



Department
for Education

Promoting the education of looked- after children and previously looked- after children

Statutory guidance for local authorities

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Summary

About this guidance

This is statutory guidance from the Department for Education. It is issued under section 7 of the Local Authority Social Services Act 1970. This means that it **must** be followed unless there are exceptional circumstances that justify departing from it.

This guidance sets the framework through which local authorities discharge their statutory duty under 22(3A) of the Children Act 1989 to promote the educational achievement of looked-after children. That includes those children placed out of authority. The Children and Families Act 2014 amended section 22 of the Children Act 1989 to require every local authority in England to appoint an officer employed by the authority, or another authority, to make sure that its duty to promote the educational achievement of its looked-after children is properly discharged.

This guidance also sets the framework through which local authorities discharge their statutory duty under 23ZZA of the Children Act 1989 (added by section 4 of the Children and Social Work Act 2017) to promote the educational achievement of previously looked-after children. Local authorities are required to appoint an officer employed by the authority, or another authority, to make sure that its duty to promote their educational achievement is properly discharged.

For the purpose of this guidance the officer/s referred to above is hereafter referred to as the Virtual School Head or VSH.

This guidance replaces *Promoting the educational achievement of looked-after children* published in July 2014.

Expiry or review date

This guidance will next be reviewed in 2020 but will only be revised if it is no longer considered fit for purpose.

What legislation does this guidance refer to?

The Children Act 1989, as amended by the Children and Families Act 2014 and the Children and Social Work Act 2017.

The Care Planning, Placement and Case Review (England) Regulations 2010, as amended.

Who is this guidance for?

This guidance is for:

- Local authority officers (in particular Directors of Children's Services), VSHs, social workers, local authority post-adoption support teams, officers carrying out a local authority's function as a school admission authority, Special Educational Needs and Disability departments, Independent Reviewing Officers (IROs), personal advisers, care leaving services, and Lead Members for Children's Services.
- A brief description of these roles can be found in Annex 1.

Main points

- Looked-after and previously looked-after children start with the disadvantage of their pre-care experiences and, often, have special educational needs. VSHs have a key role to ensure these children have the maximum opportunity to reach their full educational potential - an important part of why this role was made statutory.
- For looked-after children, as their corporate parent, the VSH needs to be the educational advocate that parents are for others.
- For previously looked-after children, the VSH will be a source of advice and information to help their parents to advocate for them as effectively as possible. VSHs are not acting as the corporate parent in these circumstances, but are there to promote the educational achievement of these children through the provision of advice and information to relevant parties listed in [Previously looked after-children](#).

Looked-after children

- Local authorities have a duty under the Children Act 1989 to safeguard and promote the welfare of a child looked after¹ by them. This includes a specific duty to promote the child's educational achievement, wherever they live or are educated. The authority must, therefore, give particular attention to the educational implications of any decision about the welfare of those children.

¹ A child who is looked after by a local authority (referred to as a looked-after child) as defined in section 22 of the Children Act 1989 means a child who is subject to a care order (or an interim care order) or who is accommodated by the local authority.

- This duty also applies to ‘eligible’² children and to those who have been placed for adoption.
- The Children and Families Act 2014 amended the Children Act 1989 to require local authorities in England to appoint at least one person for the purpose of discharging the local authority’s duty to promote the educational achievement of its looked-after children, wherever they live or are educated. That person (the VSH) must be an officer employed by the authority or another local authority in England.
- Social workers, VSHs, IROs, school admission officers, and Special Educational Needs and Disability (SEND) departments should work together to ensure that, except in an emergency, appropriate education provision for a child is arranged at the same time as a care placement.
- All looked-after children should have a Personal Education Plan (PEP) which is part of the child’s care plan or detention placement plan. The broad areas of information that must be covered in the PEP are specified in Schedule 1 (paragraph 2) of the Care Planning, Placement and Case Review (England) Regulations 2010 as amended. The PEP must include the contact details of the VSH for the authority that looks after the child.

Previously looked-after children

- Local authorities have a duty under section 23ZZA of the Children Act 1989 (inserted by section 4 of the Children and Social Work Act 2017) to promote the educational achievement of previously looked-after children in their area by providing information and advice to:
 - any person that has parental responsibility for the child;
 - providers of funded early years education, designated teachers for previously looked-after children in maintained schools and academies, and
 - any other person the authority considers appropriate for promoting the educational achievement of relevant children.
- Previously looked-after children are those who:
 - are no longer looked after by a local authority in England and Wales (as defined by the Children Act 1989 or Part 6 of the Social Services and Well-being (Wales)

² An ‘eligible’ child is a child who is looked-after, aged 16 or 17 and has been looked after by a local authority for a period of 13 weeks or periods amounting in total to 13 weeks, which began after they reached 14 and ended after they reached 16.

Act 2014) because they are the subject of an adoption, special guardianship or child arrangements order; and

- were adopted from 'state care' outside England and Wales. 'State care' is care provided by a public authority, a religious organisation, or any other organisation whose sole or main purpose is to benefit society.
- The duty applies to children who are in early years provision (secured by the local authority under section 7(1) of the Childcare Act 2006) and continues
 - throughout the compulsory years of education where the child is in provision funded in part or in full by the state.
- VSHs are integral to ensuring that local authorities discharge their duty to provide suitable advice and information for the purpose of promoting the educational achievement of previously looked-after children. They can also undertake any activity they consider appropriate where that activity will promote the educational achievement of such children in their area.

The role of the VSH for looked-after children

1. Parents want their children to have the best start in life and to reach their full potential. As corporate parents, local authorities should have equally high aspirations for the children they look after.

