they have the skills to identify signs of potential SEN issues, and know how to access further assessment and support where necessary, making full use of the SENCO and local authority support team where applicable

Mental Health

54. Looked-after children and previously looked-after children are more likely to experience the challenge of social, emotional and mental health issues[14] than their peers. For example, they may struggle with executive functioning skills[15], forming trusting relationships, social skills, managing strong feelings (e.g. shame, sadness, anxiety and anger), sensory processing difficulties, foetal alcohol syndrome and coping with transitions and change. This can impact on their behaviour and education.

55. Designated teachers are not expected to be mental health experts; however, they have an important role in ensuring they and other school staff can identify signs of potential issues and understand where the school can draw on specialist services, such as CAMHS and educational psychologists. In addition, many schools have an officer responsible for making links with mental health services[16], with whom designated teachers can work closely. Where such an officer is available,

[14] Social, emotional and mental health is one of the four broad areas of children's SEN identified in Special Educational Needs and Disability Code of Practice 0 – 25 years (see Paragraph 5.32)
[15] The mental processes enabling us to plan, focus attention, remember instructions, and juggle multiple tasks successfully. (Harvard University Centre on the Developing Child)
[16] We know that in some schools, the SENCO or designated teacher also carries out this role

designated teachers should work with them, and the VSH to ensure that they, and other school staff, have the skills to:

- identify signs of potential mental health issues, and know how to access further assessment and support where necessary, making full use of the SENCO and local authority support team where applicable; and

- understand the impact trauma, attachment disorder[17]and other mental health issues can have on looked-after and previously looked-after children and their ability to engage in learning. It is also important that the designated teacher, officer with responsibility for links with mental health services, where the school has one, and other school staff are aware that these issues will continue to affect previously looked-after children, and that the school will need to continue to respond appropriately to their needs.

56. It is important to have a means of regularly measuring the emotional and behavioural difficulties experienced by looked-after and previously looked-after children. Currently, this is often done through the Strengths and Difficulties Questionnaire (SDQ). The SDQ is a clinically validated brief behavioural screening questionnaire for use with 4-17 year-olds or 2-4 year-olds. The SDQ can help social workers and other professionals form a view about a looked-after child's emotional well-being. It exists in three versions: for parents or carers, *teachers* and a self-evaluation for children aged 11-17.

57. Looked-after children may benefit from triangulation of the SDQ scores from their carer, teacher and, if they are aged 11 – 17, their self-evaluation to better inform the health assessment *and* PEP. Designated teachers should put in place robust arrangements to complete their element of the SDQ and engage with the relevant VSH and, where the school has one, the officer responsible for links with mental health services regarding this. Designated teachers should use the results of the SDQ to help inform the child's PEP.

58. VSH and schools may also wish to use other screening tools. Pages 16 to 18 of the "Improving mental health support for our children and young people" document linked below include examples of this.

59. For previously looked-after children, designated teachers should work with senior leaders in the school, the officer responsible for links with mental health services where the school has one, and parents and carers to put in place mechanisms for understanding the emotional and behavioural needs of this group of children. The SDQ could be applied to previously looked-after children and their parents where the child's parents or guardian supports its use.

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[17] Being "attachment aware", i.e. ensuring that the school understands attachment theory and the impact of attachment disorders on a child's emotional development and learning and adopts a whole school approach to identifying and supporting pupils with attachment difficulties.

60. Designated teachers may find it helpful to refer to the following documents with respect to supporting looked-after and previously looked-after children's mental health.

- *Mental health and behaviour in schools*
- *Promoting-the-health-and-wellbeing-of-looked-after-children*
- *Children's attachment: attachment in children and young people who are adopted from care, in care or at high risk of going into care*
- *Improving mental health support for our children and young people*
- *Transforming children and young people's mental health provision: a green paper*

What might supporting the mental health of looked-after and previously looked-after children look like?

The school's looked-after students also have a range of mental health issues, not only themselves but often impacted by their parent's issues. Some have been known to self-harm, have substance misuse or be at high risk of child sexual exploitation (CSE). They often are from families where parenting capacity and family relationships also affect their emotional wellbeing.

The school has been involved in a local CAMHs pilot designed to encourage closer working relationships and increased professional understanding between school and CAMHS staff.

The school looks to identify individual barriers and plan accordingly through detailed PEP analysis. It does not use a one size fits all model of intervention. The school run a flexible model as some students need varying amounts of support throughout their school career. The school ensure they act swiftly when the intervention and support needs to be increased or decreased. Evidence from agency meetings and learning mentor discussions will trigger a variety of strategies e.g. the CAMHs support.

