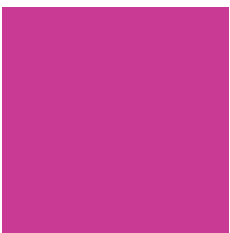





Statutory guidance on the duty on local authorities to promote the educational achievement of looked after children under section 52 of the Children Act 2004



Every Child Matters
Change For Children

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Introduction



Legislative provisions

1. Looked after children¹ 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 2004 places a duty on local authorities to promote the educational achievement of looked after children (“the duty”).

3. Under section 22(3)(a) of the Children

Act 1989, as amended by section 52 of the Children Act 2004, 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. 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.**

Status and scope of this guidance

4. 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.

5. The Government expects schools to take a proactive approach to co-operating with and supporting local authorities in discharging this duty.

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



6. This guidance:

6.1. is issued under section 7 of the Local Authority Social Services Act 1970, which means that it must be followed by local authorities unless there are exceptional circumstances that justify departing from it;

6.2. supersedes and replaces 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;

6.3. applies to all children looked after by the local authority as defined in the Children Act 1989, including those living out-of-authority.

7. The terms “child” and “children” include young people where appropriate.

8. 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. Further information on practice can be found on the looked after children Education Protects website at www.dfes.gov.uk/educationprotects.

Associated guidance

9. 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 Children Act 2004 which is particularly relevant includes:

9.1. *The roles and responsibilities of the Director of Children’s Services and the Lead Member for Children’s Services* (sections 18 and 19 of the Children Act 2004);

9.2. *Inter-agency co-operation to improve the wellbeing of children: children's trusts*, which describes the duties on local authorities and other key partners to co-operate to improve the wellbeing of children and young people, sets out the features of co-operation through children's trusts and provides a strategic framework within which all children's services in an area will co-operate (section 10 of the Children Act 2004);

9.3. *Children and Young People's Plan*, which requires local authorities (except those local authorities exempted by virtue of an "excellent" CPA rating) to work with partners to publish a strategic plan describing the actions and provisions by which they will achieve the five outcomes for children and young people.

10. 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

11. When a child becomes looked after – either on a short-term or long-term basis – it is the duty of the Children's Services Authority (CSA)², 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.

12. 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.

13. The Social Exclusion Unit's report *A Better Education for Children in Care* identified five key reasons why looked after children underachieve in education:

² Section 65 of the Children Act 2004 defines a Children's Services Authority (CSA) in England as: a county council in England; a metropolitan district council; a non-metropolitan district council for an area where there is no county council; a London borough council; the Common Council of the City of London and the Council of the Isles of Scilly.

- their lives are characterised by instability;
- 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.

14. 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

15. The measures of a local authority's success in promoting the educational achievement of looked after children are:

15.1. looked after children at every age achieve educational outcomes comparable to their peers;

15.2. strategic planning and day-to-day processes throughout the local authority demonstrate robust procedures and a culture of proactive commitment to secure the highest educational outcomes for looked after children;

15.3. looked after children are encouraged to have high expectations of themselves and to achieve their full potential;

15.4. training, development and support for carers and local authority staff ensure that they understand the needs of looked after children.

Strategic Planning and Accountability



Children and Young People's Plan

16. The Children Act 2004 places a duty on children's services authorities to prepare and publish a Children and Young People's Plan. The plan should address the specific need to make steady and significant improvements in the achievements of children looked after by the local authority. It should:

16.1. include outcome measures which contribute to any national target to improve the educational achievement of looked after children (regardless of where they are placed) and narrow the gap between their achievements and those of other children;

16.2. ensure that needs assessments are carried out in full consultation with all relevant partners, and are fine-grained enough to look at outcomes for looked after children;

16.3. show what actions will be taken by the local authority and partners working through the children's trusts to provide tailored packages of services to support the educational achievement of looked

after children; and

16.4. demonstrate how the deployment of resources will support those actions.

