



**Elston Hall Multi-Academy Trust
Policy for Children in care & previously
in care**

**Adopted by Trustees: 21st October 2019
Review date: September 2020**

WOLVERHAMPTON CITY COUNCIL
MODEL SCHOOL POLICY ON SUPPORTING THE EDUCATION OF LOOKED
AFTER CHILDREN & YOUNG PEOPLE IN THE CRIMINAL JUSTICE SYSTEM
January 2019

1. INTRODUCTION

Elston Hall Multi Academy Trust and all its schools believe that, as educators and Corporate Parents and in partnership with key stakeholders, we have a legal, moral and professional duty to safeguard and promote the education of our most vulnerable pupils, particularly children and young people in care and previously in care, and children and young people in the criminal justice system.

The term ‘children and young people in care’ includes children placed by a local authority with family members, foster carers or in a residential care home. They also include those placed in care through a care order under section 31 of the Children Act.

1989 or by a voluntary agreement with the child’s parents under section 20 of the Act. The terms can also be used to refer to children entered into police protection and those involved in the youth justice system.

Previously looked after children (DfE definition) are those who have left care via an adoption order, Special Guardianship Order (SGO) or Child Arrangements Order.

We know that a secure and successful education is a major factor in improving the life chances of vulnerable young people and in supporting young offenders to desist from crime. However, we recognise that, nationally, pupils in care have significantly underachieved compared with their peers. Research has also shown that many previously looked after children continue to experience many challenges that disrupt their education and reduce their life chances. It is also true that many of the many young offenders are, or have previously been, in care. All three cohorts are also characterised by very high levels of Special Education Need and Disability (SEND).

The statutory duties of the Designated Teacher for children and young people in care were extended, to include children and young people previously in care, by the Children & Social Work Act 2017¹. Given the overlap between these two cohorts and young offenders, and the fact that they are consistently among our most vulnerable children, we feel that it is appropriate and useful to have a joint school policy.

We intend, through this policy, to work toward closing that achievement gap. We will promote the inclusion, well-being and achievement of children and young people in care or previously in care and/or in the criminal justice system, in our school. As champions for disadvantaged pupils we will prioritise and focus our resources to secure the best possible outcomes.

¹ <http://www.legislation.gov.uk/ukpga/2017/16/contents>

2. Background legislation

This policy is based on the following legislation and statutory guidance:

1. *Section 20 of the Children and Young Persons Act 2008 (“the Act”) and The Designated Teacher (Looked-after Pupils etc.) (England) Regulations 2009.*
2. *The Local Authority statutory duty under 22(3A) of the Children Act 1989 to promote the educational achievement of looked after and previously looked after children- see link below.*
3. *The Children and Families Act 2014, which requires every local authority in England to appoint an officer to make sure that its duty is properly discharged - referred to as the Virtual School Head.*
4. *The Apprenticeships, Skills, Children & Learning Act (ASCL) 2009, which places a duty on local authorities to promote a person’s learning potential while in custody and on release.²*

<https://www.gov.uk/government/publications/promoting-the-education-of-looked-after-children>

3. How will the impact of the policy be evidenced?

The impact of the policy will be seen through improvements in the following key outcomes for children & young people in care, and previously in care, and pupils in the criminal justice system:

- ✓ Reduction or zero rate in school exclusions
- ✓ Improved school attendance
- ✓ Improved attainment at statutory assessment stages
- ✓ Improved and maintained rates of progress and attainment
- ✓ Improved quality of Personal Education Plans (PEPs)
- ✓ The views of children & young people (as recorded in PEPs and captured through the Children in Care Council (CiCC) and wider consultation)
- ✓ Ultimately, an increase in children and young people in care, care leavers and young offenders aged 16+ who are in Education, Employment & Training (EET) and the numbers accessing higher education (HE).

4. Partnership working

We will work together with key local authority departments including the Virtual School Head (VSH) and Virtual School team, along with education providers and other relevant agencies, to enable the best possible outcomes for children and young people in care and previously in care, and in the criminal justice system, through flexible and proactive partnership working.

5. The Trust Board / Local Governing Board

² YOT have extended this duty to all children & young people in the youth justice system in Wolverhampton. The Wolverhampton Virtual School Head’s role includes taking a strategic lead in ensuring that this duty is effectively discharged.