2. As leaders responsible for ensuring that the local authority discharges its duty to promote the educational achievement of their looked-after children, Directors of Children's Services and Lead Members for Children's Services should ensure that:

- top priority is given to creating a culture of high educational aspirations and that the authority strives for accelerated progress and age-related attainment or better for looked-after children;
- looked-after children have access to a suitable range of high quality education placement options and that, when commissioning services for them, the authority takes account of the duty to promote their educational achievement;
- VSHs are in place and that they have the resources, time, training and support they need to discharge the duty effectively;
- VSHs have robust procedures in place to monitor the attendance and educational progress of the children their authority looks after; and
- the authority's Children in Care Council (CiCC) regularly considers the educational experiences as reported by looked-after children and is able to respond effectively to any issues.

3. The VSH should be the lead responsible officer for ensuring that arrangements are in place to improve the educational experiences and outcomes of the authority's looked-after children, including those placed out-of-authority.

4. VSHs should ensure the educational attainment and progress of children looked after by the local authority are monitored and evaluated as if those children attended a single school.

5. The VSH should ensure that there are effective systems in place to:

- maintain an up-to-date roll of its looked-after children who are in school or college settings, and gather information about their education placement, attendance and educational progress;
- ensure sufficient information about a child's mental health, SEN or disability is available to their education setting so that appropriate support can be provided;

- inform head teachers and designated teachers in schools if they have a child on roll who is looked-after by the VSH's local authority;
- ensure social workers, designated teachers and schools, carers and IROs understand their role and responsibilities in initiating, developing, reviewing and updating the child's PEP and how they help meet the needs identified in that PEP;
- ensure up-to-date, effective and high quality PEPs that focus on educational outcomes, and that all looked-after children, wherever they are placed, have such a PEP;
- avoid drift or delay in providing suitable educational provision, including special educational provision, and unplanned termination of educational arrangements through proactive, multi-agency co-operation. Where this requires negotiation with other authorities this should be completed in a timely manner and with the best interest of the child as paramount;
- ensure the educational achievement of children looked after by the authority is seen as a priority by everyone who has responsibilities for promoting their welfare; and
- report regularly on the attainment, progress and school attendance of looked-after children through the authority's corporate parenting structures.

Corporate Parenting and the VSH

6. In local authorities with a strong ethos of corporate parenting, the sense of vision and responsibility towards looked-after children and care leavers is a priority for everyone from the Chief Executive to front line staff. The Children and Social Work Act 2017 established seven fundamental needs (collectively known as the corporate parenting principles) to which the local authority must have regard when they are carrying out functions in relation to looked-after children and care leavers. VSHs will need to consider how to apply the seven principles set out below to their role. In particular, VSHs will want to work with social workers and others in the local authority to ensure principles e) and f) are central to the authority's ethos, and work with looked-after children.

- a) to act in the best interest and promote the physical and mental health and well-being of children and young people;
- b) to encourage children and young people to express their views, wishes and feelings;
- c) to take into account the views, wishes and feelings of children and young people;
- d) to help children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;

- e) to promote high aspirations and seek to secure the best outcomes for children and young people;
- f) for children and young people to be safe, and for stability in their home lives, relationships and education or work; and
- g) to prepare those children and young people for adulthood and independent living.

Supporting looked-after children

Giving the child a voice

7. The VSH should ensure that there are arrangements in place to:
- promote a culture that takes account of the child's views according to age and understanding, identifying and meeting their educational needs; and
 - help others, especially IROs, social workers, carers and schools to understand the importance of listening to and taking account of the child's wishes and feelings about education and the PEP process, and how the VSH can help facilitate that process.

Securing appropriate education

8. When a child becomes looked-after his or her local authority will arrange a suitable care placement. In doing so, the child's allocated social worker should do everything possible to minimise disruption to the child's education, whatever the child's age, and this should involve the VSH. Stability and continuity in education is important at all stages, but particularly so at key stage 4.³

9. If it is not possible to maintain the child's existing education placement, the child's new education placement should be arranged in consultation with the VSH at the same time as the care placement. **The VSH is responsible for supporting social workers to ensure timely provision of a suitable education placement for looked-after children.** Their views should be given appropriate weight as part of decisions on placement moves. There should also be appropriate consultation with the VSH in another local authority where out-of-authority placements are planned and made.

10. In the case of an emergency placement, the authority that looks after the child should secure a suitable new education placement within 20 school days.

11. In arranging a school placement, the child's social worker (working with the VSH and other local authority staff, where appropriate) should seek a school or other education setting that is best suited to the child's needs. That could be in a maintained school, academy or independent school, and those schools could be selective, non-selective,

³ The Care Planning, Placement and Case Review (England) Regulations 2010 – Regulation 10, avoidance of disruption in education.

boarding or day schools. It might also, in some cases be appropriate to place a child in a special school or alternative provision.

