



A Guide for School Governors
About Children in Care
2016

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Overview

The role of the School Governor is crucial to the improvement in educational attainment of Children in Care (CIC). This information document aims to help you to better understand more about the difficulties Children in Care encounter, the services in place to support them and the role of the most significant partners.

You will also read about the responsibilities and role of school governors in relation to children and young people in care together with suggestions and ideas on the kind of effective actions governors can take.

Section 1: Promoting the education of children in care

The Children Act 1989 sets out the framework through which local authorities discharge their statutory duty to promote the educational achievement for children in care.

Under the Children and Families Act 2014 every local authority in England must appoint an officer to make sure that the Local Authority's duty to promote the educational achievement of its children in care is properly discharged. That officer is often referred to as the Virtual School Head.

In Derbyshire, the Virtual School Head leads the Virtual School. The Virtual School aims to work with the child in care's school or setting to ensure children in care achieve the best possible outcomes.

Click here to find more details.

[The Virtual School: Social care and health - Derbyshire County Council](#)

Section 2: The care System

Children and young people in care – what are their prospects?

Whilst some statistics from the Department for Education show the poor prospects of children brought up in care, many children in care make good progress once they enter care, but many do not achieve their true potential.

Although children and young people taken into care:

- Are 2.5 times more likely to become teenage parents;
- Are 66 times more likely to have their own children taken into care;
- Only 20% of children and young people in care attain five good GCSE's, compared with around 70% of children and young people the same age who are not in care.

Why are children and young people in care?

There are many reasons why a child may be in care. There is no typical child. Every child in care will have a unique set of individual circumstances.

Below are four examples of young people who have entered the care system and a little about their backgrounds that have led to them being in care.

Tracey – in care because of neglect. Her mother is a single parent with learning difficulties and severe alcohol problems. Tracey was living in a chaotic and dirty house with adult drug users and family members were not always present. The social worker attached to Tracey negotiated an agreement with her grandparents so she can now reside with them.

Jamie – in care because he was physically and sexually abused as a child. He's now living with foster carers provided by the Local Authority (LA). Jamie had to move three times before he became settled in his foster family.

Jane – in care because of physical abuse. Jane is living outside her own home area with foster carers because of threats of abduction from her biological parents.

Ahmed – in care because he is an unaccompanied young person seeking asylum in the UK. Ahmed believes both his parents have been killed in conflict in his home nation. Ahmed says he is fifteen, but there is no way of verifying this. He is currently living in a residential children's home.

Children in care – terminology

Looked after child – This term is the term most commonly used to describe a child in care. It is used in public papers and reports. It is accurate and does not carry stigma.

LAC – Abbreviation for looked after child or looked after children.

Children in care – This term is preferred by many professionals, as it accurately reflects the legal status of the children and is not generally regarded as negative. It is occasionally abbreviated as CiC. This is the term used in Derbyshire.

Looked after children or children in care – These two phrases are interchangeable, and either can be used appropriately on all occasions.

Looked after children – definitions

Under the Children Act 1989 a child is looked after by a LA if he or she is in their care or is provided with accommodation for more than 24 hours by the authority.

There are a number of different categories. The most common include:

- Accommodated
- Compulsorily accommodated
- Interim care order
- Care order
- Emergency protection order

Our four example children in care are defined as:

Tracey – in care but living with family members – her grandparents. She is placed there by the LA in partnership with a parent under Section 20 of the Children Act 1989. The LA does not acquire full parental responsibility and decisions about Tracey have to be taken in partnership with the parents. Tracey is **accommodated**.

Jamie – with long term foster carers, funded and supported by the LA. Children in a stable long term foster placement often achieve well in education. Jamie is subject to a **care order**.

Jane – Section 38 of the Children Act 1989 gives the LA shared parental responsibility with Jane's birth parents, including all the duties and responsibilities a birth parent would have, to make decisions concerning her. Whilst decisions are being made about longer term plans for Jane, she is the subject of an **interim care order**.

Ahmed – is an unaccompanied minor seeking asylum. Section 31 of the Children Act 1989 gives the LA parental responsibility. The authority now assumes all the duties and responsibilities a birth parent would normally have for Ahmed. Ahmed is the subject of a **care order**.

