



Education of Children with a Social Worker, Looked After and Previously Looked After Children

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Updates and amendments

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Duty to promote the Educational Achievement of Looked After and Previously Looked After Children

Under the Public Sector Equality Duty (PSED) schools and colleges that are public bodies have a general duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between different groups and to foster good relations between different groups. The duty applies to all protected characteristics and means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications such as, for example, the elimination of sexual violence and sexual harassment. Looked After Children may be classed as having protected characteristics because of disability, age, religious beliefs, sexual orientation and/or race.

1.1 Promoting the Education of Children with a Social Worker, Looked After Children (LAC) and Previously Looked After Children (PLAC)

Under section 22 (3A) and 23ZZA of the Children Act 1989 (as amended by section 4 of the Children and Social Work Act 2017), local authorities have a specific duty to promote the educational achievement of Looked After, Eligible and Previously Looked After Children. Section 99 of the Children and Families Act 2014 imposes a requirement for an officer to be appointed to discharge this duty – sometimes referred to as a 'Virtual School Head' ('VSH').

Previously Looked After Children are those children who are no longer looked after in England and Wales because they are:

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.

(A child is in 'state care' outside England and Wales if they are 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).

In addition, the VSH has a strategic role in improving outcomes for all children who have, or have had, a social worker by, for example:

- Enhancing partnerships between education settings and the local authority so agencies can work together.
- Identify the needs of the cohort and addressing barriers to poor educational outcomes and ensure pupils make educational progress.
- Offering advice and support to key professionals.

1.2 Promoting the Educational Achievement of Previously Looked After Children

Previously Looked After Children are those children who are no longer looked after in England and Wales because they are:

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.

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 who has Parental Responsibility for the child.
- Providers of funded early years education, Designated Teachers for Looked After and 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.

The duty applies to children who are in early years' provision (secured by the local 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.

Foster carers and residential staff must be ambitious for children and support children to attend and do well in their education.

There must be effective liaison with the school and the Virtual School Head.

1.3 Promoting the Educational Achievement of Children who Have, or Have Had, a Social Worker

The Children in Need Review (see [Promoting the education of children with a social worker](#)) identified that approximately one in ten children have needed a social worker and such children are present in the vast majority of schools. This cohort of children do worse than their peers at every stage of their education and are vastly less likely to go on to further or higher education than their peers. They are more likely to be persistently absent from school and much more likely to be permanently excluded. Many of these children go on to become Looked After. For many, the pandemic will have increased some of the existing barriers that they faced in education across attendance, learning, behaviour and mental health and wellbeing.

Using their knowledge and expertise from promoting the educational outcomes of looked-after and previously looked-after children, Virtual School Heads will become the strategic leader who champions the educational attendance, attainment and progress of children with a social worker. This non statutory responsibility for promoting the educational outcomes of children with a social worker will be in addition to the existing statutory duties for looked-after and previously-looked-after children.

This means that Virtual School Head will help to:

- Make visible the disadvantages that children with a social worker can experience, enhancing partnerships between education settings and local authorities to help all agencies hold high aspirations for these children.
- Promote practice that supports children's engagement in education, recognising that attending an education setting can be an important factor in helping to keep children safe from harm.
- Level up children's outcomes and narrow the attainment gap so every child can reach their potential. This will include helping to make sure that children with a social worker benefit from support to recover from the impact of COVID-19.

1.4 Role of the Local Authority, Virtual School Head (VSH), and School for Looked After and Previously Looked After Children

Governing bodies/ Trustees must appoint a Designated Teacher to promote the educational achievement of Looked After and Previously Looked After Children and ensure that this person has appropriate training.

An up-to-date list of Designated Teachers should be maintained to assist with communications and assist other authorities that have placed children within the authority.

As leaders responsible for ensuring that the local authority discharges its duty to promote the educational achievement of their Looked After Children and Previously Looked After Children, Directors of Children's Services and Lead Members for Children's Services should ensure that:

- Schools attended by Looked After and previously looked After children are registered. OFSTED's Chief Inspector stresses the importance of ensuring that all placements of Looked After Children are made with due diligence. Before any placement the local authority should carry out all necessary checks to make certain that schools are registered with the Department for Education.
- Closing the attainment and progress gap between Looked After and Previously Looked After Children and their peers and creating a culture of high aspirations for them is a top priority.
- Looked After and Previously Looked After Children have access to a suitable range of high-quality education placement options and that commissioning services for them takes account of the duty to promote their educational achievement.
- VSHs are in place and have the resources, time, training and support they need to discharge the duty effectively.
- VSHs have robust procedures in place to monitor the attendance and educational progress of the children their authority looks after.
- The authority's Children in Care Council (CiCC) regularly addresses the educational experiences raised by Looked After and Previously Looked After Children and can respond effectively to such issues.

The Virtual School Head should be the lead responsible officer for ensuring that arrangements are in place to improve the educational experiences and outcomes of the authority's Looked After Children, including those placed out-of-authority.

VSHs should ensure the educational attainment and progress of children who are Looked After by the local authority is monitored and evaluated as if those children attended a single school.

For Looked After Children the VSH should ensure that there are effective systems in place to:

- Ensure the status of the child and their entitlement to support is made clear to all the professionals supporting that child.
- Maintain an up-to-date roll of its Looked After Children who are in school or college settings and gather information about their education placement, attendance and educational progress.
- Inform headteachers and Designated Teachers in schools if they have a child on roll who is Looked After Children by the VSH's local authority.
- Ensure that social workers, Designated Teachers and schools, carers and IROs understand their role and responsibilities in initiating, developing, reviewing and updating the child's PEP and how they help meet the needs identified in that PEP.
- Ensure up-to-date, effective and high-quality PEPs that focus on educational outcomes and that all Looked After Children, wherever they are placed, have such a PEP.