12. The following principles should apply:

- educational provision should mean a full-time place;
- schools judged by Ofsted to be ‘good’ or ‘outstanding’ should be prioritised when seeking a place for looked-after children in need of a new school. Unless there are exceptional evidence-based reasons, looked-after children should never be placed in a school judged by Ofsted to be ‘inadequate’. When consideration is given to schools judged ‘Requiring Improvement’, VSHs and social workers should have evidence that the school is providing high quality support to its vulnerable pupils, and will enable a looked-after child to make maximum progress before placing them in that school;
- the choice of the education setting should be based on what any good parent would want for their child. It should be based on evidence that the setting can meet the educational needs of the child and help them make maximum progress;
- the child’s wishes and feelings should be taken into account, and the suitability of the education setting tested by arranging an informal visit with the child. Where a looked-after child would benefit from attending a boarding school, either in the state or independent sector, VSHs and social workers should be proactive in considering this option;
- the VSH should ensure that social workers, IROs, admission officers for the schools maintained by the local authority and SEND departments understand and comply with the requirements in:
 - [The School Admissions Code](#) about the priority admission arrangements for looked-after children and previously looked-after children⁴ to maintained schools and academies, including free schools;
 - [Statutory guidance on school exclusion; and](#)
 - [Special educational needs and disability code of practice 0 to 25 years.](#)

⁴ For the purposes of school admissions, looked-after children are children who are looked after by an English local authority within the meaning of section 22 of Children Act 1989, and previously looked-after children are those who were looked after by a local authority in England and leave care due to an adoption, special guardianship or child arrangements order. This does not include children adopted from ‘state care’ outside England.

- VSH should proactively build positive relationships with local academies and other non maintained provision regarding the admission, support and behaviour management of looked-after children.

School admissions

13. Looked-after children and previously looked-after children, as defined in the School Admission Code⁵, have the highest priority within all mainstream schools' admission arrangements. The admission requirements for looked-after and previously looked-after children are set out in the School Admissions Code. This Code applies to maintained schools and academies, including free schools⁶.

14. It is the responsibility of the VSH to ensure that:

- admission authorities understand that Fair Access Protocols do not apply to looked-after children and that they are 'excepted pupils' in relation to infant class size regulations if they are admitted outside the normal admission round (see 2.15(b) of the [School Admissions Code](#)); and
- the local authority, as a corporate parent, does not tolerate drift and delay where children the authority looks after are without an education placement that is appropriate to their assessed needs. This includes using their powers of direction in a timely way rather than delay issuing a direction as a result of protracted negotiation.

15. The choice of school requires skilled working between relevant people. It should be based on a discussion between the child's social worker, the child, their carers and, if appropriate, birth parents. The VSH should normally be consulted to avoid choosing a school that is unlikely to meet the child's needs. The carer's level of input in to the choice of school for the child should be addressed explicitly in the child's permanence plan, which is part of their wider care plan.

16. If social workers are unsure of how school admissions work in relation to looked-after children, they should urgently discuss this with their VSH or someone else – e.g. the local authority's school admissions officer, who can provide the correct information. If the appropriate placement is at a mainstream academy or maintained school, the corporate parent must apply through the same process as other parents. They are asked to note that

⁵ See footnote 4.

⁶ A 'maintained school' means community school, foundation school, voluntary aided school, voluntary controlled school, community special school, foundation special school or maintained nursery school. The Code does not apply to special or nursery schools.

the national closing dates for applications are: 31 October for secondary schools, and 15 January for primary schools.

The Personal Education Plan (PEP)

17. All looked-after children must have a care plan, of which the PEP is an integral part. All of those involved in the process of developing the PEP should use it to support the personalised learning of the child.

18. The PEP (pre-school to age 18) is an evolving record of what needs to happen for looked-after children to enable them to make at least expected progress and fulfil their potential. The PEP should reflect the importance of a personalised approach to learning that meets the identified educational needs of the child, raises aspirations and builds life chances.

19. The quality of the PEP is the joint responsibility of the local authority that looks after the child and the school. Social workers, carers, VSHs, designated teachers and, as appropriate, other relevant professionals will need to work closely together. All of those involved in the PEP process at all stages should involve the child (according to understanding and ability) and, where appropriate, the child's parent and/or relevant family member.

PEP content

20. 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 that is appropriate to the child's age (e.g. pre-school playgroups) and meets their identified developmental needs;
- on-going catch-up support for those who have fallen behind with school work (including use of effective intervention strategies);
- provision of immediate suitable education where a child is not in school (e.g. because of temporary or permanent exclusion);
- transition support where needed, such as when a child starts attending a new school or returns to school (e.g. moving from pre-school/ early years to primary school, primary to secondary school, from secondary school to further education, or following illness or exclusion) or when a child has a plan for permanence (e.g. placed for adoption) and may change schools as part of that plan;
- school attendance and, where appropriate, behaviour support; and

- support needed to help the child realise their short and long-term academic achievements and aspirations. This includes:
 - support to achieve expected levels of progress for the relevant national curriculum key stage, and to complete an appropriate range of approved qualifications;
 - careers advice and guidance and financial information about further and higher education, training and employment. Discussions about longer term goals should start early and, ideally, well before Year 9 (age 13-14) at school. High aspirations are crucial to successful planning for the future. They should focus on the child or young person's strengths and capabilities and the outcomes they want to achieve; and
 - out-of-school hours learning activities, study support and leisure interests.

Initiating, developing and reviewing the PEP

21. Wherever the child is placed, their social worker, supported by the authority's VSH, should take the lead to:

- initiate a PEP even where a looked-after child is without a school place. This includes meeting with appropriate education providers and the carer;
- ensure that where a child is placed in an emergency, the PEP is initiated within 10 working days of their becoming looked-after, wherever they are placed;
- ensure, with the support of others, including the VSH, that the PEP contains a summary of the child's current attainment and progress (including any additional needs such as SEN and mental health needs);
- ensure the PEP is effective and is available for the first statutory review meeting of the care plan; and
- ensure the PEP gives details of who will take the plan forward and specifies timescales for action and review.

22. Once requesting the initiation of a PEP, the VSH will need to work with the child's social worker and relevant designated teacher to facilitate its completion and agree how pupil premium plus (PP+) can most effectively be used to facilitate the child's educational attainment and progress.