Types of placement

A child subject to a care order can be in any one of a number of placement types, depending on personal circumstances.

Tracey – is in a 'connected person placement'. She is living with her grandparents. In an increasing number of cases, to avoid traumatic family disruption, LA's will take a child into care while allowing the child to remain within his/her own family or neighbourhood.

Jamie – is well settled in a placement with foster carers directly recruited and supported by the LA. Children like Jamie who are in a long term stable foster placement tend to be the most successful in the education system.

Jane – has been placed by her home authority with foster carers outside her local area. In Jane's case, her carers were engaged through a private agency working on behalf of the LA. Jane will be with her foster carers until court decisions have been made about her long term future. This could take many months and in some cases more than a year.

Ahmed – is in a residential children's home with four other young people of similar age. Local authorities still retain a few children's homes. Private and voluntary residential providers are also used by LA's. Being in residential placement can be a particularly challenging time for some children. For others – usually older children who come into care in their late teens who find it difficult to be in a family setting – it can be the least damaging option.

The care plan

All children in care must have a care plan. The care plan contains a lot of information about the child's situation and who is involved in the case. In summary however, the care plan has three essential overarching purposes:

- **Needs** – The care plan identifies the child's assessed needs and the services which will be provided to meet those needs;
- **Framework** – The plan sets out the framework for the services provided to the child and family to enable the desired goals and outcomes to be achieved for the child.

- **Long term outcomes** – A strategy for achieving the best possible long term outcomes for the child is also laid out in the care plan.

Social care partners

There are usually a number of professionals and specialists involved with a child in care. Some examples are shown below:

- **Child's social worker** – The social worker is ultimately responsible for all decisions affecting the child, although day to day matters will be left to the carers. The social worker also oversees the child's education, even if the child is living in another education authority area.
- **Children's guardian** - A children's guardian is a person appointed by the court to protect the child's interests in court proceedings.
- **Foster carer's social worker** – In addition to the child's social worker, there will also be social worker support, advice and guidance for the foster carers. This is also the case where family or friends are the foster carers. Most foster carers undertake professional development.
- **Independent Reviewing officer** – The independent reviewing officer chairs meetings that regularly review the care plan. The officer will ask questions about the child's progress at school and require the social worker to carry out any actions essential to the effective implementation of the care plan. It is good practice for the school to have an educational input at the review.
- **Virtual School** – Each child in care has a named Education Support Officer (ESO) who acts as an education champion – nurturing young people's education, aspirations, ambitions and well-being. ESO's may offer support to the school or direct interventions with young people.

Section 3: Children in Care in the school system

When compared to the general population, those who have formerly been in care are over-represented in certain groups while being substantially under-represented in others. Groups in which are leavers are over represented:

- Prison population
- Teenage single parenthood
- Homeless
- Mental health difficulties

They are under-represented in:

- Higher education
- Professions

Improved attainment in education is one of the essentials if this situation is to be effectively addressed.

Schools – mandatory requirements for Children in Care

Schools are required to have a system of responsibilities and records for each child in care.

In overview the school must:

- Appoint a **Designated Teacher** for children in care.
- Have up to date **school records** for each child in care.
- Have a current **Personal Education Plan (PEP)** for each child in care.
- Respect the child's right to **confidentiality**.

Designated Teacher

The Designated Teacher for children in care is the member of staff in a school who carries responsibility for all matters related to children in care. The Headteacher has a legal responsibility to nominate a member of staff to be the Designated Teacher.

The Designated Teacher has a demanding role:

- **Maintain records** – keep a record of the children in care on the school register, together with contact details for carers and records from any previous school(s).
- **Agree a PEP** – must ensure that every looked after child has a Personal Education Plan. This requires liaison with the social worker.
- **Provide advice and information** – acts as a resource for the children, carers, parents, social worker and other teachers.
- **Advocate** – should raise staff awareness, take up issues, develop opportunities and promote the needs of children in care in the school.
- **Protect confidentiality** – should be sensitive about what information the child or young person may or may not want generally known.
- **Act as primary contact** – will be the central point of contact for all matters relating to children in care.
- **Promote liaison** – should ensure that there is effective liaison between the various partners and agencies involved with each individual child.