17. Local authorities categorised as excellent under Comprehensive Performance Assessment (CPA) will not be required to have a CYPP, although they may choose to do so. We are confident that excellent authorities will be particularly conscious of the need to ensure that forward planning for their own children's services and their arrangements to secure co-operation with partners reflect the needs of looked after children.

The role of Directors of Children's Services and Lead Member

18. In England, Directors of Children's Services (DCS) and Lead Members for Children's Services (LM) will be, 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.



19. A vital leadership task of the DCS and Lead Member is to take lead responsibility for improving educational outcomes for looked after children. They should:

19.1. focus relentlessly on narrowing the gap in educational achievement between looked after children and their peers by improving the stability of their lives;

19.2. ensure that the systems and structures enable looked after children to be supported so that they achieve their full potential;

19.3. 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;

19.4. ensure that there is awareness of the duty in every tier of the authority management structure. This should be set out in a policy endorsed by the local authority executive, or where appropriate full council, signalling authority-wide ownership;

19.5. ensure that there are agreed procedures and protocols in place to support a shared understanding of the local authority's role as corporate parent in meeting the best educational interests of looked after children, wherever they are placed; and

19.6. ensure that the wider services developed for looked after children through the children's trust take full account of the duty to promote their educational achievement as an integral part of their well-being.

20. The Lead Member for Children's Services should in particular take account of the guidance document *If this were my child...A councillor's guide to being a good corporate parent*. It is especially important that the Lead Member, alongside other councillors, ensures that the local authority acts as the corporate parent for all its 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.

21. In authorities with executive arrangements, the Lead Member 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 Lead Member, 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.

22. Most authorities should have a Director of Children's Services and a Lead Member in place by 2006, and all by 2008. Where a Director of Children's Services and Lead Member are not yet in place, the Director with social services functions along with the Director of Education will have key roles in ensuring that the duty to promote the educational achievement of looked after children is implemented.

23. The DCS should ensure there are structures in place through which any differences of opinion within the local authority about how best to secure the child's educational needs are carefully managed and resolved in his or her best interests.

The role of Independent Reviewing Officers (IROs)

24. There may be occasions when different departments within a local authority have potentially conflicting priorities, e.g. in relation to school admission or the making of a statement of special educational needs. Independent Reviewing Officers (IROs), who are responsible for monitoring the local authority's function as a corporate parent in respect of the statutory review of a child's Care Plan, have a key role in ensuring that the decisions agreed as being necessary to meet the child's needs are implemented. The IRO may also make recommendations as to how these should best be implemented.

The inspection framework

Joint Area Reviews (JARs)

25. The Children Act 2004 provides for joint inspection of all children's services in an area. The joint area review (JAR) reports on how far services, including education, are working effectively together to secure positive outcomes for all children.

Particular attention is given to joint action by local services on behalf of children and young people who are vulnerable to poor outcomes. One group which will be covered in detail in every review will be children looked after by the local authority.

26. JARs draw on annual performance assessments of the local authority's children's services. Annual performance assessments assess the local authority's specific contribution through its education and social care functions.

27. One key judgement in JARs is whether looked after children are supported in achieving educationally. Examples of evidence include that:

27.1. looked after children have an effective personal education plan which is implemented, and support is given to ensure that they participate in education and achieve to their potential;

27.2. action is taken to maximise the school attendance, and avoid the exclusion from school, of looked after children; and

27.3. the educational achievement, school attendance and cultural experiences of looked after children are monitored on an individual basis, and collectively in reports to senior officers and elected members, and action is taken to address the findings.

28. Judgements are also made in relation to how looked after children are helped to achieve economic well-being, through being prepared for leaving care and supported afterwards. Evidence includes ensuring that they all have Pathway Plans and personal and welfare support, and that they are encouraged and supported to engage in further and higher education, employment and training.