23. VSHs should have a quality assurance role in relation to PEPs. To be effective and high quality, a PEP should:

- be a 'living', evolving, comprehensive and enduring record of the child's experience, progress and achievement (academic and otherwise), and inform any discussion about education during statutory reviews of the child's wider care plan;

- be linked to, but not duplicate or conflict with, information in any other plans held by the child's education setting or responsible authority – e.g. their care plan or Education, Health and Care Plan;
- identify developmental (including any related to attachment and past trauma) and educational needs (short and longer term) in relation to skills, knowledge, subject areas and experiences;
- say what will happen or is already happening to identify and support any mental health needs, including detailing any support that is required or ongoing from mental health specialist support services;
- include SMART⁷ short-term targets, including progress monitoring of each of the areas identified against development and educational needs;
- include SMART longer-term plans for educational targets and aspirations. These should, according to age and understanding, typically focus on: public examinations, further and higher education, managing money and savings, work experience and career plans and aspirations;
- identify actions, with time scales, for specific individuals intended to support the achievement of agreed targets and use of any additional resources (e.g. the pupil premium plus) specifically designated to support the attainment of looked-after children;
- include behaviour management strategies agreed between the VSH and school to help ensure challenging behaviour is managed in the most effective way for that child; and
- highlight access to effective intervention strategies and how this will make/has made a difference to achievement levels.

24. Arrangements for the flow of information to develop, review and update the PEP should be in place to ensure the VSH, designated teacher, carer and, where appropriate, child and parent have a copy of the latest version of the document.

25. The VSH and social worker should work together to ensure that monitoring arrangements are in place so that actions and activities recorded in the PEP are implemented without delay. This involves working in a joined-up way with the child's school (usually through the designated teacher) and other relevant people and agencies (e.g. educational psychologists or the Children and Young People's Mental Health Service) where necessary.

26. VSHs should make arrangements for PEPs to be reviewed each school term. This should include mapping how the pupil premium and any other additional funding has been used to support the targets set in the PEP. This is to ensure that the story of the child's

⁷ SMART means specific, significant, stretching, measurable, meaningful, motivational, agreed, achievable, action-orientated, realistic, relevant, result-orientated, time bound, tangible, trackable.

educational progress is current and continues to meet the child's educational needs. It is also to ensure that information from the PEP is available to feed into the next statutory review of the wider care plan. The nature of these arrangements and who to involve are for the VSH to decide in partnership with others.

The designated teacher role in the PEP

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

The social worker's role in supporting the PEP

28. The social worker with responsibility for the child should:

- not take significant decisions about a looked-after child's education without reviewing the PEP in consultation with the child, the child's school, carer, VSH, IRO and, where appropriate, their parent(s);
- alert the IRO to any significant changes to the child's PEP such as the breakdown or change of an education placement so that the IRO can decide whether a review of the care plan is required;
- work with the child's school or other education setting between the statutory reviews of their care plan (involving the VSH if necessary) to ensure that up-to-date PEP information is fed into those reviews, which are chaired by the child's IRO⁸;
- ensure that all relevant information about the child's educational progress and support needs is up-to-date and evidenced before the statutory review meeting; and
- act on any changes required to meet the child's education needs identified by the IRO.

The IRO's role in supporting the PEP

29. IROs should ensure that the PEP's effectiveness is scrutinised in sufficient detail as part of the statutory review and at other times if necessary. If a child also has an Education and Health Care (EHC) plan, where possible, the PEP review should be linked with the review of the EHC plan at least once every 12 months. The IRO should ensure that the PEP review is linked appropriately with EHC and care plan reviews. The VSH should work with the IRO and child's social worker to help enable this.

⁸ Statutory reviews of care plans take place at a meeting chaired by the IRO. The care plan must be reviewed after 20 working days from the point at which the child becomes looked after, three months from the first review, six months after the second review and the third and subsequent reviews.

30. The IRO should raise any unresolved concerns about a child's PEP or education provision with social workers and the VSH.

Pupil premium plus (PP+) for looked-after children

31. Looked-after children are one of the groups of pupils that attract PP+ funding. Local authorities receive a PP+ grant allocation based on the number of children looked after for at least one day and aged 4 to 15 at 31 August, as recorded in the latest looked-after children data return. This is additional funding provided to help improve the attainment of looked-after children and close the attainment gap between this group and their peers.

32. VSHs, working with education settings, should implement PP+ arrangements for looked-after children in accordance with the latest conditions of grant published by the department and any supplementary departmental advice it issues. All VSHs should publish a clear policy on their use of PP+, including how they decide the amount and use of top-sliced funding⁹.

33. Arrangements for PP+ should be as unbureaucratic as possible, whilst providing for strong transparency and accountability. Ofsted's framework for the inspection of services for looked-after children requires inspectors to ask for the Virtual School Annual Report. As part of ensuring robust accountability regarding PP+ funding, the Virtual School Annual Report should include:

- details of how the VSH has managed the PP+ and Early Years Pupil Premium for looked-after children; and
- evidence of how the VSH's spending of the premiums has supported the achievement of the children looked-after by their local authority.

34. Further information is available on [**virtual-school-heads-responsibilities on pupil premium**](#).

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

36. Below is a summary of positive characteristics of interventions which can be helpful when considering whether an intervention might be an effective use of PP+ to support a looked-after child.

⁹ The proportion of PP+ funding centrally pooled by the VSH and used to provide support best delivered at a local authority-wide level – e.g. training on attachment for all designated teachers in the authority area.