Where students have been at risk of exclusion, the school works swiftly with all agencies to put rapid interventions into place:

- learning mentors and a member of SLT with responsibility to support them;
- daily Head of Year support;
- daily Behaviour Support Team involvement;
- one to one support from Virtual Schools Team;
- CAMHS input (including Tier 3 support from CAMHS where necessary);
- 1:1 Mentoring both school staff and outside agencies;
- support from the drug and alcohol team 1 hour per week in school; or
- weekly counselling available

Relationships beyond the school

61. The family arrangements for looked-after children can be complex. Most will live with foster carers, some will live in residential children's homes, some will live with family members, and some, in very limited circumstances, may continue to live with their parents. All looked-after children will have a social worker and some may require the involvement of other professionals, e.g. SEN and CAMHS

services. Designated teachers should proactively engage with these partners to enable their school to respond effectively to looked-after and previously looked-after children's needs.

62. Even though a child is looked-after, this does not necessarily mean that the birth parents will not be involved with their child's education, particularly where children are accommodated by the local authority under a section 20 of the Children Act 1989.

63. Designated teachers should discuss with the child's social worker how the school should engage with birth parents, and ensure the school is clear about who has parental responsibility and what information can be shared with whom.

64. Previously looked-after children have parents or guardians with parental responsibility. It is important for designated teachers to get to know those who have parental responsibility and encourage them to be actively involved in their child's education. They should be open and accessible so that those with parental responsibility feel able to approach the designated teacher to discuss the support needs of their child.

Working with local authorities

65. Local authorities have a duty, under the Children Act 1989, to promote the educational achievement of looked-after children. They also have a duty to make advice and information available to parents, guardians and others to promote the education of previously looked-after children.

66. For looked-after children, they must give particular consideration to the implications of any decision about the child's care which has implications for their education.

67. Local authorities are required to appoint a VSH who is a local authority officer responsible for discharging the local authority's duty as a corporate parent to promote the educational achievement of the children it looks after as if they were in a single school.

68. To maximise their effectiveness, designated teachers should consider what arrangements the school should make to facilitate effective co-operation with other professionals, in particular the VSH and SEND department in the authority where their own school is located as well as from other local authorities which have looked-after children on roll at the school. The designated teacher should be proactive in building these relationships.

69. One of the most important factors in improving educational outcomes for looked-after children is a secure and stable school placement. It is an integral part of what needs to happen in order to narrow the gap between what they achieve compared to other children. The stronger the working links and cooperation between the school and local authority, as well as the child's carers and whoever

else is involved in providing support, the greater the chances are of keeping the child's education and wellbeing on track.

70. The designated teacher should consider how the school works with others outside of the school to maximise the stability of education for looked-after children. In particular, they should:

- find ways of making sure that the latest information about educational progress, primarily through the PEP, is available to contribute to the statutory review process of the care plan;
- ensure mechanisms are in place to identify and inform VSHs where looked-after children are absent without authorisation and work with the responsible authority to take appropriate action to safeguard the child[18];
- talk to the child's social worker and/or others in the local authority, such as the VSH or other local authority officer, regarding any decision about changes in care placements which will disrupt a child's education or training;
- provide advice in such cases about the likely impact of disrupting the child's education and what the local authority should do in order to minimise the disruption if a move in educational placement cannot be avoided; and
- make sure that if a looked-after child moves school the designated teacher at the new school is provided with any information they need to help the transition process.

71. For previously looked-after children, the VSHs are no longer acting as the part of their corporate parent: their role is limited to providing information and advice to parents and schools, including training to raise awareness and understanding of their needs. The designated teacher may, however, seek the advice of the VSH about meeting the needs of individual children with the agreement of the child's parents or guardians. It is, therefore, important that the designated teacher establishes a good working relationship with the VSH for their area.

Working with carers and parents

72. Designated teachers who work closely with a looked-after child's carer will find that this makes a big difference to how they are able to provide effective support for the child. How this is achieved will depend on the school's existing arrangements for engaging with those who have parental responsibility for a child. The local authority should make sure the designated teacher knows about things, such as whether the child is on a care order or is voluntarily accommodated, and the scope of the carer's responsibility for giving permissions.

[18] Children going missing from education can be an indicator of significant safeguarding concerns; therefore, identification and response where children are at risk of or do go missing from education is important. Further information on this issue is available in Keeping Children Safe in Education.

73. Carers should take an active role in participation in PEP planning, and schools should consider what they can do to encourage and support carers in supporting the education of the children they look after.