- Avoid drift or delay in providing suitable educational provision, including special educational provision, and unplanned termination of educational arrangements through proactive multi-agency co-operation. Where this requires negotiation with other authorities this should be completed in a timely manner and with the best interest of the child as paramount.
- Ensure the educational achievement of children Looked After by the authority is seen as a priority by everyone who has responsibilities for promoting their welfare.
- Report regularly on the attainment of Looked After Children through the authority's corporate parenting structures.

For Previously Looked After Children the VSH should ensure:

- They promote their educational achievement through the provision of information and advice to their parents, educators and others who the VSH considers necessary.
- That with the Director they establish the extent of their offer to parents or those with Parental Responsibility.
- The child is eligible for support by asking the child's parents or, those who have Parental Responsibility, for evidence of their previously looked-after status (or where this is not possible, to use their discretion in conjunction with the school).
- They respond to requests for advice and information – e.g. advice on school admissions in their area and signpost them to other services that can offer support and advice.
- They respond to requests for advice and information from providers of early education, Designated Teachers in maintained schools and academies, and providers of alternative provision in their area in respect of individual children supported by the local authority.
- They develop / build on existing good working relationship with Designated Teachers for Previously Looked After Children in their area.
- They improve awareness of the vulnerability and needs of Previously Looked After Children by providers of early education, Designated Teachers in maintained schools and academies, and providers of alternative provision in their area in respect of individual children supported by the local authority. This should include promoting good practice on identifying and meeting their needs, and guidance on effective use of the PP+.

However, it is important to note that the local authority is no longer the corporate parent for Previously Looked After Children. Any intervention in the education of a Previously Looked After Child must be with the agreement of the person(s) who have Parental Responsibility for the child. They, like all parents, are responsible for overseeing their child's progress in education.

Social workers, Virtual School Heads and Independent Reviewing Officers (IROs), school admission officers and Special Educational Needs departments should work together to ensure that - except in an emergency - appropriate education provision for a child is arranged at the same time as a care placement.

Governing bodies should ensure that appropriate staff have the information they need in relation to a child's Looked After legal status. The Designated Safeguarding Lead, through the Designated Teacher for Looked After Children and Previously Looked After Children, should have details of the child's social worker and the name of the Virtual School Head.

A Previously Looked After Child potentially remains vulnerable and all staff should have the skills, knowledge and understanding to keep Previously Looked After Children safe. When dealing with Looked After Children and Previously Looked After Children, it is important that all agencies work together and prompt action is taken on concerns to safeguard these children, who are a particularly vulnerable group.

The Virtual School Head is integral to ensuring that local authorities discharge their duty to provide suitable advice and information for the purpose of promoting the educational achievement of Previously Looked After Children. They can also undertake any activity they consider appropriate where that activity will promote the educational achievement of such children in their area. The VSH should promote a culture that takes account of the child's views according to age and understanding in identifying and meeting their educational needs.

For Children who have or have had a social worker the VHS should particularly focus on issues such as: attendance, learning and mental health and wellbeing.

They will do this by:

- Enhancing partnerships between education settings and the local authority so agencies can work together.
- Identifying the needs of the cohort and addressing barriers to poor educational outcomes to ensure pupils make educational progress.
- Offering advice and support to key professionals to help children make progress, including through increasing their confidence in using evidence-based interventions.

Virtual School Heads are **not** being asked to:

- Work with individual children and their families - including tracking and monitoring educational progress of individual children or providing academic or other interventions.
- Respond to requests from parents or carers to offer advice, intervention and support in relation to individual children with a social worker.
- Take responsibility for children with Special Education Needs and Disability (SEND) who do not require or need a social worker.

The Personal Education Plan (PEP) for Looked After Children

The Personal Education Plan (PEP) allows the social worker, residential staff/carer and Designated Teacher at the child's school or, where the child has no school place, the education service, in conjunction with the child, to set out what needs to happen to meet the educational needs of the child.

The Personal Education Plan should be initiated as part of the Care Plan before the child becomes Looked After (or within 10 working days in the case of an emergency placement) and be available for the first Looked After Review meeting and all subsequent Looked After Reviews.

All Looked After Children must have a Care Plan, of which the PEP is an integral part. The PEP (pre-school age to 18) should be initiated as part of the Care Plan. It provides essential information to ensure that appropriate support is in place to enable the child to achieve the targets set. It is also a record of the child's leisure interests and educational achievement.

The Designated Teacher leads on how the PEP is developed and used in school to make sure the child's progress towards education targets is monitored, with the Virtual School Head having a quality assurance role.

All of those involved in the PEP process at all stages should involve the child (according to understanding and ability) and, where appropriate, the child's parent/carer and/or relevant family member.

The PEP is an evolving record, and arrangements for the flow of information to develop, review and update the PEP should be in place to ensure the VSH, Designated Teacher, carer and, where appropriate, child and parent have a copy of the latest version of the document. Virtual School Heads should arrange for PEPs to be reviewed each school term.

