

# Promoting the Educational Achievement of Looked After Children

Statutory Guidance for  
Local Authorities



department for  
**children, schools and families**

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# Introduction

## Legislative provisions

1. Looked after children<sup>1</sup> have a right to expect the outcomes we want for every child – that they should be healthy, stay safe, enjoy and achieve, make a positive contribution to society and achieve economic well-being. To achieve these five outcomes for looked after children, local authorities as their ‘corporate parents’ should demonstrate the strongest commitment to helping every child they look after, wherever the child is placed, to achieve the highest educational standards he or she possibly can. This includes supporting their aspirations to achieve in further and higher education.
2. Though some do well, the educational achievement of looked after children as a group remains unacceptably low. That is why the Children Act 1989 (“the 1989 Act”) (as amended by the Children Act 2004 (“the 2004 Act”)) places a duty on local authorities to promote the educational achievement of looked after children (“the duty”).
3. The duty of a local authority to safeguard and promote the welfare of a child looked after by them includes, in particular, a duty to promote the child’s educational achievement<sup>2</sup>. The authority must therefore give particular attention to the educational implications of any decision about the welfare of those children. The duty came into force on 1 July 2005 and applies to all children looked after by an authority, wherever they are placed.
4. The Apprenticeships, Skills, Children and Learning Act 2009 (“ASCL”) will strengthen Children’s Trusts by amending Part 2 of the 2004 Act<sup>3</sup> such that every local area is required to have a Children’s Trust Board, which has responsibility for developing and monitoring the implementation of the

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1 “Looked after children” is the legislative term for children and young people in public care introduced in the 1989 Act and refers to children who are subject to care orders and those who are accommodated.

2 See sections 22(3)(a) and 22(3A) of the 1989 Act. Section 22(3A) was inserted by section 52 of the Children Act 2004.

3 Section 194 of the ASCL inserts sections 12A – 12D into Part 2 of the 2004 Act.

Children and Young People's Plan ("CYPP") (previously the CYPP was the responsibility of the local authority). It will also have the effect of extending the number of statutory 'relevant partners' to include maintained schools, colleges, and Jobcentre Plus<sup>4</sup>.

5. Regulations under the 2004 Act<sup>5</sup> ("the 2010 Regulations") require the CYPP to set out the Children's Trust Board's strategy for cooperating with a view to improving the well being of children and young people in their area, and the revised statutory guidance on Children's Trusts (see paragraph 11) sets out the following in respect of Children's Trust cooperation arrangements:
  - 5.1 All partners in the Children's Trust have a shared responsibility for improving outcomes for all children and narrowing the outcomes gap for children from disadvantaged groups, including looked after children.
  - 5.2 Children's Trust partners should ensure that their strategy and practice takes particular account of how they work with the local authority to improve the prospects of these vulnerable children.
  - 5.3 Children's Trust Boards as part of their role in preparing and monitoring the implementation of the CYPP should regularly review services for looked after children to ensure that they are effectively safeguarded and are provided with the opportunities they need.

## Status and scope of this guidance

6. This statutory guidance applies to England only. It describes the essential actions which local authorities are expected to take in order to comply with their duty.
7. The Government expects schools to take a proactive approach to co-operating with and supporting local authorities in discharging this duty.
8. **This guidance:**

### **8.1 is issued under section 7 of the Local Authority Social Services Act 1970, which means that it must be followed by local**

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4 The full list of new 'relevant partners' is: maintained schools, Academies, non-maintained special schools, further education and sixth form colleges, Short Stay Schools / Pupil Referral Units ("PRUs") (Short Stay Schools / PRUs will be included through regulations under paragraph 3 of Schedule 1 to the Education Act 1996) and Jobcentre Plus.

5 The Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010.

**authorities unless there are exceptional circumstances that justify departing from it;**

- 8.2 updates and replaces statutory guidance issued in 2005<sup>6</sup> which in turn superseded and replaced Local Authority Circular LAC (2000) 13, which identified the statutory parts of the *Guidance on Education of Children and Young People in Care* issued jointly by the Department of Health and the then Department for Education and Employment in May 2000;**
  - 8.3 has been revised to include additional provisions made by the Education Act 2005, the Education and Inspections Act 2006, the Children and Young Persons Act 2008 and legislative provisions underpinning the Every Child Matters framework;**
  - 8.4 applies to all children looked after by the local authority as defined in the 1989 Act, including those living out-of-authority; and**
  - 8.5 comes into effect on the day of it's publication.**
9. In this guidance, the terms "child" and "children" include young people where appropriate.
10. This guidance sets the framework through which local authorities will meet their statutory duty to promote the educational achievement of looked after children, including those placed out-of-authority. The detailed arrangements in place for discharging the duty will depend on local structures and Change for Children programmes. While setting out the overall framework for actions which local authorities should take, this guidance is not intended to provide comprehensive examples of good practice.

## Associated guidance

11. This guidance should be acted on in conjunction with other guidance which has a direct bearing on looked after children. The **statutory** guidance supporting related provisions in the 2004 Act which is particularly relevant includes:

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<sup>6</sup> *Statutory guidance on the duty on local authorities to promote the educational achievement of looked after children under section 52 of the Children Act 2004*

- 11.1 *The roles and responsibilities of the Lead Member for Children's Services and the Director of Children's Services*<sup>7</sup> (sections 18 and 19 of the 2004 Act); and
- 11.2 *Statutory Children's Trust Guidance* issued under Section 10 of the Children Act 2004e and the 2010 Regulations. The revised Children's Trust guidance provides advice for the local authority and its statutory and non-statutory partners in the Children's Trust on the co-operation arrangements and the preparation of the CYPP. The Children's Trust guidance also sets out the expectation that partners in the Children's Trust should ensure that their strategy and practice takes particular account of how they work with the local authority to improve the prospects of vulnerable children – including looked after children.
12. A fuller list of relevant statutory and non-statutory guidance is provided at Appendix 1. All documents referred to in this guidance will be accessible through <http://www.everychildmatters.gov.uk> unless otherwise specified.

## Context and rationale

13. When a child becomes looked after – either on a short-term or long-term basis – it is the duty of the Local Authority as a corporate parent, to safeguard and promote his or her welfare. This means that alongside planning secure and reliable care and responding to the child's need to be well and healthy, local authorities have a specific responsibility to support his or her educational achievement.
14. Although some do well, looked after children as a group have poor experiences of education and very low educational attainment. Their educational outcomes, in terms of the proportion who reach the average levels of attainment expected of seven, eleven, fourteen and sixteen year olds, remain significantly lower than for all children. A relatively small number of looked after children progress to higher education.
15. The Social Exclusion Unit's report *A Better Education for Children in Care* identified five key reasons why looked after children underachieve in education:
- their lives are characterised by instability;

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7 <http://publications.everychildmatters.gov.uk/>

- they spend too much time out of school;
  - they do not have sufficient help with their education if they fall behind;
  - primary carers are not expected or equipped to provide sufficient support and encouragement for learning and development; and
  - they have unmet emotional, mental and physical health needs that impact on their education:
16. Promoting the educational achievement of looked after children effectively should be an integral part of each local authority's Change for Children Programme. This document describes what local authorities need to do to demonstrate they are actively fulfilling their legal responsibilities to implement this duty.