74. Designated teachers should make sure that:

- there is an agreed process in place for how the school works in partnership with the child's carer and other professionals, such as the child's social worker, in order to review and develop the child's educational progress and how each person will contribute to driving up the child's educational achievement;

- school policies in relation to, for example, home-school agreements, time-keeping and attendance, and homework diaries and parents' evenings are communicated to carers and social workers and, where appropriate, birth parents, so that looked-after children are not disadvantaged; and

- the child's teachers know the most appropriate person to contact when necessary. For example, in some cases authority to sign permission slips for school trips will be delegated to the carer by the social worker but for some children permission will be needed from the child's social worker.

75. For previously looked-after children, the designated teacher should work closely with their parents and guardians as they will understand their child's needs better than anyone else. The designated teacher should make themselves known to parents and guardians as someone they can talk to about issues affecting their child's education. They should be encouraged to participate in discussions about their child's support needs and strategies to meet identified needs, including how PP+ should be used to support their child. The views and wishes of parents and guardians should be respected at all times.

Exclusions

76. The past experiences of looked-after and previously looked-after children can impact on their behaviour (see section on Mental Health). It is important to remember this when considering how best to support the child or young person with their learning and the design and application of the school's behaviour policies. Governing bodies, head teachers and designated teachers must have regard to the Department's statutory guidance on *Exclusions from maintained schools, academies and pupil referral units in England*. In line with that guidance, head teachers should, as far as possible, avoid excluding any looked-after child.

77. Where a looked-after child is at risk of either fixed term or permanent exclusion, the designated teacher should contact the relevant authority's VSH as soon as possible so they can help the school decide how to support the child to improve their behaviour and avoid exclusion becoming necessary.

78. Where a child is at risk of a fixed-term or permanent exclusion, the designated teacher, working with the VSH and the child's carers, should consider what

additional assessment and support (such as additional help for the classroom teacher or one-to-one therapeutic work) needs to be put in place to address the causes of the child's behaviour and prevent the need for exclusion. *The Department for Education's advice for school staff on mental health and behaviour in schools* may be helpful.

79. When a child leaves care, their past experiences may continue to impact on their behaviour. As with looked-after children, the school should look to support the child to improve their behaviour to avoid exclusion becoming necessary. Where a previously looked-after child is at risk of exclusion, the designated teacher should talk to the child's parents or guardians before seeking the advice of the VSH on avoiding exclusion.

Further information

Useful resources and external organisations

- A good practice guide for parents: meeting the needs of adopted and permanently placed children (Adoption UK)
- *A good practice guide for schools: understanding and meeting the needs of children who are looked-after, fostered, adopted or otherwise permanently placed* (PAC, 2013)
- Become (formerly The Who Cares? Trust)
- Framework and evaluation schedule: children in need of help and protection and care leavers and Local Safeguarding Children Boards, Inspecting local authority children's services: framework (Guidance, Ofsted)
- *Framework and evaluation schedule: children in need of help and protection and care leavers and Local Safeguarding Children Boards* (Ofsted 2017)
- National Association of Virtual School Heads
- National Network for the Education of Care Leavers - Higher education activities and resources for care leavers, children in care and those who support them
- The National Children's Bureau

Research

- *The impact of virtual schools on the educational progress of looked-after children* (Research and analysis, Ofsted, 2012)
- The All-Party Parliamentary Group for Looked-After Children and Care Leavers: *Education Matters in Care*. A report by the independent cross-party inquiry into the educational attainment of looked-after children in England.
- Attachment aware schools (Bath Spa University)
- *The educational progress of looked-after children in England: linking care and educational data* (Rees Centre)
- *Looked-after children: good practice in schools* (Ofsted, 2008)

Practice Tools

- Education Endowment Foundation (EEF) teaching-learning-toolkit - This provides useful information and evidence on effectiveness of types of support which can be facilitated by pupil premium funding.

Mental Health

- Adoption Support Fund (ASF) - The ASF was established to help pay for essential therapeutic services for adoptive families as and when they need it. It is available for children up to, and including, the age of 21 (or 25 with an EHC Plan) who have

been adopted from local authority care in England or adopted from Wales, Scotland, Northern Ireland but living in England. From 1 April 2016, the Fund became available for intercountry adoptions (once the placement has been made and the child is in England) and for Special Guardians who care for children who were looked-after immediately prior to the Special Guardianship Order.

- *Mental health and behaviour in schools* (Guidance, DfE)
- MindEd - free online training materials and educational resource on children and young people's mental health for professionals, volunteers and families.
- NICE guideline: Children's attachment: attachment in children and young people who are adopted from care, in care or at high risk of going into care - This guideline covers the identification, assessment and treatment of attachment difficulties in children and young people up to age 18 who are adopted from care, in special guardianship, looked-after by local authorities in foster homes (including kinship foster care), residential settings and other accommodation, or on the edge of care.
- Strength and Difficulties Questionnaire
- *Transforming children and young people's mental health provision: a green paper* - A green paper setting out measures to improve mental health support for children and young people.