Getting the most from Pupil Premium Plus:

<p>Approaches that are:</p> <ul style="list-style-type: none">• Individually tailored to the needs and strengths of each pupil• Consistent (based on agreed core principles and components) but also flexible and responsive• Based on evidence of what works• Focussed on clear short-term goals which give opportunities for pupils to experience success• Include regular quality feedback from teaching staff• Engaging parents/carers in the agreement and evaluation of arrangements for education support (e.g. via the PEP)• Supporting pupil transition (e.g. primary-secondary/KS3-4)• Raising aspirations through access to high-quality educational experiences	<p>Which emphasise:</p> <ul style="list-style-type: none">• Relationship-building: both with appropriate adults and with peers• An emotionally-intelligent approach to the setting of clear behaviour boundaries• Increasing pupil's understanding of their own emotions and identity through an emotionally-literate approach• Positive reinforcement• Building self-esteem• Relevance to the learner: relate to pupil's interests where possible; make it matter to them• A joined-up approach involving social worker/carer/VSH and other relevant professionals• Strong and visionary leadership on the part of both of the pupil's head teachers!
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Supporting transitions from care

37. The duty to promote the educational achievement of a looked-after child extends to looked-after young people aged 16 or 17 preparing to leave care. These are referred to in the Children Act 1989 as 'eligible children'.

38. Local authorities should ensure that:

- the PEP is maintained as part of the preparation and review of the pathway plan¹⁰ and builds on the young person's educational progress;
- each pathway plan review scrutinises the measures being taken to help the child prepare for when s/he ceases to be looked after by considering:
 - the young person's progress in education or training; and
 - how s/he is able to access all the services needed, including SEN provision, to prepare for training, further or higher education or employment;
- links are made with further education (FE) colleges and higher education (HE) institutions, and care leavers are supported to find establishments that understand and work to meet the needs of looked-after children and care leavers;
- each eligible care leaver knows about the 16-19 Bursary Fund¹¹; and
- each eligible care leaver receives a higher education bursary of £2,000 when going on to study a recognised HE course, and that arrangements for the payment of the bursary are agreed by the young person as part of the overall package of support that a local authority provides to its care leavers.¹²

39. Further information on supporting care leavers in their transition to adulthood is available in [Children Act 1989 guidance and regulations volume 3: planning transition to adulthood for care leavers](#)

Information sharing

40. The VSH needs to be aware of their duties regarding the sharing of information under sections 10, 11 and 12 of the Children Act 2004. VSHs should have access to a secure email account that enables them to exchange information securely with other VSHs in whose area they have placed children.

41. Appropriate and specific arrangements for sharing reliable data should be in place to ensure that the educational needs of looked-after children can be understood and met. This is particularly important in relation to the tracking and monitoring of attainment data

¹⁰ The Children Act 1989 requires that a pathway plan is prepared for all eligible children. Eligible children are looked-after, aged 16 or 17 and have been looked-after by a local authority for a period of 13 weeks, or periods amounting in total to 13 weeks, which began after they reached 14 and ended after they reached age 16

¹¹ This is a bursary to help with education related costs for 16 to 19 year-olds who are studying at school or college (not university) in England or on a training course. More information is available at: <https://www.gov.uk/1619-bursary-fund>

¹² Section 21 of the Children and Young Persons Act 2008 added to the duties that a local authority owes to its former relevant children by amending section 23C of the 1989 Children Act.

and notifications of where children, including those placed out-of-authority, are being educated. The arrangements should set out:

- who has access to what information and how the security of data will be ensured;
- how children and parents are informed of, and allowed to challenge, information that is kept about them;
- how carers contribute to and receive information;
- mechanisms for sharing information between relevant local authority departments and schools; and
- 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 them to the new school.

Role of the Virtual School Head for previously looked-after children

42. The role of the VSH for previously looked-after children is to promote their educational achievement through the provision of information and advice to their parents, educators and others who the VSH considers necessary.

43. VSHs must discharge their duty from the point at which the child becomes eligible for free early education, which is currently the start of the term following a child's second birthday, and conclude when s/he has completed the compulsory years of education.

44. The duty relates to previously looked-after children who are in education in the area served by the VSH irrespective of where the child lives. This avoids the need for education settings to work with more than one VSH and prevents cross-border complications.

45. VSHs should decide the extent of their offer to parents, early education providers and schools but as a minimum, the VSH must:

- respond to parental requests for advice and information – e.g. advice on school admissions in their area. Where appropriate, the VSH should sign-post parents to other services that can offer advice and support;
- respond to requests for advice and information from providers of early education, designated teachers in maintained schools and academies, and providers of alternative provision in their area in respect of individual children supported by the local authority. In particular, the VSH should develop a good working relationship with designated teachers for previously looked-after children in their area; and
- make general advice and information available to early years settings and schools to improve awareness of the vulnerability and needs of previously looked-after children. This should include promoting good practice on identify and meeting their needs, and guidance on effective use of the PP+.

46. VSHs are not expected to monitor the educational progress of individual children or be held to account for their educational attainment. Any intervention in the education of a previously looked-after child must be with the agreement of the person(s) who have parental responsibility for the child. They, like all parents, are responsible for overseeing their child's progress in education.

47. VSHs will want to satisfy themselves that the child is eligible for support by asking the child's parents for evidence of their previously looked-after status. For children adopted outside England and Wales, the child must have been looked after by a public authority, a religious organisation or other provider of care whose sole purpose is to benefit society. Where parents are unable to provide clear evidence of their child's status, VSHs will need

to use their discretion. In such circumstance, VSHs should discuss eligibility with the designated teacher at the child’s school to agree a consistent approach.

Supporting looked-after children *and* previously looked-after children

Working with others

48. The VSH should ensure that there are effective arrangements in place to work with a range of professionals who will play a role in supporting the education of looked-after and previously looked-after children.