### **Measures of success in discharging the duty**

17. The measures of a local authority's success in promoting the educational achievement of looked after children are that:
- 17.1 looked after children at every age achieve educational outcomes comparable to their peers;
  - 17.2 strategic planning and day-to-day processes throughout the local authority demonstrate robust procedures to monitor educational progress and a culture of proactive commitment to secure the highest educational outcomes for all looked after children;
  - 17.3 looked after children are encouraged to have high expectations of themselves and to achieve their full potential;
  - 17.4 training, development and support for carers, schools and local authority staff ensure that they understand the needs of looked after children; and
  - 17.5 there are clear chains of accountability for the discharging of the duty which are monitored rigorously by a senior manager in the local authority (e.g. a Virtual School Head).



# Strategic planning and accountability

## Children and Young People's Plan

18. The 2004 Act (as amended by the ASCL) places a duty on Children's Trust Boards to prepare, publish, review and monitor the implementation of the CYPP: a joint strategy which sets out how the Children's Trust partners will co-operate to improve children's well-being in the local area. The 2010 Regulations will require that each CYPP **must** include an outline of the key actions as identified by the needs assessment planned to improve the outcomes, for children and relevant young people who are looked after by a local authority.
19. Improving the lives of looked after children must involve all partners at the strategic level (on the Children's Trust Board) as well as those who have day to day contact including carers, social workers, Virtual School Heads or equivalent, GPs and other health care practitioners and teachers. The Board should ensure that the CYPP extends to all looked after children in the area, irrespective of the type of school they attend or their home local authority area.
20. The arrangements for co-operation set out in the CYPP do not extend beyond the Board's geographical area unless a joint Children's Trust Board has been set up. Nevertheless, the local authority retains its legal responsibilities for looked after children placed out of authority. For example, local authorities should monitor and identify additional support to promote the educational progress of their looked after children placed out of authority. Local authorities may also request help from one another and from health bodies in other local areas to fulfil their function in respect of the looked after children for whom they are responsible<sup>8</sup>.

- 21 New Regulations will require that, in developing its CYPP, the Children's Trust Board must:
- 21.1 consult with all relevant partners;
  - 21.2 carry out a needs assessment to identify the key actions planned to be taken to improve the outcomes for children in its area, with particular reference to looked after children; and
  - 21.3 set out the arrangements made by the Board partners for cooperating with each other with a view to achieving statutory targets for the improvement the educational achievement of looked after children

The associated statutory guidance stipulates that:

- 21.4 following the needs assessment, the CYPP should be clear on what resources are available, the cost of delivering its priorities and how they will be met;
  - 21.5 the Children's Trust Board's strategy (As set out in the CYPP) should take particular account of how partners will work with the local authority to promote the educational achievement of looked after children and to narrow the gap between their achievements and those of other children; and
  - 21.6 schools must be able to contribute effectively to the strategic decision-making about the services that are commissioned locally so that they get better tailored services to help them meet the needs of all their pupils.
22. The 1989 Act (together with associated Regulations) requires each local authority to:
- 22.1 ensure that it does not disrupt the child's education and training when making a placement decision<sup>9</sup>; and

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<sup>9</sup> Section 22C(8)(b) of the 1989 Act (as inserted by section 8(1) of the Children and Young Persons Act 2008). See also the Care Planning Placement and Case Review (England) Regulations 2010.

- 22.2 ensure that a bursary (currently £2,000<sup>10</sup>) is paid to each looked after child or care leaver going on into higher education<sup>11</sup>.
23. The governing body of a maintained school is also required to designate a member of the staff at the school (“the designated person”) as having responsibility for promoting the educational achievement of registered pupils at the school<sup>12</sup>.

### The role of Directors of Children’s Services and Lead Member

24. The 2004 Act, which underpins *Every Child Matters*, requires every upper tier local authority to appoint a Director of Children’s Services (“DCS”) and designate a Lead Member for Children’s Services (“LM”)<sup>13</sup>. The DCS and LM are, respectively, professionally and politically responsible for ensuring that their local authority’s duty to promote the educational achievement of looked after children is properly discharged. A separate publication (referred to above, at paragraph 11.1) provides comprehensive guidance to local authorities as to the roles of the DCS and the LM, and a broad summary of that guidance appears in the following paragraphs.
25. A vital leadership task of the DCS and LM is to take lead responsibility for improving educational outcomes for looked after children and care leavers. They should:
- 25.1 focus relentlessly on narrowing the gap in educational achievement between looked after children and their peers by improving the stability of their lives;
  - 25.2 ensure that the systems and structures enable looked after children to be supported so that they achieve their full potential, including children and young people with learning difficulties and/or disabilities;
  - 25.3 ensure that looked after children have access to a suitable range of care and education placement options which maximise the educational opportunities and experiences available to them;

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10 See Regulation 2 of the Children Act 1989 (Higher Education Bursary) (England) Regulations 2009.

11 Section 23C(5A) of the 1989 Act (as inserted by section 21(1) and (2) of the Children and Young Persons Act 2008).

12 Section 20 of the Children and Young Persons Act 2008.

13 Sections 18 and 19, respectively.

- 25.4 ensure that the wider services developed for looked after children through the Children's Trust co-operation arrangements take full account of the duty to promote their educational achievement as an integral part of their well-being; and
- 25.5 ensure that their Children in Care Council regularly addresses the expressed educational issues raised by looked after children and responds effectively to such issues.
26. The LM has the lead political role in ensuring that children looked after by the local authority have their interests protected, their opportunities maximised, their educational achievement enhanced, their voices heard and care services shaped to meet their needs. LM should have confidence that processes are in place which enable them, together with the DCS, to do their best for these children.
27. It is especially important that the LM, alongside other councillors, ensures that the local authority acts as the corporate parent for all their looked after children, wherever they are placed. They should be concerned about supporting the educational achievements of looked after children in the broadest sense, including what they do in their leisure time and how they receive praise and encouragement for their achievements. They should champion the education of the authority's looked after children and attend awards ceremonies to celebrate achievement.
28. In authorities with executive arrangements, the LM is responsible for ensuring that there is regular monitoring of the educational outcomes of looked after children and what the local authority is doing to improve them. In authorities without executive arrangements, the LM, as chair of the relevant committee, should act as an advocate to ensure that the relevant committees, and the council, give full consideration to this issue.
29. The DCS must act as the corporate parent for looked after children to help them lead a happy, healthy life and receive a good education. In this the DCS will need to work particularly closely with the LM who shares this corporate parenting role on behalf of the local authority.
30. The DCS should ensure that services support good parenting from everyone involved in the child's life, raise the aspirations of looked after children and provide the support they need from mainstream and targeted services.
31. The DCS should regularly review progress on what went well and where areas of weakness have been identified in accordance with the statutory

guidance on the roles and responsibilities of the LM for Children's Services and the DCS.