Other relevant departmental advice and statutory guidance

- Adoption: statutory guidance (DfE, 2013)
- Careers guidance provision for young people in schools (DfE statutory guidance, 2015)
- Children Act 1989: care planning, placement and case review (DfE guidance)
- Children Act 1989: planning transition to adulthood for care leavers (DfE Statutory guidance)
- Directors of children's services: roles and responsibilities (DfE statutory guidance, 2013)
- Improving looked-after children's attainment in primary schools (DfE guidance, 2009)
- Improving looked-after children's attainment in secondary schools (DfE guidance, 2009)
- Independent reviewing officers' handbook (DfE Statutory guidance)
- Keeping children safe in education (DfE Statutory guidance, 2015)
- Mental health and behaviour in schools (DfE guidance, 2014)
- Pupil premium: funding and accountability for schools (DfE/EFA guidance, 2014)

- School admissions code (DfE statutory guidance, 2014)
- School exclusion (DfE statutory guidance, 2012)
- SEND code of practice 0 to 25 years (DfE/DoH statutory guidance, 2014)

Annex 1 Useful questions in developing effective practice

Planning

- Does the school's planning include material on raising the attainment of looked-after and previously looked-after children?
- How does the school develop strategies that encourage collaboration with other agencies and services, e.g. VSHs, health professionals, CAMHS, school attendance services?
- What is the school's approach on professional development for all staff in contact with vulnerable children?
- How does the school assist local authorities with requests to provide data on attendance, attainment and exclusions?

Raising staff awareness

- What safeguards does the school have in place for sharing sensitive information about individual looked-after and previously looked-after children with relevant staff members?
- What is the procedure for liaising with carers/residential children's homes and social services – in particular the child's social worker – to ensure that the school has relevant information about a child's care history?
- How are the child's achievements communicated to the child, the child's corporate parent, adoptive parents birth parents (where appropriate) and carer/guardian?
- What training is in place for staff to ensure they have the skills to meet looked-after and previously looked-after children's needs?

Admissions

- How are applications handled after the normal admission round?
- What barriers are there to the admission of looked-after and previously looked-after children[19], particularly outside normal transition, and how do you plan to overcome these?

[19] See footnote six for definition of looked-after and previously looked-after children regarding school admissions.

- What are the arrangements for welcoming new looked-after and previously looked-after pupils, and do they take into account that these children (perhaps arriving mid-term) may have additional support needs?
- What does the school do to ensure that new admissions are well supported by their peers?

Record keeping and transfer

- Who in school reviews and keeps the looked-after child's PEP up-to-date?
- Who updates school records with current addresses of carers, birth parents, social worker, etc.?
- What is the procedure to prepare information for transfer if a looked-after child changes school?

Promoting inclusive schooling and good home-school communication

- Does the school have good communication channels with carers, adoptive parents and guardians, and work with them to ensure that their child is well supported in school?
- How does the school record who is entitled to a looked-after child's report, receives invitation to parents' evenings and other school events?
- Are carers given a named person, such as the designated teacher, to contact if they have concerns?
- Are carers, adoptive parents and guardians asked to sign the home school agreement even when their child may be placed temporarily in the school?
- What steps have been taken to ensure that carers have understood and signed the home school agreement?
- Does the school charging policy need to be changed to ensure better take-up of trips among groups of children, such as those who are looked after?
- Are a range of study support and out-of-school opportunities such as homework clubs, careers guidance and work experience available to looked-after children even if they join school mid-year?

Promoting inclusive schooling: curriculum and options

- Have the needs of looked-after and previously looked-after children been considered in the context of the school's curriculum?

- What is the process when making a decision to place a young person on an alternative curriculum at KS4? Does the school always consult relevant professionals, including the VSH, the young person and their carers?
- Is flexible personalised learning available to looked-after and previously looked-after children?
- Does the school have a good baseline of information – informed by transfer of school records and thorough assessments – so that barriers to learning are quickly identified and actions are put in place to secure each pupil's progress?
- Is the school timetable flexible with regard to outside fixed activities?

