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East Dunbartonshire Council

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APPENDIX 1

The Education of Children and Young People

Who Are

Looked After

By

East Dunbartonshire Council

Joint Protocol

Between

Education & Social Work

**Head of Education
Head of Social Work
East Dunbartonshire Council**

**Joint Protocol on the Education of
Children and Young People who are Looked After
by East Dunbartonshire Council**

*“We owe it to our looked after children and young people who often enter the system through no fault of their own to help them achieve the best possible educational outcomes.”
Michael Russell, Scottish Minister for Education*

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FOREWORD

In 2011, Scottish children who were looked after were 8 times more likely to be excluded from school. **Exclusion rates** were highest for children who were **looked after at home** who were **19 times more likely to be excluded** than children who were not looked after by their local authority.

*In June 2011, the overall **attendance rate** for all school children was **93.2%**, for all **looked after children** was **87.8%** and for children **looked after at home** it was the lowest at **78.7%**.¹*

Working together

Second best is not good enough for Scotland's looked after children and young people. As corporate parents, local authorities have a challenging role, and acting like good parents and being aware of the needs of their children and young people must be a key priority. In discharging their corporate parent responsibilities, they need to put and keep the needs of the child or young person at the centre of everything they do. It is essential that the individuals and agencies who form the corporate parents for Scotland's looked after children and young people are more aware and alert to their children's needs and work together to deliver for them.²

Becoming effective life long learners

*Scotland's looked after children and young people should be encouraged and supported throughout their lives to maximize their educational potential. All of our looked after children and young people should have the required skills, knowledge and confidence to become effective life long learners.*³

Corporate Parent

Corporate Parenting means the formal and local partnerships needed between all local authority directorates and services and associated agencies, who are responsible for working together to meet the needs of looked after children and young people.⁴

¹ Educational Outcomes for Scotland's Looked After Children 2010-11

² We Can and Must Do Better

³ We Can and Must Do Better

⁴ We Can and Must Do Better

Section 1: Introduction

- 1.1 This document provides information and guidance on East Dunbartonshire Council's approach to and expectations on the education of children and young people who are looked after by the Council as a corporate parent.
- 1.2 The definition of looked after is contained within the Children (Scotland) Act 1995 (as amended). A child or young person (up to the age of 18 years) is looked after when he or she is:
- (i) Provided with accommodation by a local authority under Section 25 of the 1995 Act;
 - (ii) Subject to a compulsory supervision order or an interim compulsory supervision order, in terms of the Children's Hearings (Scotland) Act 2011;
 - (iii) Living in Scotland and subject to an order in respect of whom a Scottish local authority has responsibilities, as a result of a transfer of an order to it under the Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland)) (Scotland) Regulations 1996. These 1996 Regulations were made under section 33 of the 1995 Act; or
 - (iv) Subject to permanence order made following an application by a local authority under section 80 of the Adoption and Children (Scotland) Act 2007 and where this order has not ceased to have effect.
- 1.3 Children and young people can be looked after at home or away from home. (Children who are looked after away from home are also referred to as being looked after and accommodated). Throughout this Protocol the term looked after will be used to mean being looked after at home and also being looked after away from home.
- 1.4 For ease of reference, the term 'child' or 'children' is used in this Protocol to signify children, as well as young people, up to the age of 18 years (who are looked after).
- 1.5 This Joint Protocol aims to:
- a) Improve educational outcomes for all looked after children (LAC);
 - b) Ensure equality of educational opportunity for all looked after children;
 - c) Facilitate effective joint working across the local authority (as 'corporate parent'), Education and Social Work staff, other relevant partners including carers and birth parents⁵ (where this is in the child's best interests);

⁵ Following amendment by the Children (Scotland) Act 1995 parent includes guardian and any person who is liable to maintain or has parental responsibilities in relation to, or has care of, a child or young person (para.28, *Schedule 4 of the Act*).

- d) Support the participation of looked after children in decisions which directly affect them and raise awareness of their rights in relation to their education;
- e) Encourage the active involvement of carers and birth parents (where this is in the child's best interests) in the education of the child; and
- f) Ensure consistent application of policy and procedure in education establishments in East Dunbartonshire in relation to the educational development of looked after children.

1.6 This Joint Protocol will help improve the educational experiences of, and outcomes for, our looked after children. In so doing, this should impact positively on the wider aspects of children's wellbeing, development and future life chances.