Records

For a child in care who has recently moved school, the receiving school needs to be proactive in ensuring that the child's record follows him/her immediately. Ready access to information contained in the school record is crucial if the child is to settle successfully in the new school.

The receiving school should have the child's:

- School record
- Contact details
- Personal Education Plan
- Individual Education Plan (*where appropriate*)

The school should also have a note on the contents of the education section of the child's care plan, which is held by the social worker.

Many children in care are disadvantaged due to long delays in receipt of their school records. If the receiving school does not have information on a child's particular circumstances, health issues or additional educational needs, it is harder for the new school to act in the best interest of the child at a time when they are particularly in need of support.

Records – content and responsibilities

The records that follow a child in care through his/her school career help each school, in consultation with other agencies involved with the child, decide what is in the best interests of the well-being and education of that child.

Below you will find more details about the different records.

School record

In common with all pupils, children in care will have a school record, including details of:

- Academic attainment
- Any learning
- Behaviour
- Health issues

A change of schools during the academic year is more common among children in care than in other groups.

Early transfer of records is essential. Schools often have to be persistent in getting a copy of a child in care's record sent to them from a child's previous school. The person responsible for obtaining these records is the Headteacher or a person nominated by the Headteacher.

Contact details

It is essential that schools have the home and work phone numbers and the address of the current carers and current social worker for the looked after child. In the case of children in residential placements there may be a number of contacts.

In the case of children in care, there will often be frequent changes to contact details. These records need to be updated regularly. The person responsible for doing this is the Headteacher or the Designated Teacher.

Personal Education Plan

Each child in care should have a Personal Education Plan (*PEP*), setting academic and personal development targets for the coming term. The PEP should be reviewed termly. The person responsible for this is the child in care social worker in liaison with the Designated Teacher.

Additional Learning Needs

Many children in care are the subject of a Statement of Special Educational Needs or an Education Health and Care Plan. This means that in addition to the PEP, they will have a supplementary plan. This plan sets detailed academic targets and activities for the coming weeks.

Care plan

The care plan is held by the social worker and sets out the plan for every aspect of the child's development and well-being. It includes an education section, identifying the child's school and educational objectives. The person responsible for maintaining the care plan is the relevant social worker.

The PEP

The PEP should contain:

- **Review** – A review of previous objectives and targets will show whether they have been achieved.
- **Objectives and targets** – Specific objectives and targets for the next few weeks/months. These targets can be about academic progress or related to personal development.
- **Timescale** – The PEP should identify the timescale for achievement of the targets.
- **Identified resources** – The PEP should identify any resources that might be required in order to help the child reach his or her targets, and how the Pupil Premium Plus is being used.
- **Success criteria** – Success criteria should be clearly defined rather than vague, specific rather than general.
- **Responsibilities** – The PEP should say who will be responsible for carrying out any actions identified.
- **Renewal date** – The deadline for the next PEP review should be stated and they should be updated every term.

PEP – Responsibilities

Below are those who are required to be involved in the PEP process.

- **Social worker** – The child's social worker is responsible for initiating the PEP process in good time, by contacting the Designated Teacher and arranging a meeting.
- **Designated Teacher** – The Designated Teacher must be involved. The school will be held responsible by the inspectorate if a current PEP is not in place for a child in care.
- **Carer** – As in every matter concerning a child in care, the carer(s) should have the opportunity to make a contribution.

- **Child** – The PEP is a document that belongs to the child in care. It sets out the plans for his/her education progress in the immediate future and in the long term. The child needs to be positively involved, either in a round table meeting or by contributing through a one-to-one meeting with the Designated Teacher or other appropriate person.
- **Virtual School** – The Education Support Officer works alongside the Designated Teacher to ensure the school and young person are being supported.

Confidentiality

A child may already be in care on arrival at the school, or may be taken into care while attending the school. Each child in care has a right to confidentiality concerning his/her status.

However, while the individual history and circumstances of a child in care will always be highly confidential, all professionals within the school who are likely to be working with that child should be aware of the child in care status so that they are in a position to prioritise the child's needs.

The responsibility for respecting a child's confidentiality lies with school management. The onus is on them to ensure that all staff are aware of their obligation to respect confidential information in their work, and in dealings with parents and other children.