Promoting high expectations and achievement

- Are appropriate learning targets being set for looked-after and previously looked-after children in the school that include measures to accelerate their progress?
- What are the specific barriers to achievement facing looked-after and previously looked-after children, and can the school take action to remove them?
- Is there good liaison with foster carers, children's homes managers, parents and guardians to support children's learning?
- If looked-after children and previously looked-after children get behind, how is this identified and help provided?
- How does the school celebrate the educational successes of looked-after and previously looked-after children?
- Would specific interventions, such as regular access to a learning mentor or one-to-one tuition, help looked-after children succeed?
- What revision support is available for examinations for children at risk of underachieving? How are looked-after and previously looked-after children encouraged and supported to attend these?
- How are looked-after children and previously looked-after children encouraged and supported to access taster activities for further and higher education?
- How are looked-after children and previously looked-after children supported if they are gifted and talented?

Special Educational Needs (SEN)

- How does the school ensure prompt identification of SEN of looked-after and previously looked-after children?

- Are carers of looked-after children informed that the child has SEN and that they can get help from the Information, Advice and Support Services?[20]
- How are carers/social workers involved in assessments and reviews?
- How are young people involved in reviews and target setting?
- Is the level of support given to looked-after children with SEN sufficient and meeting their needs considering their status?
- Is the SENCO (where appropriate) involved in PEP, care and, if applicable, ECH plan reviews?
- Are there particular staff training needs in connection with meeting the needs of looked-after and previously looked-after children?

Exclusions

- What strategies does the school use to avoid exclusion of vulnerable children including looked-after and previously looked-after children?
- When considering exclusion, does the head teacher and the governing body have regard to the Department for Education's guidance on exclusion?
- Is there any trend in exclusion rates of looked-after and previously looked-after children?
- Is the appeal process fully explained to social workers, foster carers, residential social workers, parents and guardians when a looked-after or previously looked-after child is excluded?
- Are young people in care encouraged to attend governors' hearings which are reviewing their exclusion?
- Has the appropriate person/team in the local authority with responsibility for children missing education been notified of the child's exclusion?
- What are the reintegration arrangements for looked-after and previously looked-after children who have been excluded?
- What other agencies are working with the child, and have they delivered the necessary support, e.g. educational or clinical psychology/CAMHS?
- Where a looked-after child is at risk of exclusion does their PEP include pastoral support provision?

[20] These services are to support and work in partnership with children, young people, parents, local authorities, CCG's and other relevant partners.

Promoting health (including mental health)

- Are the needs of looked-after children considered in health-promoting schemes?
- Do the citizenship and PHSE curricula take full account of including children whose experiences and understanding of 'family' may be different?
- Do staff have awareness and act on early potential signs of mental health problems and know who to highlight this to so potential concerns can be raised and appropriate further assessment considered?

Pastoral support

- What targeted interventions can the school initiate that focus on groups of children who have known risk factors, such as being looked-after or previously looked-after?
- How does the school behaviour policy pre-empt escalating behaviour problems?
- Do staff working with looked-after children (including those placed for adoption) and previously looked-after children have a sufficient understanding of how problems with attachment can impact on a child's behaviour and attainment?
- How does the school ensure that initiatives such as lunchtime clubs and anti-bullying work include looked-after and previously looked-after children?
- Does the school have procedures for contacting relevant professional help for specific problems, e.g. CAMHS, educational psychologist?
- Are looked-after children's carers and previously looked-after children's parents or guardians contacted on the first day of any unexplained absence?
- Are carers, parents and guardians aware of the school's anti-bullying policies?
- How do staff work to build positive relationships with vulnerable children, including looked-after and previously looked-after children?

Study support

- Does the school regularly consult with carers, parents and guardians, looked-after children and previously looked-after children about study support activities?
- Are there effective intervention strategies such as one-to-one tuition provided for every looked-after and previously looked-after child who need them?
- Are looked-after young people/care leavers going on to 6th Form told about the 16-19 bursary?

Annex 2 Glossary

The information in this section is not exhaustive but is intended to help governors and designated teachers understand some of the terms they may encounter in relation to looked-after and previously looked-after children.

Who are looked-after children?

Under the Children Act 1989, a child is looked-after by a local authority if s/he is in their care or is provided with accommodation for more than 24 hours by the authority. They include the following:

- children who are accommodated by the local authority under a voluntary agreement with their parents (section 20);
- children who are the subject of a care order (section 31(1)) or interim care order (section 38); and
- children who are the subject of emergency orders for the protection of the child (section 44).

What is the difference between being "accommodated" and being on a care order?

Looked-after children are "accommodated" by the local authority under section 20 when:

- there is no person who has parental responsibility for them;
- the child is lost or abandoned;
- the person who has been caring for him or her is prevented from providing him or her with suitable accommodation or care.

The local authority is also empowered to provide accommodation for any child if it will safeguard or promote their welfare.