The Trust Board / Local Governing Board will:

- Ensure that in all Schools in the Trust there is a named Designated Teacher for children and young people in care and previously in care, and young offenders, on the school roll and that (s)he is enabled to carry out his/her responsibilities in line with statutory guidance (see link below)
<https://www.gov.uk/government/publications/designated-teacher-for-looked-after-children>
- Support the Headteacher/Head of School, Designated Teacher and other staff in ensuring that the attendance, attainment and progress of pupils in the cohort is prioritised and supported in line with statutory responsibilities
- Nominate a named governor for children and young people in care, and previously in care, and pupils in the criminal justice system. The Nominated Governor will take a leading responsibility for the challenge and support of the school in raising the achievement of these pupils and attend relevant training. The Nominated Governor should have a termly meeting with the Designated Teacher, with a clear agenda, to address school improvement issues related to pupils in the cohort. They will also ensure that an annual report (as a minimum) is provided to the governing body by the Designated Teacher - see Appendix for suggested report template. The nominated governor will present this report to the wider governing body in partnership with the designated teacher.

6. The Senior Leadership Team

The Headteacher/Head of School and Senior Leadership Team will:

- Ensure that children and young people in care and previously in care, and young people in the criminal justice system, are prioritised in school policy & procedure and in the allocation of resources, in line with Ofsted and DfE guidance, to ensure that they are fully supported to access the best of what the school has to offer
- Ensure that pupils in this cohort are given top priority in school admissions, in line with national statutory guidance and the Wolverhampton Admissions policy. However, we must ensure that the provision is right for the child and, if there are issues, school will meet with social care the Virtual School and other key partners as appropriate (e.g. social worker or YOT officer) to resolve these issues
- Consider every possible alternative to a temporary or permanent exclusion, in line with national, local and school admissions policies, due to the disproportionate effect that exclusion can have on the most vulnerable pupils. Instead, we will work together proactively with all key partners including the local authority, using every resource in our control (including alternative provision where appropriate), to solve problems.
- Avoid resorting to unofficial exclusions to resolve behavioural or other issues
- In the event of a serious issue, which might otherwise lead to permanent exclusion, the child may be placed on a fixed-term exclusion and an emergency review of the PEP and other relevant plans / provision will be called and attended by key personnel, e.g. the child's carer, social worker and (where appropriate) representatives from the Virtual School team, Early Help Service and/or Youth Offending Team, to resolve the issue

- If we feel that we are unable to meet the child's needs, we will work with external agencies to ensure that any special educational needs, including social, emotional and mental health needs, are assessed in accordance with the SEND Code of Practice (2015). This should include, where appropriate, referral for a statutory education, health and care needs assessment
- On occasion, by shared agreement and in the best interests of the child, a managed move to another provision may be considered to avoid a permanent exclusion.
- Where a modified timetable may be in the best interests of the child, this will firstly be discussed and (if the pupil is in care) agreed in a review of the Personal Education Plan, thereby taking into account the views of the child, carer and social worker. If the pupil is not in care but is in the criminal justice system then any timetable modifications will firstly be discussed with the YOT case manager and/or YOT Education Officer.
- Take a proactive approach to sourcing the DfE-recommended first day provision for fixed term exclusions for children and young people in care and previously in care, in view of the additional pressures and risks that exclusion can place on disadvantaged children, and extend this principle to pupils in the criminal justice system.
- Be aware that pupils in this cohort are more likely to have special educational needs than most, work proactively to identify any SEND, and make appropriate provision in accordance with the SEND Code of Practice (2015)
- Ensure that all vulnerable pupils have an appropriate, 25-hour offer of education, other than for a fixed period which has been agreed with parent and/or carer and social worker and/or YOT case manager as being in the child's best interests (such as part of a transition plan).
- Make our school "attachment aware" and fully able to meet each child's learning, health & wellbeing needs, by ensuring that key staff keep up-to-date with relevant policy and legislation and attend relevant training, such as that provided by the Virtual School Team and Educational Psychology Service. We will ensure that key staff are aware of statutory guidance in this area (see link below).