Section 4: Addressing disadvantage in the school system

Children in care at school

Children in care are likely to experience disadvantage in many ways during their time in the school system. Specifically, they are likely to have problems within the context of:

- Admissions
- Attendance
- Exclusions
- Special needs
- Bullying

Admissions

Most children apply for a school place well in advance and are admitted at the conventional time at the start of the autumn term in September. Children in care are also part of this process. However, children in care often find that, following a placement breakdown or an emergency move for example, they are looking for a place in a new school at some other point in the academic year.

Unfortunately, although schools are required to prioritise such admissions, children in care often encounter difficulties that may result in attendance issues or behavioural problems.

Attendance issues

Whilst many children in care have excellent attendance records, a proportion of children in care are poor attenders. Statistics show that as a whole, children in care are likely to be absent from school more frequently than other groups.

There are many reasons why children in care might be absent from school more frequently than other children:

Common reasons for absence:

- Placement breakdown and consequent move to new place of residence;
- Bullying in school;
- Lack of parental support;
- Traumatic event, such as meeting with birth parent;
- Health factors, such as asthma, eye and ear problems, stomach upsets;
- Emotional well-being issues;

Exclusions

Children in care are ten times more likely than the national mainstream cohort to be excluded from school. The factors behind this problem are often complex.

Schools need to have effective procedures in place to avoid the further disadvantage that exclusion inevitably inflicts on a child in care.

Dealing with exclusions

Where children in care are concerned, schools should be flexible in exploring every possible alternative avenue in order to avoid exclusion.

Effects of exclusion

Exclusion from school, whether temporary or permanent, can place great strain on care placements. Foster carers are often out at work during the day. They may also have responsibility for a number of other children. Looking after an excluded child at home could be a challenge for them.

Many children in care have already experienced rejection by adults, and a transfer in crisis – from one home or school to another. Exclusion only serves to reinforce such patterns. Continuity of schooling is vital for children in care already suffering disruption in their personal life. Exclusion from school will only reinforce feelings of alienation.

Process of exclusion

Whenever a child is excluded, the Headteacher sends a letter to the parents or carers and social worker of the excluded child. A copy must be sent to the Virtual School. Regulations stipulate that certain information must be included in this letter.

Required items in Headteacher's letter are:

- Invitation to attend a reintegration interview;
- Reasons for exclusion;
- Duration of the exclusion;
- Parent's right to see and have a copy of his or her child's school record;
- Date and time when the pupil should return to school;
- Telephone number for the Advisory Centre for Education;
- Name and telephone number of an officer at the Local Authority;
- Arrangements for provision of homework.

If a serious event happens and it is the view of the school to exclude, the following is the correct exclusion procedure;

1. Serious incident occurs;
2. Pupil is excluded for a fixed term by the Headteacher or the designated Headteacher;
3. The Headteacher telephones the carers and social worker to inform them of the exclusion;
4. The Headteacher advises the carers and social worker in writing of the reasons for the exclusion and a date for the child's return to school;
5. The school sets work for the child during the exclusion period;
6. The pupil returns to school on the designated date.

Exclusions and School Governors

School Governors can help the school monitor exclusions of children in care in a range of ways;

- Procedures;
- Vulnerability;
- Trends;
- Alternative provision;
- Hearings;
- Alternative curriculum arrangements;

Procedures

Check that the school is following procedures in individual cases, including:

- Its own procedures on exclusions;
- The need to inform the child's social worker and the child's carer of the exclusion;
- The requirement for the Headteacher's letter of exclusion to signpost carers to the Advisory Centre for Education (ACE) exclusion helpline.

Vulnerability

Ensure that the school is fully aware of the unique vulnerability of children in care in exclusion situations.

Trends

Ask whether there are any trends in exclusion rates of children in care. Are fixed term exclusions increasing and if so, why?

Alternative provision

Ask if the school has explored the option of alternative education provision for a fixed period. This is often an effective option for pupils in school years nine to eleven.

Hearings

Examine whether exclusion hearings listen receptively to children and young people, providing an atmosphere where they feel comfortable and able to speak openly.

Alternative curriculum arrangements

Check whether staff have spoken to the child and carers about alternative curriculum arrangements which could be jointly agreed by the child, carers and the school.