The majority of children who are being accommodated by the local authority will be doing so with the full agreement of those who have parental responsibility for them. In practice, children are accommodated because there are particularly difficult family circumstances which mean that they cannot be cared for in their normal family environment. While they are accommodated, the child's parents (or guardians) retain full parental responsibility and may, at any time, remove them from local authority provided accommodation.

Some looked-after children are the subject of a care order. If the local authority believes that a child has suffered or is likely to suffer "significant harm" if they remain with their birth family, then they can apply to the courts for a care order to assume parental responsibility for the child. While it is possible that children on care orders live with their

parents or other family members if that is what the courts decide, most will live with foster carers.

Admission requirements

Regulations made under the School Standards and Framework Act 1998 require admission authorities for maintained schools to give looked-after children highest priority in their admission arrangements. The School Admissions Code places this same requirement on academies and, in addition, requires maintained schools and academies to also give previously looked-after children highest priority in their admission arrangements. These provisions help ensure that looked-after and previously looked-after children obtain a place at their preferred schools. Such children **must** take precedence over those on a waiting list and **cannot** be refused a place because of having challenging behaviour.

Under the Code, previously looked-after children are those who were looked after by a local authority in England and leave care due to an adoption, special guardianship or child arrangements order. This does not include previously looked-after children from Wales and children adopted from 'state care' outside England.

Outside the normal admissions round, local authorities may direct the admission authorities of any maintained school (other than a school for which they are the admission authority) to admit a looked-after child to the school best suited to their needs. Such action must be taken in the best interests of the child. Before giving a direction, the local authority must consult the admission authority for the school they propose to specify in the direction. The admission authority then has seven days to inform the local authority if it is willing to admit the child without being directed to do so.

If, following the consultation, the local authority decides to issue the direction, it must first inform the admission authority, the governing body (if the governing body is not the admission authority), the head teacher and, if the school is in another local authority area, the maintaining local authority. If the admission authority (or the governing body if it is not the admission authority, and only in relation to a looked-after child who has previously been excluded from at least two schools) considers that admission of the child would seriously prejudice the provision of efficient education or efficient use of resources, the admission authority has seven days in which to refer the case to the Schools Adjudicator. The Adjudicator may either uphold the direction or, if the local authority that looks after the child agrees, determine that another school in England must admit the child. The Adjudicator's decision is binding.

Local authorities can also ask the Secretary of State to direct academies to admit looked-after children.

Adoption

Some looked-after children are placed for adoption and will live with their prospective new parents prior to the final Adoption Order. When that happens, if they are of statutory school age, they may stay at their existing school or move to a new school. Before the final Adoption Order is made by the courts, the child will retain their looked-after legal status. That means that, for example, although placed for adoption, they will have an adoption plan and a PEP. They should continue to be treated in the same way as any other looked-after child in relation to the designated teacher's role.

Once the final Adoption Order is made, the child will no longer be looked-after. However, his/her educational, social and emotional needs will not change overnight. This is why in 2014, previously looked-after children who left care through an adoption, special guardianship or child arrangements order retained many of the educational entitlements they had whilst they were in care, such as priority admission and the PP+, and why, through the Children and Social Work Act 2017, schools and local authorities continue to have a duty to promote their educational achievement.

Carers

A very important aspect of improving the achievement of looked-after children will be the relationship established by the carer with school staff.

The nature of the carer will vary depending on the type of care placement, e.g. a residential care worker for those looked-after children placed in a care home, or a foster carer for children placed with a family. The carer could be a member of the child's family and some looked-after children are living with their parents – possibly as a prelude to returning home permanently from a care placement.

It will be important for school staff to have accurate and up-to-date information so that they know who should receive information between school and home.

Children and Young Persons Act 2008

This Act amends the Children Act 1989 and is intended to improve the transparency and quality of the existing care planning process. It places duties on the local authority looking after a child to avoid disruption to a looked-after child's education and training wherever possible.

Children and Social Work Act 2017

This Act amends the Children Act 1989, the Children and Young Persons Act 2008 and the Academies Act 2010, and is intended to improve decision making and support for

looked-after and previously looked-after children. For the key duties imposed by this Act relevant to this guidance, please see *Previously looked-after children*.

'Care leaver'

Local authorities often talk about 'care leavers'. When they do, they are talking about children who fall within one of the following categories as defined by the Children Act 1989: 'eligible child', 'relevant child' or 'former relevant child'.

An "eligible child" is a young person aged 16-17 who has been looked-after for the prescribed period (13 weeks since the age of 14), and is then eligible for services under the Children Act 1989, and who remains looked-after by the local authority.

A "relevant child" is a young person aged 16-17 who has been looked-after for the prescribed period (13 weeks since the age of 14) and is then eligible for services under the Children Act 1989, and who is no longer looked after by the local authority.