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/413368/Promoting_the_health_and_well-being_of_looked-after_children.pdf

7. The Designated Teacher

We will have a Designated Teacher for children and young people in care and previously in care, and extend their role to pupils in the criminal justice system. This will be an experienced teacher who will work closely with a member of the senior leadership team to affect changes in policy and procedure where appropriate. The Designated Teacher (DT) will:

- Be an advocate for all children in this school who are in care / previously in care or in the criminal justice system, ensuring that their voice is heard and acted upon
- Ensure confidentiality for individual children and only share personal information (1) on a need to know basis (2) in line with school safeguarding and information-sharing protocols and (3) in such a way that it helps to ensure that the educational needs of the child can be understood and met

- Maintain an up to date record of all such children who are on the school roll, in partnership with the Virtual School Head and YOT as appropriate
- Provide the Virtual School Team with termly data on the performance, attendance and attainment of Wolverhampton children and young people in care
- Provide YOT with information on performance, attendance, attainment and other relevant information on pupils in the youth justice system as required and appropriate³
- Be a central point of contact, working with any previous educational settings to ensure a smooth induction and transition into school
- Liaise with the child, parent/carer & social worker and/or YOT case manager to ensure that, for children and young people in care, a high-quality Personal Education Plan (PEP) is completed and reviewed within statutory timescales (and more often if necessary) to support accelerated progress. For young offenders who are not in care, the DT will support joined-up working with the YOT case manager, YOT Education Officer and, where relevant, CYP social worker.
- Ensure that Pupil Premium and other allocated funding is used in the most appropriate way to support vulnerable pupils' individual learning targets, as agreed in their PEP meeting and/or on-going communication with the VSH/COPE/YOT - see the following links for further information.
<https://www.gov.uk/guidance/pupil-premium-information-for-schools-and-alternative-provision-settings>
<https://www.gov.uk/pupil-premium-virtual-school-heads-responsibilities>
- Contribute to review meetings, YOT intervention plans, SEND reviews and other meetings and plans as required & appropriate.
- Fulfil school safeguarding protocols, be alert to any child protection issues, and know what action to take.
- Inform the child's carer and social worker when a child in care is absent from school without notification or excluded
- If a pupil on the school roll enters custody, maintain an interest in the young person and provide information and transition support with the secure institution in partnership with YOT. Where the young person remains on the school roll, ensure that appropriate education is provided in the new setting and that attendance, attainment and progress are monitored and supported appropriately.
- Attend relevant training on safeguarding and children and young people in care/previously in care/youth offending, keep up to date with relevant legislation & guidance and cascade to school staff as appropriate (see links in sections 2 & 6 of this policy)
- Provide in-school training for school staff around attachment, trauma and recovery and its implications for behaviour management

³ This is with particular reference to the ASCL form that YOT will send to DTs when a young person on their school roll enters the youth justice system. This form asks for essential educational information on the young person which will inform the young person's YOT intervention plan and, critically, be used to inform pre-sentence court reports. This will also assist the local authority to fulfil their statutory duty to provide educational information to the secure estate should a young person enter custody.

- Provide support and CPD to staff, with a knowledge of the emotional impact that who are looked after can have on trusted adults, including their class-based staff
- Meet with the Nominated Governor or Chair of Governors termly and report to the Local Governing Board annually, as a minimum, on the performance of their children and young people in care, previously in care, and pupils in the criminal justice system, without naming individual children
- Ensure well planned and informed transitions when a child changes school, with timely information sharing.
- Ensure that the statutory guidance on the role of the Designated Teacher is embedded within practice

<https://www.gov.uk/government/publications/designated-teacher-for-looked-after-children>

8. All School Staff

All school staff will:

- Ensure a safe & secure environment in which vulnerable pupils are able to flourish and grow and high aspirations are encouraged
- Seek advice from designated teacher regarding induction, own CPD and any interventions, classroom environment adaptations etc.
- Be sensitive to the needs of disadvantaged young people, including confidentiality issues
- Support the local authority in its statutory duty to promote the educational achievement of children and young people in care/previously in care and children and young people in the criminal justice system

9. Arrangements for Review

This policy will be reviewed as to its effective implementation on an annual basis and updated as appropriate.