PEPs should:

- Identify developmental and educational needs in relation to skills, knowledge, subject areas and experiences.
- Set short and long-term educational attainment targets agreed in partnership with the child and the carer where appropriate.
- Include a record of planned actions, including milestones on homework, extra tuition and study support, that the school and others will take to promote the educational achievement of the child, based on an assessment of their educational needs.
- Include information on how the child's progress is to be rigorously monitored.
- Record details of specific interventions and targeted support that will be used to make sure personal education targets are met, especially at the end of Key Stage 2 in relation to English and mathematics, and at Key Stage 4 in achieving success in public examinations.
- Say what will happen, or is already happening, to put in place any additional support which may be required - e.g. possible action to support special educational needs involving the SENCO, educational psychologist, or local authority education services (information contained within a EHC plan does not have to be duplicated in the PEP, a reference is sufficient as long as the plans work together to meet overall needs);
- Set out information on what will happen or is already happening to identify and support any mental health needs relevant to the child's education.
- Set out how a child's aspiration and self-confidence is being nurtured, especially in consideration of longer-term goals towards further and higher education, work experience and career plans. Discussions about longer-term goals should start early and ideally well before Year 9 (age 13-14) at school. High aspirations are crucial to successful planning for the future. They should focus on the young person's strengths and capabilities and the outcomes they want to achieve.
- Include the child's views on how they see they have progressed and what support they consider to be most effective.
- Be a record of the child's academic achievements and participation in the wider activities of the school and other out of school learning activities (e.g. sporting, personal development);
- Provide information which helps all who are supporting the child's educational achievement to understand what works for them, helping to substitute for the role that parents might otherwise provide; and

- Have clear accountability in terms of who within the school is responsible for making the actions identified in the plan happen.

The Designated Teacher would normally have overall responsibility for leading the process of target setting for looked-after children in school, should monitor and track how their attainment progresses, and ensure that identified actions are put in place. The Designated Teacher will help the school and the local authority that looks after the child to decide what arrangements work best in the development and review of the PEP.

In addition, the PEP should have:

- An up to date and accurate chronology of education and training history which provides a record of the child's educational experience and progress in terms of [National Curriculum Assessments](#), including information about educational institutions attended and the reasons for leaving, attendance and conduct record, academic and other achievements, any special educational needs, an indication of the extent to which the child's education has been disrupted before entering care or accommodation;
- A clear statement clarifying existing arrangements for education and training, including details of any special educational provision and any other provision to meet the child's educational or training needs and promote educational achievement.
- A description of any planned changes to existing arrangements and provision to minimise disruption.
- A description of the child's leisure interests.
- A description of the role of the appropriate person and any other person who cares for the child in promoting the child's educational achievements and leisure interests.
- A description of how the Pupil Premium is assisting the child's progress and applications for bursaries should be discussed as part of PEP Meetings.
- Details of who will take the plan forward, with timescales for action and review are an essential aspect of all PEP planning.

Unaccompanied Migrant Children

- Unaccompanied migrant children looked after by a local authority are entitled to the same local authority support as any other Looked After Child: to have a safe and stable placement; to receive the care that they need to thrive; and the support they need to fulfil their educational and other outcomes. Some unaccompanied children who have recently arrived in the country may never have had access to education before.
- Appropriate education for unaccompanied children may include a period in a setting where their full educational needs can be assessed and integrated into the Personal Education Plan (PEP). They may need time to be prepared for and then become used to formal education, and their initial educational outcomes may include cultural orientation and life skills appropriate to their age. Virtual School Heads, Independent Reviewing Officers, school admission officers and Special Educational Needs departments should work together to ensure that appropriate education provision for the child is arranged at the same time as a placement.
- The local authority should ensure robust procedures are in place to monitor educational progress. This includes securing a culture of commitment to promoting the highest possible educational outcomes for unaccompanied children or child victims of modern slavery. Achieving and implementing the above should be monitored by a senior manager, such as the VSH, who is responsible for making sure their

local authority promotes the educational achievement of its Looked After and Previously Looked After Children.

Monitoring and reviewing the PEP in school

Designated Teachers should work closely with other staff in school to make sure the child's progress is rigorously monitored and evaluated. They should be able to:

- Judge whether the teaching and learning and intervention strategies being used are working to support achievement and wellbeing; and
- Know whether the young person is likely to meet the attainment targets in their PEP.

If the young person is not on track to meet targets, the Designated Teacher should be instrumental in agreeing the best way forward with them to make progress and ensure that this is reflected in the PEP.

A child's Care Plan is reviewed regularly by the authority that looks after them, the first being within 20 working days of being Accommodated. The IRO will ask about the child's educational progress as part of the overall Care Plan review and should have access to the most up-to-date PEP (see [Looked After Reviews Procedure](#)).

So that there can be an informed discussion at the statutory review of the Care Plan about the child's progress in school, the Designated Teacher is responsible for ensuring that:

- They review the PEP before the statutory review of the Care Plan, it is up-to-date and contains any new information since the last PEP review, including whether agreed provision is being delivered.
- The PEP is clear about what has or has not been taken forward, noting what resources may be required to further support the child and from where these may be sourced; and
- They pass the updated PEP to the child's social worker and VSH ahead of the statutory review of the Care Plan.

The school and the local authority which looks after the child have a shared responsibility for helping Looked After Children to achieve and enjoy. The content, implementation and review of the PEP enable both the school and local authority to discuss how they can help achieve this. The PEP review should be done through a meeting involving the social worker, the young person, carers and others, such as the VSH.

The PEP must include the contact details of the Virtual School Head for the authority that looks after the child.

Avoidance of Disruption in Education

Other than in Key Stage 4, where the local authority proposes making any change to the child's placement that would have the effect of disrupting the arrangements made for education and training, they must ensure that other arrangements are made for education or training that meet the child's needs and are consistent with the PEP.

When a Child First becomes Looked After

4.1 Notification

As soon as a child becomes looked after (if not before), the child's social worker must notify the education service where the child is placed.

If the child is known to have an **Education, Health and Care Plan** or to be under assessment, the social worker should ensure the relevant SEN adviser is informed.

The child's social worker must also inform the Designated Teacher at the child's school within 48 hours of the child becoming looked after and a Personal Education Plan meeting arranged. Regular liaison should then be maintained.