A "former relevant child" is a young person aged 18-21 (i.e. legally adult) who was either an eligible or relevant child. They are also eligible for services under the Children Act 1989.

Designated teachers have responsibility to promote the educational achievement of *relevant children* and *former relevant* children.

Care planning and reviewing

All looked-after children have a care plan which sets out objectives for work with the child, the birth family and the carers in relation to the child's development needs. Components of the plan cover health, education, emotional and behavioural development, identity, family and social relationships, social presentation and self-care skills. The local authority is responsible for making sure the overall care plan covers these different strands in a way that meets the child's needs. These plans are reviewed at set times which are laid down within the statutory framework of the Children Act 1989 and associated care planning regulations.

Independent Reviewing Officer (IRO)

Section 25A of the Children Act 1989 requires local authorities to appoint an independent reviewing officer (IRO) for each looked-after child. The IRO's functions are set out in Section 25B of the 1989 Act and in the *Care Planning, Placement and Case Review (England) Regulations 2010.*

The IRO chairs the review meeting and is also responsible for monitoring the performance of the local authority's functions in respect of each review.

The Children and Young Persons Act 2008 includes provisions that strengthen the role of the IRO. This group of social work professionals will have a crucial role in ensuring that looked-after children are able to meaningfully participate in planning for their own care, and that the care plan that the local authority prepares for them is based on a thorough assessment of all aspects of the individual child's needs.

Information Communications Technology (ICT)

ICT can play a valuable role in supporting children's learning. Designated teachers may wish to work with the child's carers and social worker to help ensure that looked-after children have appropriate access to ICT, including through any schemes which the local authority can access to prioritise ICT provision for looked-after children and care leavers.

Out-of-authority placements

Up to 37% of looked-after children do not live in the authority which looks after them.[21] Schools may, therefore, have contact with authorities other than the one in which the school is located. It may also be the case that a school will have more than one looked-after child on roll, and that those young people will be looked after by different local authorities. Schools may, therefore, find themselves dealing with a number of local authorities. The VSH (or equivalent), or dedicated looked-after children education team in the local authority where the school is located, should be a useful source of help and advice in facilitating contact with staff in other local authorities.

Pathway plan

All young people who are aged 16+ who have been looked after by a local authority for at least 13 weeks since the age of 14, and who are still looked after, will be entitled to services under the Children Act 1989. Their care plan, of which the PEP is part, will become their pathway plan. The pathway plan undertaken around a young person's 16th birthday should start to identify the young person's long-term needs, including the skills required for independence and the required programme of assistance. The local authority also has a duty to maintain a pathway plan for those young people who leave care at 16 and 17, who were previously *eligible* and are known as *relevant* (see *care leaver* definition above) and those young people aged 18-21 who were either *eligible* or *relevant*. This plan is maintained until the young person is 21, or longer if he or she remains in a programme of education.

[21] SFR 41/2016 Children looked-after in England including-adoption 2015-to-2016 (see Table A4)

Permission slips

This is a common cause of concern for schools when they need permission for children to take part in activities such as school trips. While the responsibility for this rests with the child's social worker, the task of signing permission slips can be delegated by social workers to carers. If this is the case, then it should be noted in the child's personal education plan. No looked-after child should miss out on the opportunity of a school trip as a result of delays in obtaining a permission slip. Schools should be told by the child's social worker whom the school needs to approach for permissions. As a general policy, it would be good practice for schools to allow enough time to obtain permission and should not wait until permission has been granted before reserving a place for the child.

Personal Education Plan (PEP)

This is part of a looked-after child's care plan and needs to be developed with the school. It forms a record of what needs to happen and who will make it happen to ensure a looked-after child reaches their full potential.

PEP review

Local authorities have a duty to carry out a review of the care plan of all children they look after in line with the statutory timetable established in care planning regulations. The reviews are carried out within 20 working days of the child first becoming looked-after, at the three and six month's points and, then subsequently, at six-monthly intervals. Reviews of the care plan can, if there is a significant change in the child's circumstances, should take place outside of these timescales. If there is a significant change in the child's circumstances which impacts on education, it is very important that the PEP is reviewed and amended to ensure that it continues to meet the child's needs.

Child arrangement orders (formerly Residence Orders)

A child arrangements order settles the arrangements for where a child or young person must live and gives that person, or persons, parental responsibility (PR). It can be made in favour of more than one person, even when those people do not live together. If this is the case, the order may specify the period during which the child is to live in different households.