School inspection

29. JARs take account of provision for looked after children in schools. School inspection will now consider how far education provided meets the needs of a range of pupils at those schools, including giving specific attention to how far the needs of looked after children on a school's roll are met.

Effective Implementation of the Duty – What it Means Day-to-Day



Supporting educational achievement and aspirations

30. 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.

31. This means:

31.1. taking account of the child's views in identifying and meeting his/her educational needs;

31.2. 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;

31.3. ensuring that all looked after children of compulsory school age have an effective and high quality Personal Education Plan (PEP). See paragraphs 42-52;

31.4. ensuring that in partnership with relevant educational professionals there

is a robust assessment of the child's learning styles;

31.5. drawing up a pre-school PEP which considers suitable educational opportunities for under 5s;

31.6. 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;

31.7. mediating on behalf of a looked after child when he or she faces problems at school;

31.8. 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.



32. Supporting educational achievement and aspirations of looked after children also means:

32.1. giving foster carers maximum support to take advantage of a pre-school place where identified in the Care Plan;

32.2. 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;

32.3. 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; and

32.4. 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.

Securing appropriate education

33. 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.

34. 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.

35. Where it is not possible to maintain an existing educational placement, this means:

35.1. 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

35.2. 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.

36. 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.

37. In arranging a school placement the child’s social worker should:

37.1. 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;

37.2. 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

38. Under section 106 of the Education Act 2005 the Government intends to make regulations requiring the admission authorities of maintained schools, with some limited exceptions, to give priority to looked after children in preference to other children in the over-subscription criteria in their admission arrangements.

39. Local authorities should actively support their looked after children, wherever they are placed, by:

39.1. 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 School Admissions Code of Practice³;

39.2. assisting Admission Forums by giving them information regarding the likely demand for places from looked after children based on past data;

39.3. providing Admission Forums with advice on the particular difficulties that looked after children face, especially when they arrive from another area; and

39.4. working with oversubscribed schools through Admission Forums to

³Information about school admissions is at www.dfes.gov.uk/sacode.

agree arrangements to admit some looked after children above the admission number during the year.

40. Social workers, supported by their managers, should be proactive in:

40.1. finding and maintaining a suitable full-time school place for looked after children (or supporting carers to do this on their behalf);

40.2. appealing, or providing resources and support to enable carers to appeal, against an adverse admissions decision, where appropriate;

40.3. 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;⁴

40.4. asking the relevant local authority to provide the child with appropriate education while he/she waits for a school place.

School exclusions

41. 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. Local authorities, alongside head teachers and teachers in charge of Pupil Referral Units, governing bodies and

Independent Appeals Panels, must have regard to statutory guidance *Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units* (see Appendix 1 for further details).

Ensuring that all looked after children have an effective, high quality Personal Education Plan (PEP)

Initiating the PEP process

42. 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 (ICS) 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.

43. 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 14 days.

44. A 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 and Individual Education Plan (IEP). The PEP should reflect the importance of a personalised approach to learning which secures good basic skills, stretches aspirations and builds life chances.

⁴ 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.

45. Wherever the child is placed, his/her social worker, supported by his/her managers, should take the lead to:

45.1. initiate a PEP, as part of the Care Plan, even where a looked after child or young person is without a school place;

45.2. ensure that where a child is placed in an emergency the PEP is initiated within 14 working days of his/her becoming looked after, wherever he/she is placed;

45.3. 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 (the 28 day review); and

45.4. 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.

46. Initiating a PEP means that social workers are responsible for getting the PEP process underway, in conjunction with relevant educational professionals. It does not mean that social workers are expected to develop the educational content of the PEP without involving appropriate education professionals from schools and other agencies.

47. Information about PEPs, including exemplar templates, can be found on the Education Protects website at www.dfes.gov.uk/educationprotects

Developing the PEP – the process

48. To ensure that the PEP fully meets the education needs of looked after children and helps them to achieve their full potential, social workers should:

48.1. involve the child (according to understanding and ability), the child's parent and/or relevant family member or carer;

48.2. 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;

48.3. work in partnership with designated teachers, other education professionals and carers to 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.

