

## **West Midlands Virtual School Headteacher's**

### **Providing education for children in care placed out of their home authority**

#### **Introduction**

Children in care placed out of their home authority for care, education or both are particularly vulnerable. These principles have been voluntarily adopted by the West Midland Virtual Head teachers to safeguard these young people.

We will support and challenge each other, our own organisations and Virtual Schools outside the West Midland to adhere to these principles.

#### **Terminology:**

- *Home authority*: authority to which the child is in care, also known as responsible or placing authority
- *Receiving authority*: authority in which the child is living and/or educated, also known as area authority
- *Virtual Head* – or equivalent statutory role if given a different title in the LA

#### **Principles**

##### Home Authority Virtual Head

1. Continues to carry the *statutory responsibility* to promote the education of children in care and the *corporate parenting responsibility* for the child's education on behalf of the DCS *wherever the child lives or is placed for education*.
2. Makes every effort to ensure that, through the home authority processes, where a child may move into a new authority, there is *notice to* and *consultation with* the Virtual Head in the receiving authority beforehand, or in an emergency, within 5 working days.
3. Provides a PEP and other information necessary to ensure the right education is provided, including information about any completed or partially completed SEN assessments, with the assurance that this information will only be used by the receiving authority to help provide appropriate education.
4. Makes every effort to ensure that the appropriate person from the home authority attends education meetings to support the provision, or maintenance of education.
5. Makes every effort to ensure that, where non mainstream, specialist education has been provided, without being funded through a statement, by the home authority and it is agreed by the home and receiving Virtual Heads that it needs to be maintained:
  - If the funding for this is controlled by the home Virtual Head, this funding 'follows the child' and is maintained by the home authority
  - If the funding is not controlled by the Virtual Head, uses their influence with home authority fund holders to advocate that it is maintained by the home authority

#### **Receiving Authority**

The Virtual School in the receiving authority will:

- Act as a good corporate parent to children in care from other local authorities
- Ensure that full time appropriate education is provided in a timely manner and that an at least good service is provided, within the resources available.
- Gives every assistance to the Virtual Head in the home authority to adhere to the principles above, through open sharing of information, invitations to meetings, signposting of services and other direct communication.

## **Appendix Legislation and Guidance**

### **Summary**

#### **Statutory guidance on the duty on local authorities to promote the educational achievement of looked after children under section 52 of the Children Act 2004**

*61. In particular, the authority should ensure that the identified educational needs of any child placed in another authority area will be effectively met in the proposed placement **before it is agreed**. This will involve formal notification of, and discussion with, all relevant bodies, including in particular the children's services authority and primary care trust (PCT) where the child would be living.*

#### **Care Planning Regulations 2010, Part 3 – placements, section 10 avoidance of disruption to education**

*The originating authority will always first seek to maintain existing education arrangements to avoid disruption to the child's education*

### **Further Information**

#### **2010 No. 959**

#### **CHILDREN AND YOUNG PERSONS, ENGLAND**

#### **The Care Planning, Placement and Case Review (England) Regulations 2010**

##### **Avoidance of disruption in education**

10.—(1) Subject to paragraphs (2) and (3), if C is a registered pupil at a school in the fourth key stage, a decision to make any change to C's placement that would have the effect of disrupting the arrangements made for C's education must not be put into effect until it has been approved by a nominated officer(a).

(2) Before approving a decision under paragraph (1), the nominated officer must be satisfied

that—

(a) the requirements of regulation 9(1)(b)(i) have been complied with,

(b) the educational provision made for C at the placement will promote C's educational achievement and is consistent with C's personal education plan,

(c) the designated teacher(b) at the school has been consulted, and

(d) the IRO has been consulted.

(3) Paragraph (1) does not apply in any case where—

(a) the responsible authority terminates C's placement in accordance with regulation 14(3),  
or

(b) it is necessary for any other reason to change C's placement in an emergency, and in such a case the responsible authority must make appropriate arrangements to promote C's educational achievement as soon as reasonably practicable.

(4) In any case not falling within paragraph (1), but where the responsible authority propose making any change to C's placement that would have the effect of disrupting the arrangements made for C's education or training, the responsible authority must ensure that other arrangements are made for C's education or training that meet C's needs and are consistent with C's personal education plan.

Note in 10 (1) the nominated officer is the Head of Virtual School

Notification

11.—(1) Subject to paragraphs (3) and (4), a decision to place C outside the area of the responsible authority (including a placement outside England) must not be put into effect until it has been approved by a nominated officer.

(2) Before approving a decision under paragraph (1), the nominated officer must be satisfied

that—

(a) the requirements of regulation 9(1)(b)(i) have been complied with,

(b) the placement is the most appropriate placement available for C and consistent with C's

care plan,

(c) C's relatives(a) have been consulted, where appropriate,

(d) the area authority have been notified, and

(e) the IRO has been consulted.

(3) In the case of a placement made in an emergency, paragraph (2) does not apply and before approving a decision under paragraph (1) the nominated officer must—

(a) be satisfied that regulation 9(1)(b)(i) and the requirements of sub-paragraph (2)(b) have been complied with, and

(b) take steps to ensure that regulation 9(1)(b)(ii) and the requirements set out in subparagraphs

(2)(c) and (d) are complied with by the responsible authority within five working days of approval of the decision under paragraph (1).

### **Improving safeguarding for looked after children: consultation on changes to the Care Planning, Placement and Case Review (England) Regulations 2010**

#### **1.3**

The Care Planning Regulations already include requirements for responsible authorities to notify area authorities<sup>1</sup> whenever children are placed out of authority. We are aware that notification processes are not always followed. Even where notification systems work well, there will always be delay between a child being placed and an area authority being notified. This is a matter for concern as local authorities' safeguarding duties cover all the children living within their area. Local authorities and partner agencies, such as the police, are unable to consider the protection of vulnerable children if they are unaware that a child has moved into an area. This is why we are proposing to amend these arrangements to require placing authorities to consult with the authority where the child will be placed, prior to placement.

#### **1.4**

Unless the placement is made in an emergency, notification should follow after a process of genuine consultation. We want to improve the effectiveness of notification arrangements and are proposing to include more detail in regulations as to the matters that must be notified. We want to see an effective notification process that ensures that all agencies in the area where a child will be living have an awareness of the child's needs and, where appropriate, understand their contribution to supporting the child. Effective information sharing between services in the area where the child is living and the staff in the child's responsible local authority is essential for safeguarding and promoting the welfare of any child relying on out of authority care.