It is a flexible order, able to accommodate a variety of shared care arrangements. The intention is that both parents should feel they have a continuing role to play in relation to their children, on a defined basis, if necessary. Making of an arrangement order in favour of one parent does not take away parental responsibility from the other.

The children's services within local authorities have a power, but not a duty, to pay an allowance to the holder of the child arrangements order.

Children placed on child arrangements orders are not looked-after children and they will not necessarily have been looked after prior to being placed on an arrangement order. In some cases, however, children who are looked-after will be placed on a child arrangement order when they cease to be looked-after. These children retain the educational entitlements they had while they were in care and will continue to have access to the VSH and the designated teacher.

Special Guardianship Orders (SGOs)

Special Guardianship is designed to provide children with greater security than long-term fostering without the absolute legal severance from the birth family which stems from an adoption order. Parents of a child cannot become a child's special guardian. A court may make a guardianship order for a child on application of any guardian of the child, a local authority's foster carer, or relative with whom the child has lived for at least one year before the application is made, or anyone with whom the child has lived for three of the last five years, anyone who has the consent of the relevant person who is named in a child arrangement order, the local authority if the child is in care or anyone else with parental responsibility. Children on an SGO are not defined as being *looked-after,* and the child is no longer in the *care system* on the making of the SGO. Parental responsibility is retained by birth parent(s) and guardian(s) but a special guardian may exercise parental responsibility to the exclusion of anyone else with parental responsibility who is not also a special guardian.

Children placed on SGOs may have been looked-after immediately prior to the Order being made. These children retain the educational entitlements they had whilst they were in care and will continue to have access to the VSH and to the designated teacher.

Special Educational Needs (SEN)

On average, 27% of looked-after children have an Education Health and Care (EHC) plan. Another 30% will be on SEN support (as they have SEN, but not an EHC plan).[22] Sometimes, the SEN of looked-after children are overlooked or support is delayed because learning difficulties (and often speech, language and communication problems) are attributed to their social and emotional circumstances, frequent moves disrupt assessments and provision, and some looked-after children are placed out-of-authority, increasing the difficulties in ensuring efficient information sharing and communication.

[22] SFR12/2017 March 2017: Outcomes of children looked-after by local authorities in England, 31 March 2016 (Table 4A)

For many children, it is parents who are active in alerting the school to potential problems and supporting the school at home. Carers often need extra help, information and support, especially if their own children are grown-up or they have no experience with the SEN processes.

If a looked-after child has an EHC plan, the information it contains does not need to be duplicated in the personal education plan - it is sufficient to include relevant information from the EHC plan and annual reviews of that plan in the PEP, and append the PEP to the EHC plan. The important thing is that the plans work well together to secure all the child's needs. It is considered good practice to align the annual review of the EHC plan with a PEP review.

Where a young person has an EHC plan and a Transition Plan drawn up under that plan, it is good practice to make the pathway plan (see definition above) one and the same document.

For children and young people in or beyond Year 9 (aged 13-14) with EHC plans, local authorities have a legal duty to include provision to assist in preparing for adulthood in the EHC plan review.

Special Educational Needs Co-ordinators (SENCOs)

All maintained schools are required to have a SENCO who is a qualified teacher. They must achieve a National Award in Special Educational Needs Coordination within three years of appointment.

In some cases, the governing body may consider that it is appropriate for the SENCO to also take on the role of the designated teacher for looked-after and previously looked-after children. However, not all looked-after and previously looked-after children will have SEN, and the governing body may not automatically consider it appropriate to appoint the SENCO to undertake this role without full consideration. Where the role is carried out by a person other than the SENCO, designated teachers should work closely with the SENCO to ensure the implications of a child being both looked-after or previously looked-after and having SEN are fully understood by the relevant school staff.

Virtual School Head (VSH)

Since 2014 all local authorities are required to appoint an officer to discharge the duty placed on every local authority under the Children Act 1989 to promote the educational achievement of the children it looks after as if they were in a single school.

The VSH role is about raising attainment and ensuring progression of all looked-after children from that authority. They work strategically across the authority and with schools

to monitor and support the educational achievement of looked-after children as if they were in a single school.

The Children and Social Work Act 2017 extends the role the VSH to include providing information and advice to schools, parents and guardians in respect of previously looked-after children.

Virtual schools

Most local authorities have adopted a virtual school model to support the VSH's role. The VSH and the virtual school will be a very important partner for the designated teacher and will provide an invaluable source of support and advice to designated teachers both about individual children and the education of looked-after children more generally.

Virtual schools may be able to:

- provide information on specialist services;
- help identify resources to support specific activities;
- co-ordinate support that may be required beyond that which is already provided by educational services; and
- provide training for designated teachers on aspects of social care.

Department
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