1.7 This Joint Protocol has been developed within the context of the East Dunbartonshire Children and Young People's Plan which supports the wider national policy approach of GIRFEC (Getting It Right for Every Child). GIRFEC is a national approach aimed at better supporting and working with all children and young people in Scotland. Based on evidence (research and practice evidence) it aims to ensure that all parents, carers and professionals work effectively together to give children and young people the best start possible and improve their life opportunities. GIRFEC demands that we hold children and young people's needs as our primary concern (e.g. when working with them and their families, when developing plans for their education and their care). As part of the GIRFEC agenda, within East Dunbartonshire Council, the named person service coordinator for each age group are as follows:

	Named Person Service Coordinator
Conception to 11 days (or 28 if required)	Community Midwifery Service Manager
11 or 28 days old until child starts school	Health Visitor – Children and Families (Health)
Primary School	Head Teacher
Secondary School	Depute Head Teacher (with responsibility for pupil support)
16+18 (if not in school)	16+ learning Choices Staff Members

- 1.8 This Protocol is available on the East Dunbartonshire Council intranet ('The Hub'). Children, young people, parents, carers and others concerned with the education of looked after children will be provided with a copy of this document on request.

This document can be made available on request in a variety of alternative formats and languages. Contact Corporate Communications at:

East Dunbartonshire Council
Southbank Marina
12 Strathkelvin Place
Kirkintilloch
G66 1TJ

Section 2: Responsibilities of Corporate Parents in Relation to the Education of Children and Young People who are Looked After

2.1 The Scottish Government, in its report of 2007 around improving the educational outcomes of Looked After Children - We Can and Must Do Better – defined corporate parenting as the:

“Formal and local partnerships needed between all local authority departments and services, and associated agencies, who are responsible for working together to meet the needs of looked after children and young people”.

2.2 Put even more simply, being a good corporate parent means we should:

- Accept responsibility for the Council’s looked after children and young people;
- Champion their needs and make them a priority; and
- Seek for them the same good outcomes any good parent would want for their own children⁶.

2.3 As corporate parents, **all of us working on behalf of East Dunbartonshire Council (EDC)** have certain duties towards all children looked after by the Council. These are defined by the Children (Scotland) Act 1995 which makes clear the duties of local authorities to children and young people who are looked after by them, as follows:

- Safeguarding the child’s welfare is of paramount concern;
- Promoting regular contact between the child and parent, and other relevant people;
- Taking into account the views of the child, parent and others;
- Consideration of the child’s religious persuasion, racial origin and cultural and linguistic background; and
- Preparing the child for when he / she is no longer looked after.

All our work around the education of children who are looked after should be guided by the above duties, and any decisions and plans made need to take account of these duties.

2.4 In working to support the educational development of looked after children, **EDC will:**

- a) Monitor and evaluate the appropriateness of educational placements and maintain accurate statistics relating to educational achievement, attainment, attendance and exclusions of looked after children;
- b) Report annually on the continuity of educational placement and quality assurance in relation to the education of looked after children, and on their educational achievement, attainment and attendance;

⁶ These Are Our Bairns, a guide for community planning partnerships on being a good corporate parent, The Scottish Government, 2008

- c) Work to ensure that looked after children experience an educationally rich environment in their care setting and to develop training and resources for residential children's unit staff, foster carers and formal kinship carers;
- d) Endeavour to ensure that looked after children regularly attend their educational placement;
- e) Support looked after children to overcome barriers to learning and to reach their educational potential;
- f) Work in partnership with children, their parents and carers and other relevant partners to support the education of looked after children; and
- g) Work to ensure that any recommendation made by Education or Social Work to a Children's Hearing related to the education of a looked after child is a joint recommendation, that is, it is the recommendation of the corporate parent.

2.5 EDC Elected Members play a key corporate parenting role, for example they provide political leadership for the Council in this regard. In this role **Elected Members** will work to ensure that:

- The Council meets its statutory duties towards looked after children, ensuring that services in place are accessible to, and meet the needs of, looked after children;
- Children who are looked after are a key focus for the resources and accountability of the Council;
- Children who have spent significant time being looked after by the Council are, when they leave care, given the kind of support that responsible parents would give to their children;
- Children who are looked after are provided with appropriate education, support and care services, in partnership with other partners where appropriate; and
- They know the overall needs of looked after children in their community, what services have been provided and how much is being spent on them and how they can judge the quality and effectiveness of services, as well as whether they achieve good outcomes for children and young people.