4.2 Pupil Premium Plus Funding

All Looked After and Previously Looked After Children are eligible for PP+ funding. This is additional funding provided to help improve the attainment of Looked After and Previously Looked After Children and close the attainment gap between this group and their peers. It is not a personal budget for individual children. The extra funding provided by the PP+ reflects the significant additional barriers faced by Looked After and Previously Looked After Children. The Designated Teacher has an important role in ensuring the specific needs of Looked After and Previously Looked After Children are understood by the school's staff and reflected in how the school uses PP+ to support these children.

The PP+ for Looked After Children is managed by the VSH. However, the PP+ for Previously Looked After Children is managed by the school.

The PP+ is a key component in ensuring resources are available to support the child's Personal Education Plan and the plan should clarify what the support is and how it will be delivered.

4.3 The First Personal Education Plan

The first PEP should be in place as part of a Care Plan within 10 working days of a child becoming Looked After.

The child's social worker should arrange a meeting to draw up the first PEP which should include the Designated Teacher at the school (where the child has a school place), the residential staff/carer and any other relevant professionals; and should involve the child and parents as far as is appropriate and possible.

Where the child is excluded from school, the Head Teacher should be invited.

Where the child has no school place, the relevant education officer should be invited and asked to assist in the search for a school place. The SEN adviser should also be asked to assist as appropriate.

The first PEP should:

- Identify the educational and social factors that may have caused or may cause in the future a detrimental effect on the child's educational achievement.
- Identify the support required to reduce the impact of these factors.

- Identify the child's immediate and priority needs and targets, (e.g. to maintain the current school place, make transport arrangements, find a new school, obtain short-term interim education).
- Incorporate any SEN Support Plan or other school-based plan.
- Identify a named person for the day-to-day management of the PEP and establish lines of communication between the staff/carer, school/education staff and social worker - the basis of a working partnership.
- Establish boundaries of confidentiality.
- Agree a date for the next PEP review meeting and how and when the next (full) PEP is going to be drawn up.

The completed PEP should be distributed to the child, parents, staff/carers and all others invited to the meeting. A copy should also be sent to the child's [Independent Reviewing Officer](#).

N.B. The provision of education for pupils with Education, Health and Care Plans can only be changed if the child's statement has been amended at an annual review.

When a Child Moves to a New Local Authority

If a child is placed in the area of a different local authority but continues to attend the same school as before, the procedure outlined in [Section 4.3, The First Personal Education Plan](#) applies.

If the child is to be placed in the area of a different local authority and will need a new school, efforts to obtain a school place should (unless it is an emergency placement) begin well BEFORE they move to a new placement. The relevant Education Officer and, if appropriate, the SEN adviser, should be provided with a full educational history and asked to assist in the search for a school place.

Whenever possible a child should not be moved to a new placement until they also have a school place.

Where the child does not have a school place - see [When a Child has No School Place](#).

Pupils with Education, Health and Care Plans

Where a child has an [Education, Health and Care Plan](#) (previously a statement of special educational needs), the Plan must be transferred – see the [Children and Young People Aged 0-25 with Special Educational Needs and Disabilities Procedure](#).

When a Child Needs or Joins a New School

The choice of school requires skilled working between relevant people. It should be based on a discussion between the child's social worker, their carers and, if appropriate, birth parents. The VSH should normally be consulted to avoid choosing a school that is unlikely to meet the child's needs. Looked After and Previously Looked After Children have been given the highest priority within school admission arrangements. VSHs, working with education settings, should implement pupil premium arrangements for Looked After Children.

See: [School Admissions Code](#). From 1 September 2021, the Code provides that children being raised by family and friends, carers under a Special Guardianship Order or Child Arrangements Order, who struggle to get a school place during the year, will be supported in finding one.

Schools judged by Ofsted to be 'good' or 'outstanding' should be prioritised for Looked After and Previously Looked After Children in need of a new school. Unless there are exceptional evidence-based reasons, Looked After Children should never be placed in a school judged by Ofsted to be 'inadequate'.

The child's wishes and feelings should be considered, and the suitability of the education setting tested by arranging an informal visit with the child. (**Note:** for those children who have been Previously Looked After, the parents or those who have Parental Responsibility should receive information and advice regarding this, as they will make the decision as to which school the child will attend).

Changes of school should be minimised to avoid disruption to the child's education and should not take place in the middle of a school year or in years 10 and 11, unless this is unavoidable - see **Section Avoidance of Disruption in Education**.

School details will need to be amended on the electronic record.

6.1 Notification

At least one member of staff in the school - the Designated Teacher or the Head Teacher - must be informed by the social worker within 48 hours that the child is Looked After and be provided with a copy of the child's current PEP. Other members of staff who need to know should be identified at the PEP meeting, considering the child's wishes concerning confidentiality.

Where the child is a Previously Looked After Child, sharing of information regarding the child's status is an issue that should be discussed with the parent or person with Parental Responsibility, but impressing upon them the importance of sharing such information where it is assessed the child has educational needs because of being Previously Looked After, or where a previous school has supported the child on this basis.

6.2 Pupils with Education, Health and Care Plans

A change of school at any time needs the agreement of the relevant local education service maintaining the **Education, Health and Care Plan**. This needs to be planned for as early as possible as it can cause long delays.

The child's social worker should ensure that they are aware of the current position regarding the Plan, including any additional support provided and by whom.

6.3 The First PEP in a new school

A meeting should be held at the new school as soon as practicable.

A new or updated PEP should be in place within the first 20 days of a child joining a new school. Subsequent PEPs should correspond with the Looked After Review cycle.

The first PEP in a new school should:

- Identify the child's immediate and priority needs (e.g. English as an additional language, literacy support, behaviour management, mental health issues).
- Establish contact between residential staff/carers, school staff and social worker - the basis of a working partnership.

