



Malbank School & Sixth Form College

Looked After Children Policy

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Looked After Children Policy

1. Introduction

At **Malbank School** we believe that everyone has a right to enjoy school life in a safe and friendly environment. We encourage respect for others and their property, and we strive to ensure that everyone is valued equally and treated with respect, regardless of aptitude, ethnic origin, gender, sexual orientation, disability or social status.

The school recognises that Local Authorities including Cheshire East have responsibility to ensure that all Looked After Children (LAC) reach their full potential, by supporting the education of Looked After Children and narrowing the gap between their attainment and progress and that of all children.

Corporate parenting places collective responsibility on the Local Authority to achieve good parenting for Looked After Children. This responsibility is also set out in Cheshire East's sufficiency statement for Cared for Children 2018-20

A Looked After Child is one who is 'looked-after by a local authority' is one who is looked after within the meaning of section 22 of Children Act 1989 or Part 6 of the Social Services and Well-being (Wales) Act 2014;

Under the Children's Act 1989, a child is cared for by a Local Authority if he or she is in their care or is provided with accommodation for more than 24 hours by the Authority. They include the following:

- Children who are accommodated under a voluntary agreement with their parents (Section 20)
- Children who are the subject of a care order (Section 31) or interim care order (Section 38)
- Children who are the subject of emergency orders for the protection of the child (Section 44)

A previously looked-after child is one who is no longer looked after in England and Wales because s/he is the subject of an adoption, special guardianship or child arrangements order which includes arrangements relating to with whom the child is to live, or when the child is to live with any person, or has been adopted from 'state care' outside England and Wales; and

A child is in 'state care' outside England and Wales if s/he is in the care of or accommodated by a public authority, a religious organisation or any other organisation the sole or main purpose of which is to benefit society.

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

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

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

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

The majority of children who are being accommodated by the local authority will be doing so with the full agreement of those who have parental responsibility for them. In practice, children are accommodated because there are particularly difficult family circumstances which mean that they cannot be cared for in their

normal family environment. While they are accommodated, the child's parents [or guardians] retain full parental responsibility and may at any time remove them from Local Authority provided accommodation.

Some looked after children are the subject of a care order. If the Local Authority believes that a child has suffered or is likely to suffer "significant harm" if s/he remains with his or her birth family then they can apply to the courts for a care order to assume parental responsibility for the child. While it is possible that children on care orders live with their parents or other family members if that is what the courts decide, most will live with foster carers.

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

whilst they were in care and will continue to have access to the VSH and to the designated teacher.

2. Children and Young Persons Act 2008

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

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

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

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

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

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

To promote the educational attainment of Looked After Children the school will:

- Appoint a Designated Teacher with responsibility for Looked After Children in line with the 2008 Children and Young Persons Act, who will:
- Provide strategic leadership across the school to ensure that all staff understand and respond positively and with sensitivity to the individual needs of Looked After Children on roll.
- Assess and identify the teaching and learning needs of Looked After Children on roll, involving others as necessary and coordinating within the school the development and implementation of the child's Personal Education Plan (PEP), to reflect those needs.
- Lead the process of individual target setting and tracking of the progress made by Looked After Children.

- Ensure that systems are in place that enable children to have an opportunity to contribute to their PEPs and understand what that means to them.
- Ensure that the school has received the child's most recent PEP from the child's previous school or Social Worker.
- Ensure that the PEP is up-to-date and made available for the child's statutory care plan review, and ensure that they or appropriate staff attend the PEP meeting, contributing to the form and towards decision making about the use of the Pupil Premium Plus.
- Secure relevant services for the pupil where necessary, for example CAMHs.
- Liaise with the Governing Body providing an annual report on the progress and well-being of our Looked After Children.
- Work with Children's Services to support both the child who is at risk of going into care and their parents to try to prevent the need for the young person to go into care.
- Give first priority to Looked After Children when allocating places using the oversubscribed criteria, in line with government admissions guidelines.
- Work with Cheshire East and other Local Authorities by liaising with the Virtual School for Looked After Children and providing data when requested.
- Monitor the academic and social and emotional progress of Looked After Children on roll.
- This will be done via weekly Student At Risk (STAR) meetings comprising Key Stage Pastoral Leaders and teams, the Inclusion Mentor, SENCO and Connect Manager; the tracking of all student's academic progress and Attitude to Learning at 3 points in the school year; review meeting with Progress Managers; individual interviews with the Designated Teacher on one to one days; PEP meetings; meetings between pastoral staff, the children and their carers, as appropriate; referral to the Inclusion Mentor, SENCO or Connect Manager as appropriate; transition planning appropriate agencies.
- Ensure that Looked After Children are fully included in the life of the school.
- Staff should ensure that Looked After Children who are on roll have the necessary support to access the curriculum, school trips, visits and activities by liaising with the Key Stage Leaders or Assistant Headteacher (Inclusion). The Pupil Premium funding will be used to ensure that the Looked After Child is actively engaging in school life and that they are making progress in line with expectations. This will be outlined on the PEP. The school will provide free music tuition upon request.

- Liaise effectively with external agencies as appropriate, for example Key Social Worker, Virtual School personnel, Foster Carers, the Education Welfare Officer (EWO)
- Agree contact procedures to monitor absence and review attendance with the EWO.
- Attend case conferences.
- Keep the PEP up to date and ensure that specific tasks identified are carried out.
- Facilitate a planned change of educational placement by working with the Social Worker to agree the exchange of information prior to his/her move, review the PEP, make arrangements for recording and monitoring of attendance.
- Contact the Social Worker, Carer, Virtual School team in the event of a decision to place a Cared for Child on a Pastoral Support Programme (PSP).
- Contact all relevant agencies in the event of a decision to permanently exclude. The Director of Children's Services is the corporate parent.
- Appoint a School Governor with responsibility for Safeguarding/Looked After Children who will liaise with the Designated Teacher and governing body to ensure that all statutory duties are being carried out.
- Undertake regular training so that they have an up to date awareness of how best to support Looked After Children reach their potential.
- For previously Looked After Children, understand the importance of involving the child's parents or guardians in decisions affecting their child's education, and be a contact for parents or guardians who want advice or have concerns about their child's progress at school.

The designated teacher for Looked After Children at Malbank School & Sixth Form College is; **Mr C Yew (Assistant Head – Director of Behaviour and Safeguarding)**

The designated governor is; **Mrs Suzanne Austin**

3. Form and Subject Tutors should:

- Ensure that registers/mark books indicate the name(s) of any LAC within their forms/groups
- Monitor the attendance of the LAC and liaise with Key Stage personnel/ the Attendance Administrator as appropriate
- Build up a relationship with the individual in order to determine the difficulties surrounding sustaining friendships, home work production, uniform wearing etc and liaise with appropriate members of staff to resolve difficulties.
- Be understanding of the difficulties which may be experienced by the young person over and above those of a typical teenager.
- Liaise with appropriate staff to provide additional support eg homework space.
- Be familiar with the PEP Action Plan in so far as it impacts on teaching and learning targets.
- Contribute to the PEP and case conferences as appropriate.
- In the event of behavioural or academic difficulties inform key stage personnel immediately.

4. Useful Contacts

Mr Yew, Assistant Head, Designated Looked After Children's Teacher

Mrs S Austin - Governor

Mrs A Nicholson - DDSL

Policy updated – September 2022 (to be reviewed September 2023)

Signed

Head teacher



Chair of Governors