Section 3: Responsibilities of Education Services in relation to the Education of Children and Young People who are Looked After

3.1 **The Head of Education has overall day-to-day management of the Education Service including responsibility for the education of looked after children.** The Head of Education is based at:

Southbank Marina
12 Strathkelvin Place
Kirkintilloch
G66 1TJ.

3.2 **All managers** of the Education Support for Learning Service strive to ensure an equitable and consistent approach to the delivery of their services to **all** children and young persons who receive education within establishments under the management of East Dunbartonshire Council. Where children are looked after away from home in care placements outwith the Council area, Education Services remains responsible for ensuring their educational needs are met.

3.3 **The Head of Education will:**

- a) Ensure, wherever possible, that all looked after children have access to full time mainstream education provision and that where circumstances do require a change of placement, take steps to ensure continuity of education whilst a new placement is being identified.
- b) Ensure that advice and information on the curriculum, examinations, attendance, placing requests, additional support for learning, exclusion and rights of appeal are available to looked after children and their parents/carers, as appropriate.
- c) Ensure that looked after children and their parents/carers, as appropriate, are given support when and where required in respect of educational experience and attainment.
- d) Encourage and support the participation of every looked after child in decisions which directly affect them.
- e) Ensure that the views of looked after children are actively sought and taken into account in decisions that affect them (including with regards, for example, attendance and exclusion matters).
- f) Ensure that parents/carers, as appropriate, are fully informed of their right to attend meetings which relate to the child.
- g) Monitor and evaluate and, where appropriate, review and revise policy, procedures and services to more fully meet the educational needs of looked after children.

3.4 All Head Teachers will:

- a) Ensure that there are clear policies and protocols for managing the educational needs and development of looked after children.
- b) Arrange for a senior member of the school/nursery staff to be the Designated Senior Manager for Looked After Children who will co-ordinate and monitor provision for all looked after children in the establishment. In primary schools and nurseries this will usually be the Head Teacher; in secondary schools this will usually be the Depute Head Teacher with the responsibility for pupil support.
- c) Ensure that all staff in their establishment are aware that all looked after children are presumed to have additional support needs unless the authority can evidence that they do not require additional support to enable them to access their school education.
- d) Ensure that the Designated Senior Manager for looked after children is aware that all looked after children who are deemed to have additional support needs must be formally considered for a coordinated support plan (CSP) by using the decision making tool kit at a multi-agency CSP decision making meeting.
- e) Ensure that the responsibility of the Designated Senior Manager is made known to all establishment and Education Additional Support for Learning Service staff.
- f) Ensure that the name and contact details of the Designated Senior Manager are given to appropriate staff of the local authority (for example, Social Work Services staff), to each looked after child and their parents/carers, as appropriate.
- g) Ensure that the school/nursery ethos and support systems are supportive to the needs of looked after children and that school/nursery staff understand the difficulties which can often impact on attainment, behaviour and attendance.
- h) Ensure that all looked after children have equal access to all aspects of school/nursery life including:
 - Education in line with Curriculum for Excellence
 - Examinations
 - Additional support for learning
 - Extra-curricular activities
 - Pupil support
 - Vocational experience and careers guidance
- i) Ensure that the views of looked after children are actively sought and taken into account in decisions that affect them (for example, attendance and exclusion matters).
- j) Ensure that the learning and support needs of children are managed according to national and local authority guidelines using a **Staged Intervention approach**.

- k) Ensure that racist incidents and allegations of bullying are managed according to Education Services' protocols.
- l) Ensure that establishment based policies and protocols are subject to annual monitoring and, where appropriate, are reviewed and revised to more fully meet the needs of looked after children.

3.5 **Core Tasks for Designated Senior Managers in education and residential establishments in Scotland, section 3 / Designated Senior Manager for Looked After Children and young people in Scotland's schools and early years establishments** - can be read in full on the Scottish Government website.

