

Kent Admissions Guidance for children in care and children previously in care (without an EHCP)

January 19

**Guidance for Local Authorities, Virtual
Headteachers, Schools, Social Workers
and Foster Carers Considering Placements into
Kent Local Authority Area**

This policy can be found on the following websites:

www.virtualschool.lea.kent.sch.uk

<http://www.kent.gov.uk/education-and-children/schools/school-places/move-to-a-different-school>

<https://www.kelsi.org.uk/admissions/admissions/children-in-care>



Summary

This policy supports the DfE statutory guidance '*Promoting the education of looked after children and previously looked after children*' published in February 2018. For the purposes of this admissions policy, it is Kent's approach to refer to looked after children as being children in care.

This policy will only be reviewed following published changes to any DfE statutory guidance.

It is based on statutory guidance from the Department for Education, which 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. *It should be followed for all children in care and children previously in care placed in Kent schools.* It covers all admissions both at normal transition points and casual in year admissions. Applications for school places **must** be made for all children in care and children previously in care as for any child at normal transition times.

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 amends 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 children in care is properly discharged. For the purpose of this guidance that Officer is hereafter referred to as the Virtual School Head (VSH).

Further details about Kent's Virtual School can be found via www.virtualschool.lea.kent.sch.uk

What legislation does this policy 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 by the Care Planning, Placement and Case Review (England) (Miscellaneous Amendments) Regulations 2013.
- 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.

Children previously in care 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) Act 2014), because they are the subject of adoption, special guardianship or child arrangements; or
- The duty applied to children who are in early years provision (secured by the locality 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 purposes of promoting the educational achievement of children previously in care. They can also undertake any activity they consider appropriate where that activity will promote the educational achievement of such children in their area.

Who is this guidance for?

This guidance is for:

- Local Authority officers, in particular, Directors of Children's Services; VSHs; social workers; officers carrying out a Local Authority's function as a school admission authority; special educational needs departments; Independent Reviewing Officers (IROs); personal advisers; care leaving services, Lead Members for Children's Services, schools and foster carers.

Key Points

- The authority must give particular attention to the educational implications of any decision about the welfare of those children.
- Whenever a child in care and children previously in care are likely to move schools there is an informed discussion between relevant professionals about the setting which will best meet the child's needs.
- Children in care and children previously in care must have access to a suitable range of high quality education placement options. As part of a Local Authority's corporate parent role, the VSH needs to be the educational advocate that parents are for others.
- There should be timely communication and effective co-operation with the Fair Access Admissions team and other Local Authorities, particularly in relation to possible education placement changes.
- Relevant information about individual children is passed promptly between authorities, departments and schools when young people move.
- Training is available for those involved in the care and the education of Children in Care and children previously in care. This should include, among other things, information about school admission arrangements.

Securing appropriate education

- There is a Statutory Duty for a Local Authority to formally notify of the placing of a Looked After Child into another local authority area and of any subsequent placement changes. Please email OLALAC01@kent.gov.uk for more details and to request the required form for completion to notify Kent County Council.
- OLAs seeking to place in Kent need to be mindful that due to the large number of children in care placed in the county each year a process is in place to guide VSHs in securing the most appropriate education for the child (as outlined at the end of this document).

Placing Authorities are asked to provide background information about the child by completing the Kent Child in Care School Information Form (CiC SiF) (refer to Annex A). The Fair Access Admissions team support this admissions process and will guide VSHs and social workers through each key stage from approaching the identified school through to facilitating the preadmissions meeting.

The CiC SiF forms part of the conversation about the child and is integral to the preadmissions meeting and crucial in identifying where the child may require additional resources. This information gathering is a fundamental part of the process which ensures that the child placed receives a bespoke, well-planned and successful transition.

- The VSH has primary responsibility for ensuring that there is suitable education in place for all children in care and those previously in care, ideally before the child is placed away from their home authority.
- Where it is not possible to maintain the child's existing education placement, professionals should work together to ensure that, except in an emergency, appropriate education provision for a child is arranged at the same time as the care placement. Disruption to the child's education should be minimised where possible, particularly at Key Stage 4.
- In the case of an emergency placement, it is the responsibility of the placing authority that looks after the child to secure a suitable education placement within 20 school days.

In arranging education provision, the following principles should apply:

- Educational provision should mean a full-time place.
- The choice of the education setting should be based on evidence that the setting can meet the educational needs of the child and help them make the maximum progress.
- Schools judged by Ofsted to be 'good' or 'outstanding' should be prioritised for Children in Care and children previously in care in need of a new school.
- When consideration is given to schools judged as 'Requiring Improvement', social workers and VSHs should be able to evidence that the school is providing high quality support to its most vulnerable pupils to ensure maximum progress is being made before placing them in that school.
- 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.
- The VSH should ensure that social workers, IROs and admissions officers comply with the requirements in the School Admissions Code.