- Identify a named person for the day to day management of the PEP and agree who contacts whom about what;
- Establish boundaries of confidentiality.
- Share important information - perhaps including the Placement Plan.
- Clarify how PP+ will be used to support the child.
- Ensure records are forwarded from the previous school and/or carer.
- Agree a date for the next PEP review meeting and how and when the next full PEP is going to be drawn up (this needs to take account of the Looked After Review cycle because the PEP has to be ready before or at the Review; but also term dates, parents' evenings, school target setting days, reviews of the SEN Support Plans, annual reviews of Education, Health and Care Plans etc.).

The completed PEP should be distributed to those invited to the meeting and the child's Independent Reviewing Officer.

When a Child has No School Place

Finding a school place is primarily the social worker's responsibility but may be delegated to or shared with others.

7.1 PEPs

Children without a school place should still have an up-to-date PEP. It should address the child's immediate educational needs and the longer-term planning.

7.2 Children Placed within the local authority area

Where the child does not have a school place because one cannot be found, or because mainstream school is not appropriate to their needs, the child's social worker should notify and seek assistance from the education service (and the SEN adviser, in appropriate cases). The local education service should identify a school place within 20 working days at the latest; and should be asked to provide alternative education if a school place cannot be found immediately or is not appropriate.

7.3 Children Placed in a different local authority area

Where the child does not have a school place because one cannot be found, or the child has been placed at very short notice, the child's social worker should notify the education service in the area where the child is placed and request that a school be identified for the child as soon as possible. The assistance of the local education service (and the local SEN adviser if appropriate) should also be sought. Unless **Section 7.4, Pupils with Education, Health and Care Plans** applies, the education service local to the placement should identify a school place within 20 working days at the latest; and should be asked to provide alternative education if a school place cannot be found immediately or is not appropriate.

7.4 Pupils with Education, Health and Care Plans

Applications for school places for pupils with an Education, Health and Care Plan should be made through the special needs section of the local education service maintaining the statement, not directly. This needs to be planned for as early as possible as it can cause long delays.

See: [Children and Young People Aged 0-25 with Special Educational Needs and Disabilities Procedure](#).

Safeguarding and the Looked After Child at School

All staff in the school should be aware of the systems in the school that support safeguarding. These systems should be explained to them as part of induction and there should be regular update training for all staff. This should include:

1. The child protection policy and procedures.
2. The Data Protection Act and safeguarding.
3. The child behaviour policy.
4. The staff behaviour policy (code of conduct).
5. The safeguarding response to children who go missing from education.

All staff must report any concerns regarding Female Genital Mutilation (FGM)* and should report modern slavery, trafficking or exploitation.

* Teachers have specific legal duty 2 Under Section 5B(11) (a) of the Female Genital Mutilation Act 2003, “teacher” means, in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).

8.1 Child protection policy and procedures

Following induction, all staff should have read the child protection policy and have an awareness of safeguarding issues and be clear about how to report concerns and who they should report to. Staff should receive training and guidance so they can recognise signs that a child is being drawn into anti-social or criminal behaviour (including gang involvement) and understand how behaviours linked to issues such as drug taking, alcohol abuse, deliberately missing education and sexting (also known as youth produced sexual imagery) put children in danger (see also [Section 8.2, Protecting looked after children from sexual harassment and peer on peer abuse](#) and [Section 8.5, Serious Violence](#)).

All children should feel and be safe in the school they attend. Children with a Social Worker, Looked After Children and Previously Looked After Children are all particularly vulnerable. The aim of safeguarding and promoting the welfare of all children in education should be:

- Protecting them from maltreatment.
- Preventing any impairment of their mental and physical health or development.
- Ensuring they are growing up in circumstances consistent with safe and effective care.
- Taking action to enable them to have the best outcomes.

8.2 Protecting children from sexual harassment and peer on peer abuse

Schools must have procedures in place to protect all children, but particularly vulnerable groups of children such as Looked After Children, from unwanted and damaging interactions with their peers.

For further information, please see: [Part 5 of Keeping Children Safe in Education - Child on Child Sexual Violence and Sexual Harassment](#).

All staff should be aware that safeguarding issues can manifest themselves via peer-on-peer abuse. This can include (but is not limited to):

- Bullying (including cyberbullying).
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm.
- Initiating/hazing type violence and rituals.
- Sexual violence such as rape, assault by penetration and sexual assault.
- Sexual harassment such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse.
- Upskirting which typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm.
- Sexting (also known as youth produced sexual imagery).

An Ofsted thematic review ([Review of Sexual Abuse in Schools and Colleges \(Ofsted, June 2021\)](#)) identified substantial levels of sexual harassment for both girls (90%) and boys (nearly 50%) and that in a number of schools this went unreported as a result of the school's 'culture' – a part of which appeared to be that staff were not aware; did not countenance that this could happen, and because once it was discussed (the children) feared the process would be out of their control.

Keeping Children Safe in Education highlights that, 'Sexual violence and sexual harassment can occur between two children of any age and sex, from primary through to secondary stage and into colleges. It can occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable. As set out in Part one of this guidance, all staff working with children are advised to maintain an attitude of 'it could happen here'. Further, that given children and young people's reluctance to come forward, staff should take into account that they may 'overhear conversations' that a child may have been harmed.

The Ofsted Report reflects that school and college leaders should create a culture where sexual harassment and online sexual abuse are not tolerated, and where they identify issues and intervene early to better protect children and young people.