## **Delivering accountability for raising standards**

32. It is essential that there are clear lines of accountability for improving the educational attainment of looked after children. Local authorities should strive to put in place processes that provide clarity and direction to efforts to enhance the life chances of these vulnerable pupils.
33. Evidence from an evaluation (see appendix) of a pilot scheme of Virtual School Heads ("VSH") in 11 local authorities showed improved performance compared to the national average and an improvement in GCSE results in most authorities. The VSH acts as a local authority co-ordinator and champion to bring about improvements in the education of looked after children. The evaluation from the pilots showed that having an educational background proved beneficial in performing the role.
34. The role of a senior local authority manager, such as a VSH, involves improving educational standards of looked after children, as if they were attending a single school rather than a range of both local and other authorities' schools by:
  - 34.1 maintaining a roll of all the authority's school age looked after children with current information regarding their school placement and educational performance;
  - 34.2 ensuring that there is systematic, disciplined tracking of the education of every individual looked after child;
  - 34.3 making sure that the education of looked after children is seen as a priority by everyone who works with them;
  - 34.4 acting where necessary to address underachievement and to promote improvement in outcomes for individuals and cohorts;
  - 34.5 ensuring that heads and designated teachers in schools know which of the children on their roll are looked after and what can be done to support and enhance their educational attainment;
  - 34.6 ensuring that all looked after children, wherever they are placed, have a Personal Education Plan (PEP) that is of high quality. Where

necessary, alongside the School Improvement Partner (SIP), the VSH should challenge schools to improve the quality of PEPs and promote faster progress;

- 34.7 ensuring that looked after children are identified when eligible for Personal Education Allowances (PEAs) and that spending against the PEA is appropriate and likely to effect improvement in the child's educational attainment. To this end the VSH should:
  - 34.7.1 ensure that social workers, carers and other practitioners are aware of the entitlement to a PEA and how to access it;
  - 34.7.2 ensure that the use of PEAs is scrutinised through the local authority's corporate parenting structures; and
  - 34.7.3 ensure that PEA funding is being used to maximum effect by monitoring its use, involving other services and providers and seeking feedback from children and young people.
- 34.8 ensuring looked after children are able to access one-to-one tuition wherever appropriate. Such tuition has been shown to be particularly beneficial for many looked after children to fill in gaps in their knowledge through previous disruption. The VSH should make sure it can be readily provided where appropriate;
- 34.9 sharing effective practice with colleagues to improve behaviour and attendance, promote improved outcomes and school stability and identify and address barriers to learning;
- 34.10 ensuring social workers adequately consider the educational needs of looked after children when taking decisions about changing placements. The Children and Young Persons Act 2008 stipulates that all possible steps to avoid disrupting education should be taken, particularly at Key Stage 4. When a move is essential, wherever possible, a placement should be found that enables continuity of schooling. The VSH has responsibility for ensuring that admissions powers to admit looked after children to the most appropriate school are used wherever necessary and that school transport is provided as required to help children stay in the same school;
- 34.11 reporting regularly on the attainment of looked after children through the authority's corporate parenting structures;

- 34.12 improving access to high quality early years provision for looked after children;
- 34.13 leading on devising and delivering training about the needs of looked after children, including current legislation, guidance and information as it applies to the education of looked after children, for all local authority staff and schools;
- 34.14 working to ensure SIPs are equipped to support schools to meet the educational needs of looked after children, particularly in relation to the role of the designated teacher; and
- 34.15 ensuring the achievements of looked after children are recognised, acknowledged and celebrated by everyone working with and for them, including the local authority.

## **The role of Independent Reviewing Officers ("IROs")**

- 35. IROs are responsible for chairing the statutory reviews of the Care Plans of all looked after children. They should ensure that a current PEP is considered as part of the review. If there is not a current PEP the IRO should refuse to complete the review and advise the social worker's manager.
- 36. IROs, who are responsible for monitoring the local authority's function in discharging its duty to promote the welfare and wellbeing of its looked after children in respect of the statutory review of a child's Care Plan, have a key role in ensuring that any decisions agreed comply with legislation and statutory guidance and are in the best interest of the child. They also have a responsibility to ensure that such decisions are implemented and may make recommendations on how best to ensure successful implementation to ensure the best interests of the child take precedence in any decision making.

## **The inspection framework**

### **Comprehensive Area Assessments**

- 37. From April 2009, the way in which local authority services are assessed and inspected changed with the new Comprehensive Area Assessment ("CAA"). CAA, led by the Audit Commission with Ofsted participating, replaces the Comprehensive Performance Assessment ("CPA") of local councils and Ofsted's Annual Performance Assessment. Joint Area Reviews are replaced

by more flexible inspection. CAA will deliver a more robust assessment of children's services.

38. Ofsted will provide a performance profile of the quality of services and outcomes for children and young people in each local authority area. It will draw together relevant findings from across Ofsted's inspection and regulation of education, care and skills and set this evidence alongside the relevant Every Child Matters indicators from the new National Indicator Set ("NIS")<sup>14</sup>.
39. Evidence in the profile will include findings from looked after children inspections, recent joint area review inspections and performance against Every Child Matters indicators from the NIS.
40. National indicators for the education of looked after children are:
  - 40.1 the percentage achieving level 4 at Key Stage 2 in English
  - 40.2 the percentage achieving level 4 at Key Stage 2 in maths; and
  - 40.3 the percentage achieving five A\*-C GCSEs (or equivalent) at Key Stage 4 (including English and maths).
41. Ofsted now undertakes a new unannounced annual inspection of child protection practice in every local authority, so that the CAA will not simply rely on data and other publicly available evidence. It will also lead full inspections of safeguarding and services for looked after children, with the Care Quality Commission ("CQC") participating, with every local authority area being inspected during a three year period. Where weaknesses or uncertainty are identified through the annual CAA, bespoke inspections may be triggered.
42. It is also now a requirement that local authorities achieve at least a 'good' judgement for the Every Child Matters 'Enjoy and Achieve' outcome in order to achieve at least a 'good' overall judgement. This judgement is unlikely to be 'good' unless looked after children and young people are making at least good educational progress overall in relation to their starting points and capability.