⁵ All schools should have a designated teacher for looked after children to act as a resource for the child, carers, parents, social workers, other teachers and school governors and support staff.

PEP content

49. Effective and high quality PEPs should:

49.1. be an achievement record (academic and otherwise);

49.2. be linked to information in other education plans, including a statement of special educational needs and IEPs;

49.3. identify developmental and educational needs (short and long term) in relation to skills, knowledge, subject areas and experiences;

49.4. set short term targets, including progress monitoring against each of the areas identified against development and educational needs; and

49.5. 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).

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

- Accessing 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
- Providing 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

50. Social workers 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:

50.1. working in a joined-up way with appropriate education professionals (e.g. looked after children education team, education psychologist) at local authority level and with other relevant persons and agencies (e.g. CAMHS);

50.2. working closely with schools and, in particular, designated teachers; and

50.3. 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.

Reviewing PEP milestones and actions

51. The PEP remains active and should evolve as part of the Care Plan throughout the period for which the child is looked after. The social worker with responsibility for the child should:

51.1. not take significant decisions about a looked after child's education without reviewing the PEP in consultation with the child and his/her school;

51.2. 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. within 28 days, 3 months, 6 months, and 6

monthly intervals thereafter, and at other times if necessary);

51.3. where a child has a statement of special educational needs ensure that the PEP review is linked with the annual review of the statement; and

51.4. 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.

52. The child's social worker should also:

52.1. involve the child's carers and, where appropriate, his/her birth parents;

52.2. ensure that relevant education professionals, including designated teachers, contribute to the PEP review;

52.3. act on any changes required to meet the child's education needs identified by the Independent Reviewing Officer in part 2 of the Review Record; and

52.4. alert the Independent Reviewing Officer to any significant changes to the child's PEP such as the breakdown or change of an education placement.

Supporting the educational achievements of young people leaving care

53. 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 Children Act 1989 and associated Regulations and statutory guidance to improve the life chances of looked after children leaving care.

54. Local authorities should ensure that:

54.1. the PEP is maintained as part of the preparation and review of the Pathway Plan and builds on the young person's educational progress;

54.2. 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; and

54.3. 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.

Actively supporting schools and raising their awareness about the needs of looked after children

55. To implement the duty effectively local authorities should work closely with schools. To this end they should:

55.1. 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;

55.2. ensure that relevant members of staff in schools and school governors have access to this statutory guidance;

55.3. 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;

55.4. make schools and governing bodies aware of the role designated teachers play in understanding the impact of care upon education;

55.5. 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

55.6. 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.

56. Local authorities should also:

56.1. 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. Training should, in particular, ensure that designated teachers:

56.1.1. 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;

56.1.2. 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.

57. 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.

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

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

58.2. the value of schools having an agreed policy on:

58.2.1. 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

58.2.2. 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.

Sharing information effectively through inter-agency and inter-authority co-operation

59. To discharge their duty effectively in the context of sharing information, local authorities should:

59.1. within the overall context of statutory guidance on information sharing arrangements which apply under sections 10, 11 and 12 of the Children Act 2004, ensure that appropriate and specific arrangements are in place for sharing reliable data so that education and social services departments in local authorities, schools and other agencies can fulfil their responsibilities to meet the educational needs of looked after children;

59.2. establish and maintain a protocol for sharing relevant information about care placements and education through children's trust and inter-authority arrangements. The protocol should set out:

59.2.1. who has access to what information and how the security of data will be ensured;

59.2.2. how children and parents are informed of, and allowed to

challenge, information that is kept about them;

59.2.3. how carers contribute to and receive information; and

59.2.4. mechanisms for sharing information between relevant local authority departments and schools; and

59.3. ensure that 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 record⁶ – should be transferred with him/her to the new school.