3.6 **The responsibilities of the Designated Senior Manager (DSM) for Looked After Children in schools and nurseries are to:**

- a) Assume that all looked after children have additional support needs, (unless evidence can show a looked after child does not have barriers to learning) and in doing so ensure each looked after child with additional support needs holds an education support plan and is considered for a coordinated support plan. (see Appendix 1).
- b) Co-ordinate, oversee and monitor support, progress and communication in relation to all looked after children who are enrolled in the school/nursery.
- c) Act as the main point of contact in the school/nursery regarding looked after children.
- d) Familiarise themselves with all local policies, procedures and guidelines regarding looked after children and ensure that these are made available to all staff members and adhered to within their establishment.
- e) Maintain confidential files of all looked after children enrolled in the school/nursery and share personal information on a 'need to know' basis with teachers, visiting specialists and other support staff.
- f) Consider and take into account the wishes of the child or young person; including any desire for confidentiality which can be reasonably and legally accommodated (taking into account the age and stage of maturity of the child).
- g) Ensure that new placements are discussed in detail with the nominated social worker and that the educational needs of each looked after child are detailed in the initial and any subsequent care plans.
- h) Ensure that looked after children remain as a standing item on the agenda of pupil support groups to track and monitor their support needs and progress, using this multi-agency approach.
- i) Ensure that the educational needs of the looked after children in their establishment are clearly identified and that the appropriate support plan is in place, and that this

plan is closely linked to the child's care plan. In addition they will closely monitor the implementation of these plans. The monitoring of attainment, achievement, attendance and exclusion statistics in relation to the looked after children and young people in their establishment will be an essential component of this process.

- j) Monitor through regular discussion at pupil support groups, with the relevant professionals, monitor the learning needs of each looked after child and ensure that any additional support needs are discussed with the allocated social worker, parents,/carers, as appropriate, at the earliest opportunity.
- k) Report child protection concerns in accordance with school and East Dunbartonshire Council child protection policy.
- l) Attend Looked After Child Reviews (whenever possible) or ensure that a written report is submitted if unable to attend.
- m) Facilitate the child's full participation in the education planning and review process.
- n) Liaise with relevant health professionals.
- o) Promote effective home/school links and encourage the active involvement of parents/carers, as appropriate, in the educational development of the child.
- p) Provide Social Work Services and Education Services staff with information relating to attainment, achievement, attendance etc.
- q) Act as a champion on behalf of looked after children by raising the awareness of the potential and aspirations of looked after children and, whenever possible, providing advice and support to establishment staff.
- r) Attend appropriate professional development events/sessions/meetings, etc and act as an advisor to their establishment's staff on issues to do with children who are looked after.
- s) Ensure that the sending or receiving school/nursery is immediately contacted in circumstances where looked after children move school. In addition, the Designated Senior Manager must also ensure that accurate and up to date educational records are transferred between establishments within an appropriate and opportune time period.

Click on the link to find a comprehensive guide to [Core tasks for Designated Managers in educational and residential establishments in Scotland.mht](#).

- 3.7 In relation to the responsibilities of the **Education Service's Additional Support Team:** a member of the ASN team has responsibility for Looked After Children and undertakes a range of activities to help ensure effective implementation of Scottish Government and EDC policies and plans relating to children who are looked after. This person works from the Education Services Headquarters at the address noted above.

3.8 **The member of the ASN team with responsibility for Looked After Children will:**

- a) Contribute to the planning and delivery of educational support packages for looked after children;
- b) Assist in monitoring the educational progress and outcomes for looked after children;
- c) Work with a range of agencies which are actively involved in providing services to looked after children, including for example: Social Work, NHS Greater Glasgow and Clyde, the Reporter to the Children's Hearings, Skills Development Scotland;
- d) Assist in the task of establishing working links with residential schools to ensure continuity of educational experience for children and young persons entering and leaving such provision;
- e) Advise and liaise with senior managers and staff in schools to promote the interests of looked after children;
- f) Participate or contribute where appropriate, in the activities of Pupil Support Groups, (GIRFEC) Learning Community Groups and the (GIRFEC) Liaison Group; and
- g) Manage the GLOW group entitled **Looked After Children** which will inform and update education staff on national and local policy making, planning, protocol and matters related to the education of looked after children.

3.9 **The Education Psychological Services** also has a key role to play in relation to children who are looked after. It is the role of the Educational Psychologist to:

- a) Tackle the challenges encountered by children and young people in education, which may involve learning and social and emotional needs;
- b) Carry out a wide range of tasks with the aim of enhancing children's learning and enabling parents, carers and other professionals to become more aware of the social factors affecting teaching and learning;
- c) Work in schools, nurseries and special units, primarily with teachers and parents or carers to support a child's learning and contribute in the writing of a child's support plan;
- d) Liaise, where appropriate with other professionals from education, health and social services;
- e) Work directly with a child or indirectly through work with parents/carers, teachers and other professionals;
- f) Carry out, when requested, an assessment to determine whether or not a child has additional support needs; and

- g) Explore concerns through collaboration with professional colleagues through observation, interview, or use of test materials.