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14 Evidence from the performance profile will contribute to both the CAA organisational and area assessments.



### **School inspection**

43. From September 2009 the focus and frequency of school inspections changed to ensure that inspection has the greatest possible impact on school improvement and outcomes for children and young people.
44. Under the revised arrangements the frequency of inspection will be proportionate to risk, with longer intervals for the best schools but other schools continuing to be inspected at least once every three years. Inspectors will spend a high proportion of their time in the classroom, evaluating teaching and learning, and will assess outcomes for individuals and different groups of pupils, to ensure that all pupils, including looked after children are making appropriate progress. They will also judge how well schools promote equality of opportunity and tackle discrimination.
45. Schools will also be assessed on how effectively they work in partnership with other providers, organisations and services to promote better outcomes for pupils in relation to wider well-being. Safeguarding of pupils is also given greater prominence.

# Effective Implementation of the Duty

## Supporting educational achievement and aspirations

46. Discharging the duty on a day-to-day basis means that a local authority should do at least what any good parent would do to promote their child's educational aspirations and support their achievements.
47. This means:
  - 47.1 making clear to looked after children, possibly in the form of a pledge, how the local authority will support their education and work to enhance their educational life chances;
  - 47.2 taking account of the child's views in identifying and meeting his/her educational needs;
  - 47.3 identifying educational needs, regardless of the child's age, as part of the assessment process and ensuring that these are reflected in the Care and Placement Plans;
  - 47.4 ensuring that all looked after children of compulsory school age have an effective and high quality PEP;
  - 47.5 ensuring that, in partnership with relevant educational professionals, there is a robust assessment of the child's learning styles;
  - 47.6 drawing up a pre-school PEP which considers suitable educational opportunities for under 5s that will promote their development and well-being;
  - 47.7 ensuring that the relevant local authority representative as specified in the PEP and Placement Plan (this could be a foster carer) attends parents' evenings and other relevant meetings, such as the annual reviews of a statement of special educational needs;

- 47.8 ensuring that the funding and processes are in place to deliver PEAs quickly to those who meet the criteria;
  - 47.9 mediating on behalf of a looked after child when he or she faces problems at school; and
  - 47.10 ensuring that social workers, foster carers and, where appropriate, parents actively promote opportunities for looked after children to participate in high quality learning experiences, including out of school hours learning activities, from their early years.
48. Supporting educational achievement and aspirations of looked after children also means:
- 48.1 giving foster carers maximum support to take advantage of a pre-school place where identified in the Care Plan and supporting them to provide help to their foster children in terms of school homework and wider educational opportunities;
  - 48.2 ensuring that providers of fostering services and children's homes follow at least the prescribed National Minimum Standards in promoting educational achievement for looked after children;
  - 48.3 ensuring that children's homes and fostering services, including those in the independent sector, have clear written education policies. These should set out the arrangements for ensuring regular school attendance, high quality homework and reading support, robust monitoring of progress relating to the content of the PEP and effective liaison between the home, the school and social services;
  - 48.4 ensuring that a looked after child is placed only in a children's home which clearly demonstrates a high commitment to support resident children to enjoy and achieve in education and out of school learning; and
  - 48.5 ensuring that any commissioning of services from independent providers only includes providers who can deliver on the National Minimum Standards regarding education.

## Securing appropriate education

49. When a child comes into care his or her local authority will arrange a suitable care placement. In doing so, the child's allocated social worker, supported by the local authority management and resources, should do everything possible to minimise disruption to the child's education<sup>15</sup>.
50. Where a child is in Key Stage 4, year 10 and 11, everything possible should be done to maintain the child in her/his existing school and a move should only be made in exceptional circumstances.
51. This means maximising efforts to arrange a care placement which enables existing educational provision to be maintained where this is in the best interests of the child. Subject to age and understanding, it is important to seek the child's views about his/her education.
52. Where it is not possible to maintain an existing educational placement, this means:
  - 52.1 not arranging a care placement without arranging provision of an appropriate level of education at the same time – unless the placement is made in an emergency for the child's immediate protection; and
  - 52.3 ensuring that the care placement is able to support the child's educational needs and aspirations and that the child is reintegrated into school or other appropriate educational setting.
53. Where a placement has been made in an emergency, or where education provision breaks down, the responsible local authority, through the child's social worker and accountable team manager, should ensure that a suitable new education placement is secured within 20 school days. In all other cases suitable education should be arranged before a child is placed.
54. In arranging a school placement the child's social worker should:
  - 54.1 seek to place the child in a school best suited to meet the particular child's educational needs. In most cases this will be a good local school but consideration should be given, if appropriate, to a place in a boarding or grammar school.

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15 See the Care Planning, Placement and Case Review (England) Regulations 2010 – regulation 10, avoidance of disruption in education

- 54.2 take educational provision to mean a full-time place in a local mainstream school unless the circumstances of the child – such as his or her particular special educational needs – make full-time education or local or mainstream provision unsuitable. However, special educational needs (whether or not the child has a statement) should never automatically be seen as a reason for delaying arrangements for full-time educational provision;
- 54.3 ensure that a school placement is not made unless it is appropriate to the child’s educational needs and that its suitability has been satisfactorily tested by arranging a visit with the child.

## School admissions

### Normal admissions

55. Regulations<sup>16</sup> made under the School Standards and Framework Act 1998 (as amended by the Education Act 2005) require admission authorities to give looked after children the highest priority in their admission arrangements. This will ensure that they are guaranteed admission to preferred schools at normal time of entry. Looked after children are to be offered admission in preference to other children.
56. The School Admissions Code<sup>17</sup> (“the SA Code”), in accordance with the Education and Inspections Act 2006, requires admission authorities of maintained schools, with some limited exceptions (mentioned below), to give the highest priority to looked after children in preference to other children in the over-subscription criteria in their admission arrangements. The practical effect of this is that in a school’s published admission arrangements the first and highest oversubscription criterion must be in respect of these children.
57. There can be an exception to this for faith schools who may give first priority to all children in care, whether of the faith or not, but must give first priority to looked after children of their faith above other children of their faith. Where they give any element of priority to children not of their faith, they must give priority in their oversubscription criteria to looked after children not of their faith above other children not of their faith.

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16 The Education (Admission of Looked After Children) (England) Regulations 2006

17 Information about school admissions is at [www.dcsf.gov.uk/sacode](http://www.dcsf.gov.uk/sacode)

58. If a place at a designated grammar school is sought, the child must first have taken the relevant entrance examinations. Entrance to that school is then governed by the school's admission criteria.