Implications for out-of-authority placements

60. 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.

61. 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 (PCT) where the child would be living.

62. For children placed in a different authority area it is particularly important that:

62.1. wherever possible, they have an opportunity to visit both their care placement and their educational placement before they move;

62.2. contact arrangements are regularly monitored and reviewed; and

62.3. social worker visits are regular and planned.

Supporting looked after children who are in custody

63. 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.

64. In these cases local authorities should:

64.1. have procedures in place to know where these young people are placed and how long they are likely to be held;

64.2. have access to information about the child’s educational progress;

⁶Section 3(4) of The Education (Pupil Information) (England) Regulations 2004.

64.3. 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

64.4. 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:

64.4.1. ensure information on a child's education and training needs is passed to the STC/LASCH or YOI;

64.4.2. ensure that the learning needs of the individual are being met;

64.4.3. continue care planning reviews which facilitate access to education while the young person is detained; and

64.4.4. ensure there is proper planning to maintain the continuity of education and/or training experience once the young person is released from custody.

65. Where a young person who has previously been "accommodated" under section 20 of the Children Act 1989 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 "relevant" a care leaver. Prior to release, the authority that will be responsible for the child's

future care, along with the assigned Youth Offending Team, should:

65.1. 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

65.2. 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.

Children subject to secure accommodation orders

66. Where a looked after child is placed in secure accommodation for his/her own welfare (section 25 of the Children Act 1989) 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.

Providing training, development and support for carers and local authority staff

67. 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 training and support for this group, local authorities should ensure that:

67.1. carers understand that supporting looked after children to attend school regularly and succeed in education is one of their primary tasks;

67.2. carers and, where appropriate, parents are fully involved in educational planning;

67.3. carers are consulted to establish what their needs are in supporting the educational success of the children and young people for whom they care;

67.4. 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;

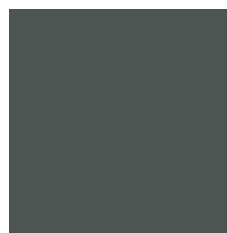
67.5. they are a source of regular support and encouragement to carers in encouraging the child's success in and out of school;

67.6. 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 services, 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;

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

67.8. 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

School Admissions Code of Practice

School Admission Appeals Code of Practice

These documents are available at www.dfes.gov.uk/sacode

Making Arrangements to Safeguard and Promote the Welfare of Children (DfES 2005)

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 www.everychildmatters.gov.uk

Safeguarding children in education (DfES September 2004)

This guidance relates to the duty on local authorities, schools of all kinds and further education institutions to have arrangements for carrying out their functions with a view to safeguarding and promoting the welfare of children.

This document is available at www.everychildmatters.gov.uk

Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units (DfES 2004)



Paragraphs 51-53 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

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

Independent Reviewing Officers Guidance Adoption and Children Act 2002 (DfES 2004)

This guidance supports the Review of Children's Cases (Amendment) (England) Regulations 2004. These Regulations require all local authorities to have IROs in place to chair the statutory review meetings of all looked after children.

This document is available at www.dfes.gov.uk/adoption

The Children's Homes Regulations 2001 and Children's Homes National Minimum Standards (DH March 2002)

Fostering Services Regulations 2002 and Fostering Services National Minimum Standards (DH March 2002)

These Regulations and Standards set out National Minimum Standards for Children's Homes and Fostering Services, including standards which relate to the promotion of the educational achievement of looked after children.

These documents are available at www.csci.org.uk

Children (Leaving Care) Act 2000 Regulations and Guidance (DH 2001)

The main purpose of the Children (Leaving Care) Act 2000 is to improve the assessment, preparation and planning for leaving care; to provide better personal support for young people after leaving care; and to improve the financial arrangements for care leavers.