Special Needs

Nationally the proportion of the school population with a statement of Special Education Needs (SEN) or EHCP is about 1%. The proportion of children in care with a Statement of Special Educational Needs or EHCP is 25%.

Many more are likely to need extra help at school to meet these needs and to catch up on lost school time.

Special Needs and School Governors

Sometimes the special educational needs of a child in care are overlooked or support is delayed. This could be because:

- Learning difficulties are not immediately diagnosed because they are attributed to the child's social and emotional circumstances;
- Frequent moves between carers or homes disrupt assessments and provision of support;
- The child is placed outside his or her home authority;

As a school governor you can support all parties by asking:

- How does the school ensure prompt identification of special educational needs of children in care?
- Are carers informed that the child has special educational needs and advised how they can get help?
- How are young people involved in reviews and target setting?
- How is Pupil Premium Plus being used to support the young person make good or better progress?

Bullying

Monitoring bullying is an important way of showing that the Governing Body is concerned about pupil's health and safety. The Governing Body should also be able to demonstrate that bullying does not prevent children in care enjoying school and achieving.

Whilst anyone can be the subject of bullying, there is evidence that some groups, including disabled children and children in care, are more likely to be bullied than others. Many pieces of research highlight how vulnerable children in care are to bullying.

Your school's anti-bullying policy needs to recognise the particular vulnerability of children in care and should specify the actions to be taken when bullying is discovered.

Children and young people who are in care and accommodated by the local authority are vulnerable to bullying behaviour for a number of reasons;

- It may be due to regular changes in schools;
- Where they are placed which can make forming friendships difficult;
- Poor relationship skills stemming from attachment difficulties;
- A reluctance to make friends;
- Low self-esteem;
- Lack of role models;
- A heightened sense of privacy.

Bullying will often focus directly on the fact that they are in care.

Barriers to reporting that bullying is taking place:

- Lack of a trusting relationship with an adult or a distrust of authority;
- A concern that they will not be believed or that any action will be taken;
- A concern that they will be seen as the perpetrator;
- Children and young people may be exhibiting behaviour which they feel is indicating that they are being bullied but the adults around them may not pick up on this. Changes in behaviour may be put down to stress about reviews or other events in the life of a looked after and accommodated child or young person;
- A desire not to highlight their looked after situation;
- A heightened sense of self-reliance and independence;
- A desire not to '*rock the boat*' especially at the start of a new placement or during a successful placement.

The school should ensure that children in care have the process of making a complaint explained to them and that all staff must be aware that children in care are vulnerable to bullying.

Section 5: Working towards a solution

Governors – what can you do?

Governors have a vital role to play in responding to the difficulties encountered by children in care in education.

As a governor you can contribute towards:

- Raising expectations;
- Increasing the engagement of the LA;
- Forging partnerships with other agencies;
- Reviewing the duties of Governing Body in relation to children in care;
- Acting as a champion for children in care in your school.

Children in care face so many extraordinary challenges in their everyday life that it is important to ensure their school life is as supportive as possible. As a Governor you have an important contribution to make in this respect.

Getting the facts

The school should have the following information instantly available:

- The number of children in care in the school;
- The name of the Designated Teacher;
- Information on academic performance;

Data on the performance of children in care, including comparisons with the performance of the school as a whole, should be readily available. Comparative data on their performance compared to the national school population as a whole would also normally be available.

Appointed Governor with special responsibility for children in care

There is no duty on schools to appoint a governor with special responsibility for children in care. It is up to individual governing bodies to consider the most effective way to support children in care within their school.

In some schools, governing bodies have indeed nominated a particular Governor or created a sub-committee for vulnerable children to promote the needs of children in care. However, this is not a legal requirement.

As a champion of children in care in your school, you will need to find out specific answers to a range of questions.

- **Accurate identification and diagnosis of learning problems** – Many children in care fall behind in their school work because their difficulties have not been effectively diagnosed by schools, or were not diagnosed quickly enough when they first arrived.

Schools must make effective and appropriate action based on diagnosis, finding adequate resource to do this is often an issue.

Schools are expected to prioritise children in care in resource allocation decisions.

- **Detailed planning** – For any child in care whose attainment is below what is expected for his or her age group, the school should have detailed plans of the tasks the child is to carry out and how the teaching will be delivered.