Schools should assume that sexual harassment and online sexual abuse are happening in their setting, even when there are no specific reports, and put in place a whole-school approach to address them of which all staff are aware. This should include:

- A Relationships Education, Relationships and Sex Education (RSE) and Health Education curriculum, based on the [Department for Education's statutory guidance](#), that includes sexual harassment and sexual violence, including inappropriate online material;
- Routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse. These should be routinely reviewed.

- A behavioural approach, including sanctions when appropriate, to reinforce a culture where sexual harassment and online sexual abuse are not tolerated.

Working closely with Local Safeguarding Partnerships in the area where the school or college is located so they are aware of the range of support available to children and young people who are victims or who perpetrate harmful sexual behaviour.

- Training to ensure that all staff (and governors, where relevant) can better understand the definitions of sexual harassment and sexual violence, including online sexual abuse and identify early signs of peer-on-peer sexual abuse.

Peer on peer abuse also indicates that there will be an identified, or alleged, perpetrator. It may well be the case in some instances that they themselves have been a victim of abuse. If established, there will be the need to ensure they are separated from the complainant (child); offered further support at school/college, and possibly specialist work regarding their behaviour; provided with an education, safeguarding support as appropriate, as well as implementing any disciplinary sanctions.

Keeping Children Safe in Education identifies there are 4 basic options for schools in decision-making:

- **Managing the situation internally** – where concerns are one-off for example and undertaken in a zero-tolerance framework. These should be recorded.
- **Early Help** – providing support (and including external specialist services as appropriate and with parent's permission); particularly where non-violent sexual harassment has occurred. (Keeping Children Safe in Education notes a range of support services children can be referred to).
- **Referring to Children's Services** - where there has been harm risk of harm or immediate danger.
- **Reporting to the Police** - where there are reports of rape or other serious sexual assault.

Schools must be aware that sexual assault can result in a range of health needs, physically, mentally and sexually. Children who experience health problems can access support from the **NHS Sexual Assault Referral Centre (SARC)**.

(Keeping Children Safe in Education notes a range of support services children can be referred to by the police and Children's Services.)

Social workers, residential care staff and foster carers should ensure they are:

- Aware of a child's school/college's safeguarding policy, particularly with regard to sexual harassment.
- Support the child to complain/advise the relevant Designated Teacher of any actions or behaviour they have experienced in this regard; or,
- Refer the safeguarding concerns themselves to the Designated Teacher directly but ensuring the child is involved, particularly in significant circumstances.
- Where appropriate, consider a multi-agency section 47 Strategy Meeting.
- Support the Looked After Child within the school/college's statutory guidance framework, whether the child has been subject to sexual harassment or is considered to be the perpetrator of it;
- Where required, ensure the Virtual School Head is aware.

- If necessary, consider an appeal to the School's Governors if there is disagreement or unhappiness with the implementation of the school's policy.
- Where appropriate and proportionate, advise the child's parents or person with parental responsibility.

Previously Looked After Children: Regarding children attending school and college, parents / carers should be supported and enabled to work with a school or college as above, to ensure the child's best interests and welfare are maintained. This might include using an Advocate, health resource or appropriate voluntary organisation as required. (See **Section 1.2, Promoting the Educational Achievement of Previously Looked After Children**)

8.3 Protecting Children with a Social Worker, Looked After Children and Previously Looked After Children from Adults Who May Pose a Risk to Them and/or Other Children in the School

Schools should have their own processes and procedures in place to manage any safeguarding concerns or allegations, no matter how small, about staff members (including supply staff, volunteers, and contractors).

These procedures should be consistent with local safeguarding procedures and practice guidance.

They should make clear to whom allegations and concerns should be reported and that this should be done without delay. It is crucial that any such concerns, including those which do not meet the harm threshold are shared responsibly and with the right person, and recorded and dealt with appropriately.

Managing allegations that may meet the harm threshold

An allegation may relate to a person who works with children who has:

- Behaved in a way that has harmed a child, or may have harmed a child; and/or
- Possibly committed a criminal offence against or related to a child; and/or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Concerns that do not meet the harm threshold

Schools should also set out their policy and procedure on dealing with concerns where the threshold for an allegation is not met. Keeping Children Safe in Education defines a low-level concern as any concern, even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work;
- Does not meet the allegations threshold (as set out above) or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- Being over friendly with children.

- Having favourites.
- Taking photographs of children on their mobile phone.
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or
- Using inappropriate sexualised, intimidating or offensive language.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

For further information, see **Keeping Children Safe in Education, Part 4: Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors**.

See also: **NSPCC Learning, Responding to Low Level Concerns in Education**.

It is essential that social workers, carers and school staff, particularly the Designated Safeguarding Lead, have absolute clarity with regard to who is and is not allowed to have access to any Looked After Child.

Any suspicion regarding any adult seeking contact with the child, either in person or through social media, during school hours should be reported to the Designated Safeguarding Lead immediately.

Any member of staff who has concerns about anyone working within the school (staff, volunteers) or undertaking work on or near school premises (contractors, advisors, catering and so forth) must inform a senior member of staff immediately.

The child's social worker must then be informed, and child protection procedures then followed. Staff will also need to be aware of issues such as forced marriage and Female Genital Mutilation (FGM) that may have led to some children becoming looked after.

8.4 Data protection and safeguarding

NOTE: Information does not refer simply to written or electronically stored records. It also refers to other kinds of information such as biometric data (for example, use of fingerprints to receive school dinners or to enter buildings).

UK GDPR does not prevent, or limit, the sharing of information for the purposes of keeping children safe. Lawful and secure information sharing between schools, Children's Social Care, and other local agencies, is essential for keeping children safe and ensuring they get the support they need.

When Designated Safeguarding Leads in schools are considering whether, or not, to share safeguarding information (especially with other agencies) it is considered best practice for them to record who they are sharing that information with and for what reason. If they have taken a decision not to seek consent from the data subject and/or parent/carer that should also be recorded within the safeguarding file.