This document is available at www.dfes.gov.uk/educationprotects

EVERY CHILD MATTERS - Key Publications

An Overview of Cross Government Guidance (DfES 2005)

This short document provides an overview of and signposting to the individual guidance documents which have been produced to assist local partners in delivering the Change for Children programme.

Every Child Matters: Change for Children (HM Government 2004)

This document launches a national programme of change, *Every Child Matters: Change for Children*, setting out the action local areas will want to take to ensure that services meet the needs of children, young people and families and what Government will do to support local areas. Documents explaining what *Every Child Matters* means for schools, social care, health and the Criminal Justice System are also available.

These documents are available at www.everychildmatters.gov.uk

The Outcomes Framework

This document supports the five outcomes with underpinning aims. It links to national targets and other key indicators and makes clear that inspections will judge the extent to which services improve all five outcomes as they affect looked after children.

This document is available at www.everychildmatters.gov.uk

National Service Framework for Children Young People and Maternity Services (DH October 2004)

The National Service Framework for Children, Young People and Maternity Services (Children's National Service Framework) is a 10 year programme intended to stimulate long-term and sustained improvement in children's health and wellbeing.

This document is available at www.everychildmatters.gov.uk

Common Assessment Framework For Children And Young People: Guide For Service Managers And Practitioners (DfES March 2005)

The CAF will provide a common approach to needs assessment that can be used by the whole children's workforce, whether they are in universal or specialist services, for any child in need of support. The CAF aims to provide a non-bureaucratic "whole child" assessment, enabling the practitioner to make a decision about how far they themselves can meet the needs of the child and who else needs to be involved.

This document is available at www.everychildmatters.gov.uk

The Children's Workforce Strategy

This describes the action to be taken nationally and locally to ensure there are the skills, ways of working and capacity in the children's workforce to deliver change for children.

Further information on the Children's Workforce Strategy is available at www.everychildmatters.gov.uk

NON-STATUTORY GUIDANCE SPECIFIC TO LOOKED AFTER CHILDREN

Education of Children and Young People in Public Care (DfES/ DH May 2000)

This guidance is intended to bring the educational attainment of children and young people who are looked after by local authorities closer in line with that of their peers by assisting local authorities in their role as corporate parent. The Government intends to update this guidance in due course to take account of the statutory guidance under section 52 of the Children Act 2004.

This document is available at www.dfes.gov.uk/educationprotects

A Better Education for Children in Care (Social Exclusion Unit Report September 2003)

This report from the Social Exclusion Unit examined the barriers that prevent children in care achieving their educational potential and highlights specific areas of action for improving their education and life chances.

This document is available at www.socialexclusionunit.gov.uk

Who Does What: How Social Workers and Carers Can Support the Education of Looked After Children (DfES May 2005)

This guide and accompanying checklist

focuses on clarifying what tasks and responsibilities carers and social workers have in supporting the education of a looked after child.

This document is available at www.dfes.gov.uk/educationprotects

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

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)

Promoting the Health of Looked After Children (DH November 2002)

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
www.dfes.gov.uk/educationprotects

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>

Department for Education and Skills: Five-year Strategy for Children and Learners
(DfES July 2004)

This document summarises central government's plans for Early Years, Primary & Secondary Schools, 14-19 education and training, adult skills and higher education. It outlines the principles for the reforms and the expected outcomes. More information and copies of the strategy are available at
www.teachernet.gov.uk/5yearstrategy.

Higher Standards, Better Schools For All: More choice for parents and pupils (HM Government October 2005)

This document sets out the next stage of the Government's proposals for school reform. Copies are available from
www.dfes.gov.uk/publications/schoolswhitepaper/

You can download this publication or order copies online at
www.teachernet.gov.uk/publications

Search using ref: 2083-2005DOC-EN

You can also download this publication at www.everychildmatters.gov.uk

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Please quote ref: 2083-2005DOC-EN

ISBN: 1-84478-639-0

PPCHAR/ENG/1105/13

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Produced by the Department for Education and Skills

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education and skills
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