Schools should have a record showing the dates when these plans have been reviewed.

- **Setting targets** – There should be both longer term and short term targets. They should be specific, achievable and monitored. Longer term targets are usually contained in the PEP.

If targets are not being met, it may be that they are inappropriate targets, or they have not been given sufficient attention.

- **Monitoring progress** – Alongside regular formal and informal reviews of progress with children in care, you may also find it useful to institute a regular audit. This could be conducted on an annual or bi-annual basis, or more frequently if resources permit.

An audit provides a systematic and thorough snapshot of provision that allows you to draw conclusions about progress based on solid evidence.

Local authorities (LAs)

LA's have statutory duties with respect to children in care:

- **Local authorities and education** – Under Section 52 of the Children Act 2004, LA's have a duty to promote the educational achievement of the children in their care. In order for them to implement this duty successfully, they will need the active co-operation of schools.

The LA will have a service specifically to support the education of children in care. This service is called 'The Virtual School'. It is work contacting them to ask what support and training they can offer school governors. Contact virtualschool@derbyshire.gov.uk

- **Local authorities and corporate parenting** – LAs are expected to act as 'Corporate Parents'. As the corporate parent of children in care, the LA has a legal and moral duty to provide the kind of loyal support that any good parent would provide for their own children. In other words, the LA must do at least what a good parent would do.

Corporate parenting also emphasizes that it is the LA as a whole, not just social care, which has responsibility for that child. Other departments, such as Children's Services, and youth services, carry equal responsibilities for children in the care of the authority.

What the children say

Children in care often feel as though their views about their own welfare are the least valued. They feel they are not really being listened to. It is important to listen to them carefully and to take account of their wishes.

Tracey – In school, we need someone to take our side.

Jamie – We are in care because somebody else messed things up. It's not really our fault. It could have happened to you just as easily.

Jane – When I got excluded, the next thing was the foster placement broke down. Then I had new carers and a new school. And the whole thing started over again. It would have been better if I was not excluded in the first place.

Ahmed – Our education is a once in a lifetime chance. Help us to make sure it is not a missed opportunity.

Some thoughts from other professionals

Social Worker – "Our expectations of what children in care can achieve are way too low. Children in care have the same academic abilities as their peers. The Governing Body of the school can help to raise expectations in the school system and, as a consequence, the child's expectations of his/her own abilities".

Residential key carer – “Children in care need someone in the school they can turn to in a crisis. A governor can offer back-up and support for the designated teacher. More generally, the governor can also act as an advocate for children in care in the school, taking an interest in their progress and ensuring their achievements are acknowledged”.

Court magistrate – “We must remember that children in care are not to blame for the circumstances in which they find themselves. The public sector intervenes only because the children’s parents are unable to provide appropriate care themselves. There is an obligation on each one of us involved with the education and welfare of such children to extend a helping hand”.

Designated Teacher – “In almost every case the circumstances leading up to care proceedings will have been traumatic for the child. These experiences, together with being separated from friends and family and getting used to life in a new area, will make it more difficult for them to learn. We must do all we can to ensure that school is part of the solution and not part of the problem”.

Foster carer – “Each child in care is different. Each child has a unique set of personal circumstances, background, identity, aspirations and needs. Schools need to be aware of this”.

Headteacher – “Governors have a very useful supportive role in the school. Their input is objective enough to be unbiased and interested enough to make us think. Their questions and challenges provide an informal system of checks and balances and often lead us to examine whether we are really doing all we can to support children in care. Acting as a constructive critical friend of the school is a highly valued role”.

Virtual School Headteacher – “Since children entering care have often had very poor experiences up to the point of coming into care, we must all ensure that accelerated progress targets are set, accompanied by appropriate educational support in place to enable the young person to achieve the very best they can be”.

Additional Information

If you would like more information on your role as Governor, the current guidance is available from the Department for Education (*formerly the Department for Children Schools and Families*). You will find publications through the following link: [Department for Education - GOV.UK](http://www.gov.uk/government/organisations/department-for-education)

The guidance can also be found here:

<http://webarchive.nationalarchives.gov.uk/20090809172013/dcsf.gov.uk/everychildmatters/resources-and-practice/iq00029/>