All relevant information can be shared without consent if to gain consent would place a child at risk. Fears about sharing information **must not be allowed** to stand in the way of promoting the welfare and protecting the safety of children. As with all data sharing, appropriate organisational and technical safeguards should still be in place.

8.5 Serious Violence

All staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. Indicators may include increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with sexual exploitation, criminal networks or gangs.

Bearing in mind the reluctance of children to come forward, staff should take into account that they may 'overhear conversations' that a child may have been harmed and should act accordingly.

Looked After Children and previously Looked After Children are particularly vulnerable to being targeted by gangs. Carers, social workers and school staff should be proactive and share any concerns at the earliest possible time.

For further information, please see:

- [Advice to schools and colleges on gangs and youth violence;](#)
- [Criminal exploitation of children and vulnerable adults: county lines.](#)

8.6 Assisting Children with a Social Worker, Looked After Children and Previously Looked After Children to Reduce Risk-taking Behaviour

There is a whole range of risk-taking behaviours that Children with a Social Worker, Looked After and Previously Looked After Children could be involved in ranging from gang-based activities to drug and alcohol abuse and/or radicalisation.

It is important to be aware that some children with a social worker will become Looked After.

A child going missing from education is a potential indicator of abuse or neglect and such children are at risk of being victims of harm, exploitation or radicalisation.

School and college staff should follow their procedures for unauthorised absence and for dealing with children that go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual or criminal exploitation, and to help prevent the risks of going missing in future. It is essential that all staff are alert to signs to look out for and the individual triggers to be aware of when considering the risks of potential safeguarding concerns such as travelling to conflict zones, female genital mutilation and forced marriage.

Further information about children at risk of missing education can be found in the [Children Missing Education - Statutory guidance for local authorities.](#)

Where necessary, the Children Missing from Care Procedure must be followed - see the [Bolton Safeguarding Children Partnership website.](#)

Celebrating a Child's Achievements

Children's educational (and other) achievements should be acknowledged at one or more of the following times: at [Looked After Reviews](#); in the PEP, at school-based meetings; in school reports; and after exams.

Recording a Child's Achievements

A Looked After Child's educational attainments at Key Stages 1-3, GCSE, A Level and GNVQ should be recorded, including on the electronic record and in the PEP.

When a Child is Absent from School

The residential staff/carers must notify the school and the child's social worker immediately if the child does not attend school for any reason.

In any case where the child has been absent from school for more than 10 days, the social worker should liaise with the school, the child, residential staff/carers and any other relevant person to address:

- The reasons for the absence.
- How to ensure the child returns to education as soon as possible.
- Whether and how the child can be helped to catch up on what they have missed.

If the child is missing from school and/or home, please see: [Section 8, Safeguarding the Looked After Child at School](#).

School Exclusions

Where a school has concerns about the behaviour of a child who is Looked After or Previously Looked After, the VSH should be informed and, where necessary, involved at the earliest opportunity. This is to enable the VSH, working with others, to:

- Consider what additional assessment and support (such as additional help for the classroom teacher, one-to-one therapeutic work or a suitable alternative placement) needs to be put in place to address the causes of the child's behaviour and prevent the need for exclusion.
- Make any additional arrangements to support the child's on-going education in the event of an exclusion.

In these circumstances, where the child is a Previously Looked After Child, the carer with Parental Responsibility should be advised also and the VSH should work with them to consider what additional supports etc. may be needed (as above) and advocate accordingly but bearing in mind the carer has the main responsibility for overseeing the child's educational progress.

Where a looked after child is excluded from school, the child's social worker must inform the child's Independent Reviewing Officer.

11.1 Fixed term exclusions

Looked After and Previously Looked After Children have disproportionately high rates of exclusion and are particularly vulnerable to the impacts of exclusions. Headteachers should, as far as possible, avoid excluding Looked After and Previously Looked After Children. Exclusion from school should be a last resort and it is important therefore to work with the school and carers to intervene as soon as a child's behaviour becomes a cause for concern.

Where a school has concerns about the behaviour of a Previously Looked After Child which could result in the child being excluded from school, the child's parents or carers should be advised and they, and/or the school's Designated Teacher, should seek the advice of the VSH on strategies to support the child to avoid exclusion. If the child is a Child in Need (Section 17 Children Act 1989), the social worker should be made aware as soon as possible and, where appropriate, a Child in Need meeting or review convened.

Where a child is excluded from school for a fixed period, the school will provide work for the child for the first 5 days of the exclusion. The social worker must liaise with the residential staff/carers about suitable arrangements for supervising the child doing the schoolwork during the day and ensuring the child does not go out during school hours. With effect from the 6th day the school should provide a place for the child to be educated.

The school will communicate the reasons for the exclusion to the residential staff/carer and the social worker. Whoever is the most appropriate one to do so will discuss this with the child. The social worker should inform the parents, if appropriate.

The social worker, in consultation with the child and parents, must seek advice as to whether to appeal against the decision to exclude the child.

If the child is in primary school and receives a fixed term exclusion or is in secondary school and is excluded for more than 5 days, the social worker should ensure a reintegration meeting is held within the 5 days to discuss their return and how best this can be supported.

11.2 Permanent exclusions

When a child is permanently excluded but is remaining in the same foster or residential placement, the social worker will liaise urgently with the local education service in which the child is living to find an alternative school placement. Again, for the first 5 days of the exclusion the school will provide work and the child should not be out unaccompanied in public during school hours. From the 6th day the local authority will arrange for a place for the child to be educated.