49. **For looked-after children**, this should include:

- encouraging and supporting social workers and carers to have high expectations in helping looked-after children to achieve their full potential in education from preschool to post-16 education, employment and training;
- building relationships with social workers to promote consultation with the VSH prior to a looked-after child moving placement;
- building relationships with local children and young people's mental health specialists, social workers and other partners, and understanding the support available to looked-after children with mental health issues and how to access it;
- helping IROs and social workers understand the importance they need to place on education as part of care planning;
- ensuring that, whenever a child is likely to move schools, there is a timely and informed discussion about the choice of school that will best meet their needs;
- emphasising to schools the SDQ's (See [Mental Health](#)) importance in helping identify looked after-children's emotional and mental health needs, enabling them to receive better educational support. This includes encouraging schools to complete their element of the SDQ and follow up on the needs identified;
- ensuring strong communication with designated teachers to identify looked-after children who are absent without authorisation, and enable a swift and effective response to this¹³;
- ensuring that there is timely communication and effective co-operation with the local authority's commissioners and, when making out of area placements, with the VSH from other local authorities, particularly in relation to possible education placement

¹³ Children going missing from education can be an indicator of significant safeguarding concerns; therefore, identification and response where children are at risk of or do go missing from education is important. Further information on this issue is available in [Keeping Children Safe in Education](#).

changes, funding for any additional educational support needs, school admissions, achievement and exclusions;

- ensuring, through commissioners, that:
 - providers of fostering services and residential care have a robust evidence base that demonstrates they prioritise the educational achievement of looked-after children and help them to achieve their full potential;
 - when commissioning education services for a looked-after child from independent providers, commissioning decisions are based on the quality of the educational support provided and its ability to meet the needs of each individual; and
 - ensuring there are arrangements in place to support children looked after by the authority who are in custody. More information about looked-after children in custody is provided in Annex 2.

50. For **previously looked-after children** this should include:

- encouraging and supporting early education settings and schools to have high expectations in helping previously looked-after children to achieve their full potential in education;
- establishing a good working relationship with the local authority's post-adoption support team so that they understand the role of the VSH and can advise adoptive parents and guardians appropriately;
- building relationships with health, education and social care partners and other partners, such as voluntary sector organisations in their area, so that the VSH and designated teachers understand the support available to previously looked-after children (e.g. mental health services), and are able to effectively liaise with service providers and signpost parents to those services; and
- where their local authority is part of a Regional Adoption Agency, cooperate with other VSHs, adoption support teams and other adoption support organisations who are also part of the Regional Adoption Agency.

Training for those involved in the care and education of looked-after and previously looked-after children

51. The VSH should ensure that there are appropriate arrangements in place to meet the training needs of those responsible for promoting the educational achievement of looked-after and previously looked-after children. This may include themselves as VSH, carers, adoptive parents, designated teachers, other school staff, social workers and IROs.

52. Such training, among other things, should include information about school admission arrangements, special educational needs (including speech language and communication needs), attendance, exclusions; homework, choosing GCSE options, managing any challenging behaviour in relation to education settings, promoting positive educational and recreational activities, supporting children to be aspirational for their future education, training, and employment.

53. As part of keeping their knowledge and skills current, VSHs should keep up-to-date and engage with research and emerging good practice. The National Association of Virtual School Heads (NAVSH) provides a useful network for professional support, peer challenge and practice sharing.

Mental health

54. Looked-after children and previously looked-after children are more likely to experience social, emotional and mental health issues¹⁴ than their peers. For example, there may be difficulties with executive functioning skills, forming trusting relationships, social skills, managing strong feelings (e.g. shame, sadness, anxiety and anger) and coping with transitions and change. This can impact on their behaviour and education. It is key that VSHs and designated teachers have awareness, training and skills regarding these children's needs and how to support them, particularly in relation to behaviour management and mental health. As part of this the VSH should work with designated teachers to:

- ensure that schools are able to identify signs of potential mental health issues and know how to access further assessment and support where necessary; and
- ensure that schools understand the impact that issues such as trauma and attachment difficulties can have on looked-after and previously looked-after children, and are "attachment aware".¹⁵

55. It is important to have a means of regularly measuring the emotional and behavioural difficulties experienced by looked-after and previously looked-after children. For looked-after children, currently, this is often done through the Strengths and Difficulties Questionnaire (SDQ). The SDQ is a clinically validated brief behavioural screening questionnaire for use with 4-17 year-olds or 2-4 year-olds. The SDQ can help social

¹⁴ Social, emotional and mental health is one of the four broad areas of children's SEN identified in Special Educational Needs and Disability Code of Practice 0 – 25 years (see Paragraph 5.32)

¹⁵ i.e. ensuring that the school understands attachment theory and the impact of attachment disorders on a child's emotional development and learning, and adopts a whole school approach to identifying and supporting pupils with attachment difficulties. This includes upskilling of staff and use of appropriate support resources, such as those developed by Bath Spa University (see [Useful resources and external organisations](#))

workers and other professionals form a view about a looked-after child's emotional wellbeing. It exists in three versions: for parents or carers, teachers and a self-evaluation for children aged 4-17.

56. The SDQ can help social workers and other professionals form a view about the emotional wellbeing of a looked-after child. Looked-after children may benefit from the triangulation of the scores from the carer's SDQ with those of their teacher and, if s/he is aged 4 to 17, the self-evaluation to better inform the child's health assessment *and* PEP. To help enable this, where an SDQ for a child gives cause for concern or is "border line", VSHs should work with schools to encourage them to complete their element of the SDQ.

57. For previously looked-after children, VSHs should consider how they might sign-post schools to appropriate tools to help them measure this group's emotional and behavioural difficulties.