### **Non-routine admissions**

59. Outside the normal admission round a maintained school must admit a looked after child if requested to do so. If the admission authority refuses then the local authority (who has care of the child) can direct the admission authority to take the child even if the school is full (see para 3.47 of the SA Code). Where the admission of a child into an infant class would breach infant-class size legislation, a looked after child can be admitted as an excepted pupil.
60. Local authorities may direct other admission authorities for any maintained school to admit a child in their care to the school best suited to his or her needs.
61. Before giving a direction the local authority must consult with 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.
62. Before giving a direction the local authority must also serve a notice of their decision to the admission authority which has seven days to refer to the Independent Schools Adjudicator. The Adjudicator may determine that the school must admit, or may direct an alternative school to admit the child.
63. A local authority can ask an Academy to admit a looked after child in a case where to do so will best meet the needs of the child, even if the Academy is full. Where an Academy refuses to admit the child, the local authority can refer to the Secretary of State for consideration of whether or not to direct the Academy to admit the child.
64. A local authority may direct a voluntary aided or designated grammar school to admit a looked after child.
65. Local authorities should actively support their looked after children, wherever they are placed, by:
- 65.1 ensuring that social workers and their managers are thoroughly familiar with the admissions process in relation to looked after children as described in the most recent SA Code;

- 65.2 assisting Admission Forums by giving them information regarding the likely demand for places from looked after children based on past data;
  - 65.3 providing Admission Forums with advice on the particular difficulties that looked after children face, especially when they arrive from another area; and
  - 65.4 working with oversubscribed schools through Admission Forums to agree arrangements to admit some looked after children above the admission number during the year.
66. Social workers, supported by their managers, should be proactive in:
- 66.1 finding and maintaining a suitable full-time school place for looked after children (or supporting carers to do this on their behalf);
  - 66.2 encouraging the local authority to challenge any admission authority which they believe is not giving top priority to looked after children in its over-subscription criteria, if necessary by making representations to the School Adjudicator<sup>18</sup>;
  - 66.3 asking the relevant local authority to provide the child with appropriate education while he/she waits for a school place.

## School exclusions

67. It is important to be especially sensitive in relation to exclusions where looked after children are concerned. Every practicable means should be tried to maintain the child in school. The VSH (or equivalent) should work with others in the local authority and schools to ensure that measures are taken across the authority to promote positive behaviour and reduce exclusions. Local authorities, alongside head teachers and teachers in charge of Pupil Referral Units<sup>19</sup>, governing bodies and Independent Appeals Panels, must have regard to statutory guidance *Improving Behaviour and*

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18 Section 25 of the School Standards and Framework Act 1998 empowers the Secretary of State to appoint Schools Adjudicators. Adjudicators have responsibility for determining disputes between admission authorities and schools over admission arrangements, including admission policies and over subscription criteria.

19 *Pupil Referral Units* will be renamed *Short Stay Schools* under provisions of the Apprenticeships, Skills Children and Learning Act 2009. We anticipate the name change will come in to effect from September 2010.

*Attendance: Guidance on Exclusion from Schools and Pupil Referral Units* (see Appendix 1 for further details).

68. In the case where a looked after child is excluded, anyone who is seen as a parent has the right to make representations and appeal. This includes the local authority where they have a care order in respect of the child and any person with whom the child lives.
69. No looked after child should be excluded from a school/Pupil Referral Unit without discussion with the local authority to ensure that there is suitable alternative provision available elsewhere. In the event of a child being permanently excluded from school the local authority has a duty to provide full time alternative education from the sixth day following the exclusion. In the case of a looked after child it is recommended that such provision should be in place from the first day following the exclusion.

### **Personal Education Plan (“PEP”)**

70. When a child becomes looked after his/her social worker must ensure that the child’s needs and the services to meet these are documented in the Care Plan. The Integrated Children’s System provides a framework for assessment, planning, intervention and review and brings together the processes that may be needed in a local authority’s work with a child.
71. The Care Plan – of which the PEP is an integral part – is made before the child becomes looked after or in the case of an emergency placement within 10 working days.
72. The PEP is a record of what needs to happen for looked after children to enable them to fulfil their potential and reflects any existing education plans, such as a statement of special educational needs, Individual Education Plan (IEP) or Provision mapping. The PEP should reflect the importance of a personalised approach to learning which secures good basic skills, stretches aspirations and builds life chances.
73. The PEP is the joint responsibility of the local authority and the school.



### Initiating the PEP

- 74 Wherever the child is placed, his/her social worker, supported by his/her managers, should take the lead to:
- 74.1 initiate a PEP, as part of the Care Plan, even where a looked after child or young person is without a school place. This includes meeting with appropriate education providers and the carer;
  - 74.2 ensure that where a child is placed in an emergency the PEP is initiated within 10 working days of his/her becoming looked after, wherever he/she is placed;
  - 74.3 ensure that every child and young person looked after by the authority has an effective, high quality PEP which is available for the first statutory review meeting of the Care Plan (that takes place after 20 working days). As a minimum at this stage the PEP should indicate who needs to contribute to the PEP, that meetings have been or will be arranged to discuss appropriate needs and that there has been some initial analysis of the child's educational needs; and
  - 74.4 ensure that the PEP gives details of who will take the plan forward, specifies timescales for action and review and identifies sources of funding for implementing the PEP.
75. To ensure that the PEP fully meets the education needs of looked after children and helps them to achieve their full potential, social workers, designated teachers, carers and other relevant professionals will need to work closely together. The designated teacher leads on how the PEP is used as a tool in school to make sure the child's progress towards education targets is monitored. All of those involved in the process should:
- 75.1 involve the child (according to understanding and ability), the child's parent and/or relevant family member;
  - 75.2 use the PEP as a tool to support the personalised learning of the child, reflecting his/her educational needs, views and educational ambitions, such as a wish to go on to higher education;
  - 75.3 ensure that the PEP sets clear objectives or targets which relate to academic achievement and out of school activities learning activities/ study support as well as other personal and, if appropriate, behavioural targets.

- 75.4 ensure that all stakeholders in the PEP receive a copy of the document following a review.
76. Effective and high quality PEPs should:
- 76.1 be a comprehensive and enduring record of the child's experience, progress and achievement (academic and otherwise);
  - 76.2 be linked to information in other education plans, including a statement of special educational needs and IEPs;
  - 76.3 identify developmental and educational needs (short and long term) in relation to skills, knowledge, subject areas and experiences;
  - 76.4 set short term targets, including progress monitoring against each of the areas identified against development and educational needs;
  - 76.5 set long term plans and educational targets and aspirations (e.g. in relation to public examinations, further and higher education, work experience and career plans and aspirations).
  - 76.6 document identified actions for specific individuals intended to support the achievement of agreed targets;
  - 76.7 identify whether the child is eligible for a PEA and if so how the allowance will be used to support the targets set in the PEP; and
  - 76.8 highlight access to one-to-one tuition and how this will make/has made a difference to achievement levels.