In the case of permanent exclusion, a meeting of a committee of governors will be held within 15 days to review the decision. If the committee decides to uphold the decision to permanently exclude, an appeal can be made within 15 school days. The appeals form can be completed by a foster carer or anyone who has Parental Responsibility for the child.

See also: [Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: A Guide for those with Legal Responsibilities in Relation to Exclusion](#).

When a Young Woman becomes Pregnant

Becoming pregnant is not in itself a reason to stop attending school, nor to cease education.

Where a young woman becomes pregnant, the social worker must ensure that the young woman remains in education if possible and arrange for her to receive support from the education authority for the area in which she lives and/or the school she attends

School Transport

In order to maintain continuity of school, those with responsibility for school transport should be approached to provide assistance with transport. A decision will be made considering the child's age and the distance from the child's address to the nearest suitable school.

Children and Young People with Medical Conditions

Since 1 September 2014, governing bodies have had a statutory duty to make arrangements to support pupils at school with medical conditions. The Designated Medical Officer can support schools with these duties. For more information see [Supporting Pupils at School with Medical Conditions: Statutory Guidance for Governing Bodies of Maintained Schools and Proprietors of Academies in England](#)

Mental Health

Looked After and Previously Looked After Children are more likely to experience the challenge of social, emotional and mental health issues than their peers. For example, they may struggle with executive functioning skills, forming trusting relationships, social skills, managing strong feelings (e.g. shame, sadness, anxiety and anger), sensory processing difficulties, foetal alcohol syndrome and coping with transitions and change. This can impact on their behaviour and education.

Designated Teachers are not expected to be mental health experts; however, they have an important role in ensuring they and other school staff can identify signs of potential issues and understand where the school can draw on specialist services, such as CAMHS and educational psychologists. In addition, many schools have an officer responsible for making links with mental health services, with whom Designated Teachers can work closely. Where such an officer is available, Designated Teachers should work with them, and the VSH to ensure that they, and other school staff, have the skills to:

- Identify signs of potential mental health issues, and know how to access further assessment and support where necessary, making full use of the SENCO and local authority support team where applicable; and
- Understand the impact trauma, attachment disorder and other mental health issues can have on Looked After and Previously Looked After Children and their ability to engage in learning. It is also important that the Designated Teacher and other school staff are aware that these issues will continue to affect Previously Looked After Children, and that the school will need to continue to respond appropriately to their needs.

Training for those Involved in the Care and Education of Looked After and Previously Looked After Children

The VSH should ensure that there are appropriate arrangements in place to meet the training needs of those responsible for promoting the educational achievement of Looked After and Previously Looked After Children. This includes carers, social workers, Designated Teachers and IROs.

Such training, among other things, should include information about school admission arrangements; Special Educational Needs; attendance and exclusions; homework; choosing GCSE options; managing any challenging behaviour in relation to education settings; promoting positive educational and recreational activities and supporting children to be aspirational for their future education; training and employment, and the importance of listening to and taking account of the child's wishes and feelings about education and the PEP process.

The VSH should ensure that school governing bodies understand the importance of specific professional development for, as a minimum, their senior leaders and Designated Teachers in supporting the achievement of Looked After and Previously Looked After Children.

Information Sharing

VSHs should have access to a secure email account that enables them to exchange information securely with other VSHs in whose area they have placed children.

Arrangements for sharing reliable data must be in place, particularly in relation to the tracking and monitoring of attainment data and notifications of where children, including those placed out-of-authority, are being educated, and must set out:

- Who has access to what information and how the security of data will be ensured.
- How children and parents are informed of, and allowed to challenge, information that is kept about them.
- How carers contribute to and receive information.
- Mechanisms for sharing information between relevant local authority departments and schools.
- How relevant information about individual children is passed promptly between authorities, departments and schools when young people move. Relevant information includes the PEP, which as part of the Looked After Child's educational record should be transferred with them to the new school.

For further information regarding sharing of information, please see: [Section 8.2, Data protection and safeguarding](#)

Further Guidance

Legislation, Statutory Guidance and Government Non-Statutory Guidance

[Promoting the Education of Looked After Children and Previously Looked After Children](#)

[Promoting the Education of Children with a Social Worker: Virtual School Head Role Extension](#)

This non-statutory guidance from DfE sets out the expanded role for Virtual School Heads in relation to all

children assessed as being in need under section 17 Children Act 1989 with a social worker and those who have previously had a social worker, including children aged from 0 to 18 in all educational settings.

[Designated Teacher for Looked After and Previously Looked After Children](#)

[Keeping Children Safe in Education](#) (All staff in a school or college should read Part One of the guidance)

[Relationships and Sex Education \(RSE\) and Health Education \(2021\)](#)

[Behaviour and Discipline in Schools \(DfE 2020\)](#)

[Data protection: a toolkit for schools](#)

This guidance draws attention to the link between data protection and child protection (although data protection is broader than just child protection) and notes that personal data can relate to pupils, staff, parents and potentially others. It makes clear that UK GDPR does not prevent, or limit, the sharing of information for the purposes of keeping children safe.

[Sexual violence and sexual harassment between children in schools and colleges](#)

[Supporting Pupils at School with Medical Conditions: Statutory Guidance for Governing Bodies of Maintained Schools and Proprietors of Academies in England](#)

[Special Educational Needs and Disability Code of Practice: 0 to 25 years: Statutory Guidance for Organisations who work with and Support Children and Young People with Special Educational Needs and Disabilities](#)

[Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: A Guide for those with Legal Responsibilities in Relation to Exclusion](#)

[School Admissions Code](#)

[Mental Health and Behaviour in Schools - Guidance](#)

[Regulated Activity in Relation to Children: Scope](#)

Good Practice Guidance

[Sexting: how to respond to an incident](#)