3.10 Exclusion from School

- 3.10.1 Education Services has in place procedures to be followed in relation to the exclusion of children from school. This procedure document is contained within the Education Services Procedure Manual. Specifically, Procedure Manual 3/11 – *Exclusion from School* which provides detailed guidance on the management of exclusion issues.
- 3.10.2 In respect of children who are looked after the procedure to be followed includes the following.
- 3.10.3 Where a looked after child is considered to be at risk of exclusion the Designated Senior Manager for looked after children in school should alert the Head of Education and the allocated Social Worker (or, if unavailable, the Duty Social Worker), parent/carer (as appropriate) of this.
- 3.10.4 The school should arrange for discussion of this risk of exclusion (with the individuals noted above) and this discussion should take place in the form of a multi-agency meeting. The purpose of the meeting is to:
- Consider the issues related to the risk of exclusion;
 - Consider the child’s views on this, and those of his or her parent/carer (as appropriate);
 - Consider and address the child’s additional support needs;
 - Complete a support plan, to meet the needs of the child in relation to the risk of exclusion
 - Make a referral to the school’s Pupil Support Group and consider a referral to the Education Service Advisory Group to support the strategy to address the issues related to the risk of exclusion; and
 - Prevent a permanent breakdown in the child’s educational placement.
- 3.10.5 The responsibility for convening the case discussion rests with the school.
- 3.10.6 A case discussion should be held prior to any exclusion of a child who is looked after. As noted above, the Head of Education must be contacted by the school when a looked after child is deemed to be at risk of exclusion.
- 3.10.7 Throughout the discussions of the risk of exclusion, the additional support for learning needs of any child who is looked after must be considered.

3.11 Transition of Young People who are Looked After from Statutory Education

3.11.1 In managing the transition from statutory education to post 16 provision, Education Services will adopt the following principles from the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) for all looked after children.

3.11.2 **Education Services will** ensure that:

- a) Transition planning at 16+ is embedded within Education Services' policies and procedures relating to the education of looked after children;
- b) Planning for the transition of a young person who is looked after at 16+ (in relation to ongoing education and/or training) will begin twelve months before the young person is due to leave statutory education;
- c) Agencies and services such as NHS, Social Work Services, Housing, Skills Development Scotland and other relevant agencies, will be involved in transition planning;
- d) The young person's views will be actively sought and taken into account when planning for transition at 16+;
- e) All young people who are looked after are offered advice and support from education staff when planning for transition at 16+;
- f) A detailed Education transition plan will be developed for each looked after child and will be embedded in the child's Education support plan, care plan and CSP; and
- g) Where a young person who is looked after has been assessed as having additional support for learning needs, the legal provisions under the 2004 Act (as amended) are effectively met.

Section 4: Responsibilities of Social Work Services in relation to the Education of Children and Young People who are Looked After

- 4.1 **The Children and Families Services Manager is the manager within Social Work** who is delegated the overall responsibility in relation to social work services to looked after children. This officer is based within Social Work Headquarters at the following address:

Southbank House
Southbank Business Park
Kirkintilloch
G66 1XQ.

In relation to the education of looked after children there are specific responsibilities for designated staff within Social Work Children and Families Services and these are now outlined.

- 4.2 The **Fieldwork Manager** will:

- a) Ensure that systems are in place to facilitate provision of up-to-date accurate information on looked after children as relative to their education.
- b) Liaise with the relevant Education Services Senior Managers to address any gaps in services to meet the educational needs of children who are looked after.

- 4.3 **Team Managers** will:

- a) Work to ensure that all looked after children have an allocated Social Worker. Where this is not possible, the Team Manager will ensure that the relevant responsibilities detailed in this protocol are fulfilled by Social Work.
- b) Ensure that appropriate assessments are in place for all looked after children and that these take account of the information and assessments provided by Education on the child's educational needs, including any additional support needs.
- c) Ensure that Looked After Child Reviews take place timeously and consider the educational needs of looked after children, including any additional support needs.
- d) Ensure that the care plans for looked after children take account of the child's educational needs.
- e) Ensure that for every looked after child there is clarity on whether he/she has additional support for learning needs.