The range of education and development needs that should be covered in a PEP includes:

- Access to a nursery or other high quality early years provision where appropriate to the child's age (e.g. playgroups)
- On-going catch-up support for those who have fallen behind with school work (including use of one-to-one tuition) and through the use of PEAs
- Provision of suitable education where a child is not in school, e.g. because of temporary or permanent exclusion
- Transition support needs and integration when children begin to attend a new school or return to school (e.g. following illness or exclusion)
- Out of school hours learning activities /study support and leisure interests
- School attendance and, where appropriate, behaviour support
- The necessary level of support to help the child to achieve well at each National Curriculum Key Stage, particularly in completing an appropriate range of approved qualifications
- Support needed to achieve long term aspirations for further and higher education, training and employment

### Implementing the PEP

77. Social workers, carers and school staff should ensure that the actions and activities recorded in the PEP to meet the educational needs of the looked after child, wherever they are placed, are acted on by:

- 77.1 working in a joined-up way with other appropriate education professionals (e.g. looked after children education team, the virtual school for looked after children, education psychologist) at local authority level and with other relevant persons and agencies (e.g. the Child and Adolescent Mental Health Services);
- 77.2 ensuring that there is no delay in implementing actions agreed in the PEP, such as access to out of school learning opportunities or providing help for a child to catch up with school work; and
- 77.3 ensuring any actions regarding the spending of the PEA are taken promptly.

### Reviewing the PEP

78. The PEP should be an active document and should evolve as part of the Care Plan throughout the period for which the child is looked after. It should be reviewed at the statutory intervals at a meeting of all involved in the child's education. The social worker with responsibility for the child should:

- 78.1 not take significant decisions about a looked after child's education without reviewing the PEP in consultation with the child, his/her school and other local authority staff with responsibility for the education of looked after children (such as the looked after children education team and/or the virtual school for looked after children);
- 78.2 ensure that the PEP is formally reviewed and that its effectiveness is scrutinised as part of the statutory review of the Care Plan (i.e. after 20 working days, 3 months, 6 months, and 6 monthly intervals thereafter, and at other times if necessary);
- 78.3 ensure, where a child has a statement of special educational needs, that the PEP review is linked with the annual review of the statement;
- 78.4 ensure that all relevant information about the child's educational progress and support needs is up-to-date and recorded on part 1 of the Review Record before the statutory review meeting;
- 78.5 act on any changes required to meet the child's education needs identified by the IRO in part 2 of the Review Record; and
- 78.6 alert the IRO to any significant changes to the child's PEP such as the breakdown or change of an education placement.

### Personal Education Allowance ("PEA")

- 79. The PEA for eligible looked after children should be used to prevent them falling behind their peers in their education, or helping them to catch up if they have already fallen behind. It should help ensure they are making expected levels of progress and promote improved outcomes and life chances and support them to reach their potential.
- 80. The PEA should not be used to replace any services that schools, local authorities and carers already provide. It should be directed towards buying non-school support for learning such as home-tutoring, music lessons (or

similar) or for out of school activities that support learning linked to the assessed needs of the young person as identified in their PEP.

81. Use of the PEA must be agreed at a PEP meeting and the child must be fully involved, in agreement with any decisions made and sign the application form to confirm their consent.
82. In order for there to be maximum impact of PEAs across the authority, applications for spending should be made to and approved by a single co-ordinating official, usually the VSH or other appropriate senior manager.
83. The PEA should be monitored as part of each regular Care Plan and PEP review.

### **Supporting the educational achievements of young people leaving care**

84. The duty extends to young people preparing to leave care. In this context, where they are continuing their education in school, college and university settings, local authorities must properly discharge their duties under sections 23A to 24D of the 1989 Act and associated Regulations and statutory guidance to improve the life chances of looked after children leaving care.
85. Local authorities should ensure that:
  - 85.1 the PEP is maintained as part of the preparation and review of the Pathway Plan and builds on the young person's educational progress;
  - 85.2 the Pathway Plan includes details about how support for the young person will be offered to maintain him or her in further and higher education or other training environment;
  - 85.3 each Pathway Plan review considers the young person's progress in education or training so that he or she is able to access all the necessary services to prepare for training, further or higher education or employment;
  - 85.4 links are made with Further Education ("FE") Colleges and Higher Education ("HE") Institutions and that care leavers are supported to

identify FE/HE establishments which have mechanisms to promote the inclusion and progress of looked after children/care leavers; and

- 85.5 each eligible care leaver receives a bursary of £2,000, in addition to any existing support provided under the Children (Leaving Care) Act 2000 when going on to study a HE course and that arrangements for the payment of the bursary are agreed by the young person.

### Special Educational Needs (“SEN”)

86. Looked after children are nine times more likely to have a statement of special educational needs than the general pupil population. The majority of looked after children will have identified special educational needs, and it is important that all children with SEN receive the educational provision which meets their needs. However for looked after children, many of whom will have had difficult and unstable home and school lives before coming into care, it is imperative that their needs are quickly and efficiently assessed and provided for so that the effects of any instability on their education is reduced to a minimum. Teachers, carers, social workers and other professionals should use the standard school and local authority assessments to identify any special needs and take steps to address such needs effectively.
87. Where it is agreed that the child’s needs exceed those normally addressed in mainstream education provision an application for statutory assessment under the Education Act 1996 for a Statement of Special Educational Needs may be made. The authority which carries out that assessment is determined by section 321(3) of the Education Act 1996. This means that the SEN assessment should be carried out by the authority where the child lives. This may not be the same authority to which the child “belongs”. In most cases a looked after child will be living with foster parent or in a children’s home. If that is where they are ordinarily resident then it is for the authority where they are resident to carry out the SEN assessment. The local authority School Educational Psychologist has statutory duties associated with the identification and assessment of SEN.

### Belonging Regulations

88. The “Belonging Regulations”<sup>20</sup> were amended in 2009<sup>21</sup> so that it is now clear that they do not determine responsibility for who makes and

20 The Education (Areas to which Pupils and Students Belong) Regulations 1996.

21 See the Education (Areas to which Pupils and Students Belong) (Amendment) (England) Regulations 2009.

maintains a statement of SEN (see above). Therefore where a child has been placed out-of-authority, and a statement of SEN has been agreed, the Belonging Regulations determine to which authority the child “belongs” for the purposes of financial recoupment (further information can be found in the document *Guidance on Looked After Children with Special Educational Needs placed out of authority* – see Appendix 1).