Securing Alternative Curriculum/Pupil Referral Units (PRUs)

Where a child needs to attend a PRU or an alternative curriculum setting, the Placing Authority should seek guidance on the process from the Admissions Placement team. There are numerous districts in Kent, each with their own PRU arrangements which have been organised to meet the specific needs of the locality. In each district local headteachers are responsible for meeting the educational needs of all children in their locality. Special arrangements in a particular district will need to be established in advance to understand if there are suitable education provisions to meet the needs of children for whom a residential placement is being considered. In most areas schools directly purchase places at the PRU from their own budgets for local children who may require respite. If OLAs intend to secure a PRU place for a child in care or a child previously in care, then it is expected that any costs attributed to the place would be met by the Placing Authority.

More information can be found on www.kelsi.org.uk/pru-inclusion-and-attendance-service-pias/pupil-referral-unit-and-alternative-provision

School Admissions

- Admission authorities understand that Fair Access Protocols (Fair Access Panels) do not apply to children in care and children previously in care as in Law the most appropriate school should be solely determined by the corporate parent. *(Refer to Kent Fair Access Protocol section 8.2, p.17).*
- In relation to infant class size regulation, children in care and children previously in care are considered as 'excepted pupils' *(in line with the DfE School Admissions Code, 2014, section 2.15, p.24).*
- The Local Authority, as corporate parent, should not tolerate drift and delay where a child is without education following placement that is appropriate to their assessed needs. The powers of direction should be applied in a timely way, rather than delay issuing a direction as a result of protracted negotiations.
- The choice of school requires skilled working between professionals. It should be based on a discussion between the child's social worker, the VSH, the Fair Access Admissions Team, and where appropriate foster carers and birth parents. The VSH should be consulted to avoid identifying an education provision which is unlikely to meet the child's needs. The preferred education provision should be addressed explicitly in the child's permanence plan, which is part of their wider care plan.
- Social workers who are unsure of how school admissions work in relation to Children in Care and children previously in care, should discuss this with their VSH or someone else who can provide the correct information. Information regarding education planning is provided by the VSH and Fair Access Admissions Team and they are responsible for liaising with education providers for Children in Care and children previously in care regarding in year school places.
- If a school/education provider is approached by a social worker or foster carer regarding school places, the school should contact the VSH and Fair Access Admissions Team in the first instance.
- Children in care and children previously in care who have a Statement of Special Educational Need (SEN) or an Education and Health Care Plan (EHCP) who require educational provision will **NOT** come through the Fair Access admissions team. They will be supported by the Kent SEN service (contact details below), who will identify appropriate provision in liaison with the child's social worker and foster carer.

Kent SEN

East Kent	SENEast@kent.gov.uk	03000 421160
North Kent	SENNorth@kent.gov.uk	03000 419345
South Kent	SENSouth@kent.gov.uk	03000 420889
West Kent	SENWest@kent.gov.uk	03000 420997

Special Guardianship Orders (SGO), Adoption Placements and Residence Orders

- The normal admission process for Children in Care who move to new school placements because of a planned adoption or as a result of an SGO or Residence Order being granted should be followed.
- If the school is oversubscribed, after the admission of pupils with a SEN or an EHCP, where the school is named, priority for admission will next be given to a child who is a 'child in care' or a child who was previously a child in care after being subject to an adoption, residence, or special guardianship order.
- The child's social worker should liaise with the VSH to identify a setting which best meets the needs of the child. However as adoptive parents and SGOs hold parental responsibility, their preferred setting may differ from that recommended by the VSH.

Out of county moves

- Where a move out of county for the child is planned, the social worker and the VSH may liaise with the Fair Access Admissions Team and the Virtual School in the receiving Local Authority as appropriate and follow the statutory guidance thereafter.

Supporting Documents:

- DfE 'School Admissions Code', December 2014
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf
- DfE 'Promoting the education of looked after children and previously looked after children', February 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683556/Promoting_the_education_of_looked-after_children_and_previously_looked-after_children.pdf
- DfE 'The admission into school of children previously in state care outside of England, August 2018
- Kent Fair Access Protocol 2018-2021
https://www.kelsi.org.uk/_data/assets/pdf_file/0009/80010/Fair-Access-Protocol-2018.pdf

Further information relating to mainstream school places can be found through the Kent County Council admissions page.

<https://www.kent.gov.uk/education-and-children/schools/school-places>

Or by contacting admissions on 03000422860

Procedure for applying for a school place in Kent for children in care and those children previously in care