School exclusions

58. Local authorities and schools must have regard to the Department's statutory guidance [Exclusions from maintained schools, academies and pupil referral units in England](#). In line with that guidance, head teachers should, as far as possible, avoid excluding any looked-after child. VSHs should ensure that carers and social workers know where to seek advice about their role and responsibilities regarding exclusions.

59. Where a school has concerns about a looked-after child's behaviour, the VSH should be informed and, where necessary, involved at the earliest opportunity. VSHs should be proactive in building relationships with designated teachers to enable this. Where a child is at risk of or has been given a fixed-term or permanent exclusion, the VSH, working with others, should:

- consider what additional assessment and support (such as additional help for the classroom teacher, one-to-one therapeutic work or a suitable alternative placement) needs to be put in place to address the causes of the child's behaviour and prevent the need for exclusion. [The Department for Education's advice for school staff on mental health and behaviour in schools](#) may be helpful; and
- make any additional arrangements to support the child's on-going education in the event of an exclusion. Where a child has been permanently excluded, this will include rapidly securing new educational provision in line with the child's needs and PEP.

60. Where a school has concerns about the behaviour of a previously looked-after child which could result in the child being excluded from school, the child's parents or the school's designated teacher, following discussions with the child's parents, may seek the advice of the VSH on strategies to support the child to avoid exclusion.

Special educational needs (SEN)

61. Looked-after children and previously looked-after children are significantly more likely to have SEN than their peers. Of those with SEN, a significant proportion will have Education, Health and Care Plans (EHC plans).¹⁶ In these circumstances the VSH should ensure that:

- the special educational needs and disability (SEND) code of practice 0 to 25 years, as it relates to looked-after children, is followed;
- for looked-after children, that their EHC plan works in harmony with their care plan and PEP to tell a coherent and comprehensive story of how the child's needs are being met. Professionals should consider how the statement/EHC plan adds to information about how education, health and care needs will be met without unnecessarily duplicating information already in the child's care plan. Equally, the child's care plan should be fed into the care assessment section of the EHC plan; and
- any special educational support provided by schools for looked-after children with SEN but who do not need an EHC plan, is looked at as part of the child's PEP and care plan reviews, involving Special Educational Needs Co-ordinators (SENCOs) where necessary.

62. Some children may have undiagnosed special needs when they start to be looked after. As part of the PEP process, there should be robust arrangements in place to ensure that any undiagnosed SEN are addressed through the SEND framework as soon as possible.

63. For previously looked-after children, the SENCO, class teacher, designated teacher and the specialists should involve parents when considering interventions to support their child's progress. They should agree the outcomes to be achieved through SEND support, including a date by which progress will be reviewed. VSHs may be invited to comment on proposed SEND provision.

64. Section 19 of the Children's and Families Act 2014 is clear that when supporting young people with SEN, the authority must have regard to help them achieve the best possible educational and other outcomes.¹⁷ For children and young people in or beyond Year 9 (aged 13-14) with EHC plans, local authorities have a legal duty to include provision to assist in preparing for adulthood in the EHC plan review. In line with both of these duties and the corporate parenting principles, the VSH should encourage high aspirations for

¹⁶ By April 2018 all of those children with statements should have had their education, health and care needs assessed by their local authority and, where appropriate, been issued with an EHC plan, as required under Part 3 of the Children and Families Act 2014 Act.

¹⁷ See paragraph 1.1 of the Special Educational Needs and Disability Code of Practice 0 – 25 years.

children, focussing on their strengths and capabilities and the outcomes they want to achieve.

Annex 1

This is a brief summary of the main roles mentioned in this guidance.

Role	Brief description
Director of Children's Services (DCS)	DCSs have professional responsibility for the leadership and strategic effectiveness of local authority children's services.
Lead Member for Children's Services (LMCS)	The LMCS is a member of the Council Executive and has political responsibility for the leadership, strategy and effectiveness of local authority children's services.
Independent Reviewing Officer (IRO)	Every looked-after child must have a named IRO who is appointed to participate in case reviews, monitor the local authority's performance in relation to a child's case.
School admission authorities	The local authority is the admission authority for community schools and voluntary controlled schools. The school governing body is the admission authority for foundation and voluntary aided schools, and the relevant academy trust is admission authority for academy schools and free schools.
Special Educational Needs Co-ordinators (SENCO)	The SEN Coordinator (SENCO), in collaboration with the head teacher and governing body, plays an important role in determining the strategic development of the SEN policy and provision in the school in order to raise the achievement of children with SEN.
Designated teachers	All maintained schools, academies and Free Schools are required to appoint a designated teacher to champion the educational attainment of looked-after and previously looked-after children, and act as a source of information and advice about their needs.
Post-adoption support teams.	They are responsible for assessing post-adoption support needs of previously looked-

	after children. This includes some children adopted from outside England. ¹⁸
Adoption Support Fund (ASF)	ASF provides funding for therapeutic services to help adoptive families (including children adopted outside England) and SGO families achieve a range of positive outcomes. Funding is secured following a local authority assessment of the child's adoption support needs.
Voluntary sector organisations such as Adoption Support Agencies and Voluntary Adoption Agencies.	The voluntary sector provides a range of services, including adoption support, to adoptive parents and their children. Some work closely with schools to help raise awareness and understanding of the needs of previously looked children.
Regional Adoption Agencies.	They bring together local authorities and voluntary adoption agencies to develop and provide services for children and adopters on a greater scale, and to promote the development of innovative practice. This includes adoption support services.

¹⁸ This applies to children defined as adopted from overseas as defined under the Adoption and Children Act 2002.