## Supporting schools

89. To implement the duty effectively local authorities should work closely with schools. To this end they should:
  - 89.1 ensure that schools in their authority and their governing bodies are aware of the duty and the key reasons why looked after children as a group underachieve in education;
  - 89.2 ensure that relevant members of staff in schools and school governors have access to this statutory guidance;
  - 89.3 ensure that schools understand the powerful role they can play in significantly improving the quality of life and the educational experiences of looked after children;
  - 89.4 provide schools and designated teachers with specific information about individual looked after children on the school’s roll as well as teaching and learning strategies most likely to have a positive impact on looked after children’s ability to achieve;
  - 89.5 keep an up-to-date list of designated teachers in order to assist with their own internal communications and networking but also to assist other authorities which have placed children within the authority; and
  - 89.6 ensure, where a looked after child attends school, that the designated teacher is aware that the child is looked after and has an up-to-date copy of each child’s PEP on admission and after each statutory review of the Care Plan.
90. Local authorities should also:
  - 90.1 arrange suitable training for designated teachers covering all aspects of the care system, including advocacy, the impact of care upon

education, responsibilities under the Children Acts and associated Regulations, and the role of the school in relation to care planning and statutory reviews. Through training from the local authority and other providers, the designated teacher should receive information, advice and support and should keep up-to-date with initiatives and legislation. Training should, in particular, ensure that designated teachers;

90.1.1 are clear about how they can support social workers, foster carers and the child's birth parents to ensure that looked after children in their school receive the support they need;

90.1.2 understand their role as a resource for school governors, teachers and support staff in recognising and responding to the needs of looked after children. This might, for example, mean advocating for them, providing coaching for other staff on the needs and experiences of looked after children and monitoring their progress and performance; and

90.1.3 are able to develop and influence policies and the allocation of resources and offer advice which will promote good practice amongst colleagues.

91. Specifically in relation to school governing bodies, local authorities should ensure that the portfolio of training provided for school governors under section 22 of the Education Act 2002 includes the important role of schools and designated teachers in supporting the local authority in promoting the educational achievement of looked after children.

92. In addition local authorities should emphasise to governing bodies:

92.1 the importance of encouraging designated teachers to take up the training available through the local authority; and

92.2 the value of schools having an agreed policy on:

92.2.1 educational provision and support within the school for looked after children on their roll, regardless of whether they are looked after by the authority where the school is located; and



92.2.2 the school's role in taking a proactive approach in cooperating with and supporting local authorities with regard to the education of looked after children attending the school.

## **Effective information sharing**

93. To discharge their duty effectively in the context of sharing information, local authorities should:
- 93.1 within the overall context of statutory guidance<sup>22</sup> on information sharing arrangements which apply under sections 10, 11 and 12 of the 2004 Act, ensure that appropriate and specific arrangements are in place for sharing reliable data so that children's services departments in local authorities, schools and other agencies can fulfil their responsibilities to meet the educational needs of looked after children;
  - 93.2 establish and maintain a protocol for sharing relevant information about care placements and education throughout the Children's Trust partnership and through inter-authority arrangements. The protocol should set out:
    - 93.2.1 who has access to what information and how the security of data will be ensured;
    - 93.2.2 how children and parents are informed of, and allowed to challenge, information that is kept about them;
    - 93.2.3 how carers contribute to and receive information;
    - 93.2.4 mechanisms for sharing information between relevant local authority departments and schools; and
    - 93.2.5 how relevant information about individual children is passed promptly between authorities, departments and schools when young people move. Relevant information includes the PEP which, as part of the looked after child's educational record, should be transferred with him/her to the new school.

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<sup>22</sup> See the suite of guidance documents within <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00340/>

## Out-of-authority placements

94. The duty applies to all the authority's looked after children, wherever they are placed. Children living in a different authority area – especially those who are placed a long way from home – may be especially vulnerable. The authority should therefore take particular care to ensure that this guidance is followed for all its looked after children who are placed out-of-authority.
95. In particular, the authority should ensure that the identified educational needs of any child placed in another authority area will be effectively met in the proposed placement **before it is agreed**. This will involve formal notification of, and discussion with, all relevant bodies, including in particular the children's services authority and Primary Care Trust where the child would be living.
96. For children placed in a different authority area it is particularly important that:
- 96.1 wherever possible, they have an opportunity to visit both their care placement and their educational placement before they move;
  - 96.2 contact arrangements are regularly monitored and reviewed; and
  - 96.3 social worker visits are regular and planned.

## Supporting looked after children who are in custody

97. Children subject to care orders who offend and receive custodial sentences remain looked after. Therefore, the authority has a continuing responsibility to review their PEP as part of the Care Plan and to ensure the child's access to education and training is consistent with their statutory entitlements.
98. In these cases local authorities should:
- 98.1 have procedures in place to know where these young people are placed and how long they are likely to be held;
  - 98.2 have access to information about the child's educational progress;
  - 98.3 plan ahead for suitable educational or training placements wherever the authority responsible for the child's care arranges for the child to live following release from custody; and

- 98.4 work with their Local Authority Secure Children's Home ("LASCH")/ Secure Training Centre ("STC")/Youth Offending Institution ("YOI"), in partnership with the Youth Offending Team ("YOT") supervising officer, to:
- 98.4.1 ensure information on a child's education and training needs is passed to the STC/LASCH or YOI;
  - 98.4.2 ensure that the learning needs of the individual are being met;
  - 98.4.3 continue care planning reviews which facilitate access to education while the young person is detained; and
  - 98.4.4 ensure there is proper planning to maintain the continuity of education and/or training experience once the young person is released from custody.
99. Where a young person who has previously been "accommodated" under section 20 of the 1989 Act is subsequently detained in custody, he/she does not remain looked after. However, he/she may need to resume his/her looked after status on release or, depending on his/her age, he/she may be a "relevant" care leaver. Prior to release, the authority that will be responsible for the child's future care, along with the assigned YOT, should:
- 99.1 make arrangements with the LASCH/STC/YOI to ensure that the child's needs have been re-assessed to inform arrangements for his/her future accommodation and care; and
  - 99.2 ensure that the assessment includes up to date information about the child's educational needs so that the PEP can be revised as part of the new Care/Pathway Plan.
100. The ASCL placed new duties on local authorities towards children and young people detained in youth custody. The ASCL amended the Education Act 1996 and the new Section 562B places a duty on a person's "home" local authority (which will usually be the authority in whose area the person ordinarily resides) to take steps to promote the fulfilment of the person's learning potential whilst he or she is in custody and on release. This new duty on 'home' local authorities will not apply towards young people who remain or become 'looked after' in custody' (for instance, those subject to care orders or those who are remanded by the court to LA secure accommodation), as the existing duty to promote the educational achievement of the looked after child under section 52 of the 2004 Act will

already apply (see above). The new duties towards young people detained in youth custody introduced by the ASCL are planned to commence in a phased roll-out from September 2010 and separate statutory guidance will be issued for local authorities prior to this.

### **Children subject to secure accommodation orders**

101. Where a looked after child is placed in secure accommodation for his/her own welfare (section 25 of the 1989 Act) local authorities should liaise directly with the secure unit to ensure that they meet their statutory responsibilities to promote the educational achievement of the child.

### **Training, development and support for carers and local authority staff**

102. Foster carers and residential social workers should provide looked after children and young people with the stability and support they need. In the context of education, training and support for this group, local authorities should ensure that:
- 102.1 carers understand that supporting looked after children to attend school regularly and succeed in education is one of their primary tasks;
  - 102.2 carers and, where appropriate, parents are fully involved in educational planning;
  - 102.3 carers are consulted to establish what their needs are in supporting the educational success of the children and young people for whom they care;
  - 102.4 carers, along with the child's parents, have a clear understanding of the local authority's educational aspirations for the child and of the child's own aspirations;
  - 102.5 they are a source of regular support and encouragement to carers in encouraging the child's success in and out of school;
  - 102.6 staff involved in front-line delivery of social services, education and health functions understand the authority's corporate identity as a children's services authority. Part of this is an understanding of how

social care, education and health issues interact, how staff need to co-operate to deliver better services, and how the law and local procedures apply to looked after children in relation to special educational needs, choosing schools, school admissions, attendance and exclusions;

102.7 social workers and carers acknowledge and act on the need to share in celebrating the child's achievements; and

102.8 there is appropriate recruitment, training and support for primary carers and social workers to help them provide the necessary educational support to the looked after children for whom they care. Training should ensure that primary carers and social workers know how to access services, including those for early years education. They should also be trained to be effective advocates in dealing with school admissions, issues arising from behavioural problems and school discipline, and school exclusions.

# Appendix 1

## Related Guidance and Other Useful Publications

In addition to guidance already mentioned in section 9 of this document, a range of statutory and non-statutory guidance documents, published or in preparation, will be relevant to supporting the *Every Child Matters* agenda and the implementation of the duty on local authorities to promote the educational achievement of looked after children.

### Statutory Guidance

#### **The role and responsibilities of the designated teacher for looked after children: Statutory guidance for school governing bodies**

This statutory guidance sets out the duty on the school governing body in relation to the role and responsibilities of the designated teacher for looked after children.

This document is available at:

<http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/childrenincare/educationalachievement/educationalachievement/>

#### ***School Admissions Code***

#### ***School Admission Appeals Code***

These documents are available at [www.dcsf.gov.uk/sacode](http://www.dcsf.gov.uk/sacode)

#### ***Making Arrangements to Safeguard and Promote the Welfare of Children (DfES 2005) (revised DCSF 2007)***

Section 11 of the Children Act 2004 places a duty on a range of public sector bodies to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. The aim of the duty is to evaluate the priority given to safeguarding and promoting the welfare of children by those organisations and encourage them to

incorporate this in their objectives and priorities, thus improving safeguards for all children, particularly the most vulnerable.

This document is available at:

<http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00042/>

***Safeguarding children and safer recruitment in education – statutory guidance (DCSF Nov 2006)***

This guidance sets out the responsibilities of all local authorities, schools and further Education (FE) colleges in England to safeguard and promote the welfare of children and young people.

This document is available at:

<http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/safeguarding/>

***Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units (DfES 2008)***

Paragraphs 77-83 in particular refer to matters to take into account when schools consider excluding looked after children from school.

This document is available at [www.teachernet.gov.uk/exclusion](http://www.teachernet.gov.uk/exclusion)

***Special Educational Needs Code of Practice (DfES November 2001)***

This document provides practical advice to local authorities and maintained schools, early education settings and others on carrying out their statutory duties to identify, assess and make provision for children with special educational needs.

This document is available at:

[www.teachernet.gov.uk/wholeschool/sen/sencodeintro/](http://www.teachernet.gov.uk/wholeschool/sen/sencodeintro/)

***Statutory Guidance on Promoting the Health of Looked After Children (DH/DCSF November 2009)***

This guidance sets out a framework for the delivery of services from health agencies and others with responsibilities for promoting the health of looked after children.

This document is available at:

<http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/childrenincare/healthycare/healthycare/>

## Non-statutory Guidance specific to Looked After Children

### ***Supporting Looked After Learners: A Practical Guide for School Governors (DfES 2005 )***

This guide and “key questions” resource identifies the main challenges and actions that need to be taken by school governing bodies in order to provide better support for and to raise the educational achievement of looked after children.

This document will be available at: [www.governornet.co.uk](http://www.governornet.co.uk)

### ***Taking Part: making out-of-school-hours learning happen for children in care (ContinYou 2005)***

This pack is designed to assist local authorities, working in partnership with others, in making study support/out-of-school-learning an integral part of raising the achievement of looked after children.

This document is available from ContinYou: ([www.continyou.org.uk](http://www.continyou.org.uk))

### ***Healthy Care Programme Handbook (DfES/National Children’s Board 2005)***

This handbook provides a set of tools and resources to assist partnerships carry out audits of services, devise action plans and evidence their progress. It includes case studies and examples of healthy care work from 13 pilot local authorities.

This document is available at: <http://www.ncb.org.uk/healthycare>

### ***Guidance on Looked After Children with Special Educational Needs placed out of authority (DCSF January 2010)***

This document outlines LAs’ responsibilities for meeting the special educational needs of looked after children who are placed out-of-authority, and explains how these responsibilities operate.

This document is available at: <http://www.teachernet.gov.uk/wholeschool/sen/>

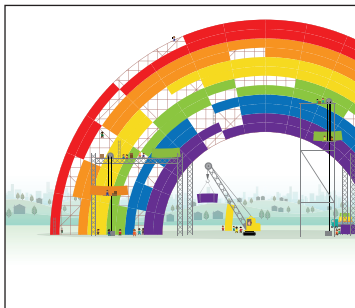


## Other Useful Documents

### ***Looked After and Learning – Evaluation of the Virtual School Head Pilot***

Identifying and understanding the impact of the role of the virtual school head in 11 pilot local authorities in improving the educational achievement of looked after children.

This document is available at: <http://www.dcsf.gov.uk/research/programmeofresearch/projectinformation.cfm?projectid=15448&resultspage=1>



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