Annex 2 – Custody

65. If a young person who has previously been accommodated under section 20 (voluntarily accommodated) or section 31 (under a care order) of the 1989 Act is remanded in custody, they remain looked-after. The local authority continues to have duty for care planning and review or, depending on the child's age, the local authority may also have duties to them as a care leaver. Prior to release, the authority which will be responsible for the child's future care, together with the child's assigned custodial establishment, should:

- make arrangements to ensure that the child's needs have been reassessed to inform arrangements for their future accommodation and care; and
- 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.

66. Under section 104(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA), all children remanded to youth detention accommodation become looked-after children. During the period of remand the child will have a detention placement plan. That plan should include information about:

- the arrangements made by staff in the youth detention accommodation for the child's education and training. This should include the name and address of the educational or training institution the child was attending immediately prior to detention and details about the local authority that maintains any EHC plan; and
- the name of the VSH responsible for discharging the local authority's duty to promote the educational achievement of the children looked after by the authority.

67. Children who offend and receive custodial sentences remain looked-after if they were under a care order or were accommodated under section 20 immediately prior to conviction. The authority, therefore, 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. In these cases, the local authority should:

- have procedures in place to know where these young people are placed and how long they are likely to be held;
- have access to information about the child's educational progress;
- plan ahead in sufficient time so that a suitable educational or training placement can be arranged wherever the child will live following release from custody;
- work with their Secure Children's Home (SCH), Secure Training Centre (STC) or Youth Offending Institute (YOI), in partnership with the Youth Offending Team (YOT) supervising officer, to ensure:

- that care planning reviews are continued and facilitate access to education while the young person is detained;
- information on a child's education and training needs is passed to the STC/ SCH or YOI, usually through the most up-to-date PEP, as quickly as possible;
- ensure that the learning needs of the individual are being met; and
- that there is proper planning to maintain the continuity of education and/or training experience once the young person is released from custody.

68. Where a looked-after child is placed in secure accommodation for their 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.

69. More detailed information on local authorities responsibilities to looked-after children in contact with the youth justice system is available in chapter 8 of [Children Act 1989 Volume 2: care planning placement and case review](#) statutory guidance.

Further information

Useful resources and external organisations

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

Research

- *The impact of virtual schools on the educational progress of looked after children* (Ofsted, 2012)
- *Education Matters in Care*: A report by the independent cross-party inquiry into the educational attainment of looked-after children in England.
- [Information on attachment awareness for schools](#) – Bath Spa University
- *The Educational Progress of Looked After Children in England: Linking Care and Educational Data* – Rees Centre
- *Looked after children: good practice in schools* (Ofsted report 2008)

Practice Tools

- [Education Endowment Foundation \(EEF\) teaching-learning-toolkit](#)
This provides useful information and evidence on effectiveness of types of support which can be facilitated by pupil premium funding.
- [National Consortium for Examination Results \(NCER\)](#): VSH management information tool. The NCER NOVA CLA Reports is a new national system to measure the educational performance and progress of children and young people whilst in care at Key Stages 1, 2 and 4. The system matches social care and educational data from the 2016 SSDA903 national database and National Pupil Database; and reports on

some of the factors that are shown to make the most difference in improving the outcomes of children in care. The tool operates across local authority boundaries to ensure that children placed in one local authority and educated in another are included in the reporting functionality.

Mental Health

- [Adoption Support Fund \(ASF\)](#)
The ASF was established to help pay for essential therapeutic services for adoptive families as and when they need it. It is available for children up to, and including, the age of 21 (or 25 with an EHC Plan) who have been adopted from local authority care in England or adopted from Wales, Scotland, Northern Ireland but living in England. From 1 April 2016, the Fund became available for intercountry adoptions (once the placement has been made and the child is in England) and for Special Guardians who care for children who were looked-after immediately prior to the Special Guardianship Order.
- [Children's attachment: attachment in children and young people who are adopted from care, in care or at high risk of going into care](#) (NICE guideline, 2015)
This guideline covers the identification, assessment and treatment of attachment difficulties in children and young people up to age 18 who are adopted from care, in special guardianship, looked after by local authorities in foster homes (including kinship foster care), residential settings and other accommodation, or on the edge of care.
- [Mental health and behaviour in schools](#) guidance (Department for Education, 2016)
- [Strength and Difficulties Questionnaire](#) –
Information for researchers and professionals about SDQs
- [MindEd](#)
Online training materials on mental health for families and professionals working

Other relevant departmental advice and statutory guidance

- [Adoption: statutory guidance](#)
- [Boarding Schools: improving outcomes for vulnerable children](#) (guidance)
- [Careers guidance provision for young people in schools](#) (statutory guidance)
- [Children Act 1989: care planning, placement and case review](#) (statutory guidance)
- [Children Act 1989: transition to adulthood for care leavers](#) (statutory guidance)
- [Directors of children's services: roles and responsibilities](#) (statutory guidance)
- [Improving looked-after children's attainment in primary schools](#) (guidance)
- [Improving looked-after children's attainment in secondary schools](#) (guidance)

- [Independent reviewing officers' handbook](#) (statutory guidance)
- [Mental health and behaviour in schools](#) (guidance)
- [Pupil premium: funding and accountability for schools](#) (guidance)
- [SEND code of practice: 0 to 25 years](#) (statutory guidance)
- [School admissions code](#) (statutory guidance):
- [School exclusion](#) (statutory guidance)
- [Working together to safeguard children](#) (statutory guidance)

Other departmental resources

- [Academy admission request form for looked-after children](#)
- [Outcomes for children looked after by local authorities](#)



Department
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