- f) Ensure that any Education Support Plans and/or Coordinated Support Plans, for a looked after child, have Social Work contribution.
- g) Where there is a referral (e.g. referral of concern to the Scottish Children's Reporter's Administration, referral within the Service for a care placement or other resource) or a recommendation about a looked after child which may have implications for the education of that child, ensure that there is joint working with Education on this and that the educational aspect of a child's development is taken into account.
- h) Monitor the implementation of this Protocol in relation to their team.

4.4 Allocated **Social Workers** will:

- a) Advise children and their parents/carers that information about them may be shared between Social Work and Education. Where appropriate, consent to the sharing of information should be obtained by the Social Worker (for example, consent to sharing the care plan with the education establishment and other relevant staff/partners).
- b) Work in partnership with the child, their parent(s) and/or carer(s), Education Services and other relevant partners to support the child to reach their educational aims.
- c) As soon as a child becomes looked after, notify the Designated Senior Manager (see Section 3.6) in the child's educational establishment of this. In addition, the Designated Senior Manager must be immediately notified of any major changes in circumstance in relation to the child; this includes advising of any change of legal status of the child.
- d) Within 5 days of a child becoming looked after, contact the school to ascertain whether the child is deemed to have additional support needs.
- e) Ensure that information regarding the looked after episode, the placement details and the school/nursery details are entered into the child's record and care plan within one working day of the child or young person becoming looked after, or following a change in circumstances. The Carefirst system should reflect this, as well as additional educational information, e.g. achievement, attainment and attendance information as appropriate and be recorded by the allocated Social Worker.
- f) Ensure that a copy of the Integrated Comprehensive Assessment Report (i.e. IAF) is available (through the agreed Sharepoint arrangements) for the relevant Designated Senior Manager within two weeks of the child becoming looked after, unless the report has not yet been completed. In such instances ensure this is available on Sharepoint once it is completed. Consent from the child and their parent should be obtained before the copy of the report/information is shared (unless consents are not necessary). It should be borne in mind that in some instances there is information in these documents which the child does not wish shared wider, and this view must be respected unless the information is essential to the child's safety.

- g) In the case of children who are looked after away from home, provide a copy of the care plan to the relevant Designated Senior Manager within 20 working days of the child being in placement (i.e. their care placement). It should be borne in mind that in some instances there is information in these documents which the child does not wish shared wider, and this view must be respected unless the information is essential to the child's safety.
- h) When completing and reviewing the child's care plan, liaise with and seek information from the educational establishment and any other service providing support in relation to the child's education in order to ensure the educational needs of, and plans for, the child are included appropriately within the care plan.
- i) Request an Education report from the relevant Designated Senior Manager in relation to the child for their Looked After Child Reviews.
- j) Ensure that the Designated Senior Manager is invited to Looked After Child Reviews and any other relevant meetings in relation to the child.
- k) Where possible, notify the relevant Designated Senior Manager and the Principal Teacher for Looked After Children in advance of a change of care placement.
- l) Where a child becomes looked after away from home, ensure that the carer, i.e. foster carer, key worker, etc. is informed of the child's education establishment details either before or at the point of admission to the placement.
- m) Work closely with parents and/or carers to support the provision of an educationally rich environment which promotes the child's learning.
- n) Ensure that education is given a high priority in the care planning processes for a looked after child and at a minimum, make contact with the school/nursery at least twice per term to discuss the child's educational progress.
- o) In the case of children looked after away from home, ensure that the Designated Senior Manager and carers (e.g. foster carers, formal kinship carers, key workers) are given relevant information on the arrangements for liaison and information related to the education of each child.
- p) Respond to contact from Education staff in relation to the possible exclusion of a looked after child and seek clarity from them that the Education Services procedures in relation to exclusion are being followed. Where appropriate, seek advice from the Education Services Principal Teacher for Looked After Children (who is based at Education Services Headquarters, see 3.8).

<p>Section 5: Responsibilities of Foster Carers, Formal Kinship Carers and Residential Children's Unit Staff in relation to the Education of Children and Young People who are looked after</p>
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5.1 The responsibilities outlined in this section apply to those providing care to children and young people looked after away from home. The detail below supports staff, foster carers and formal kinship carers to fulfill their responsibilities towards children placed in their care.

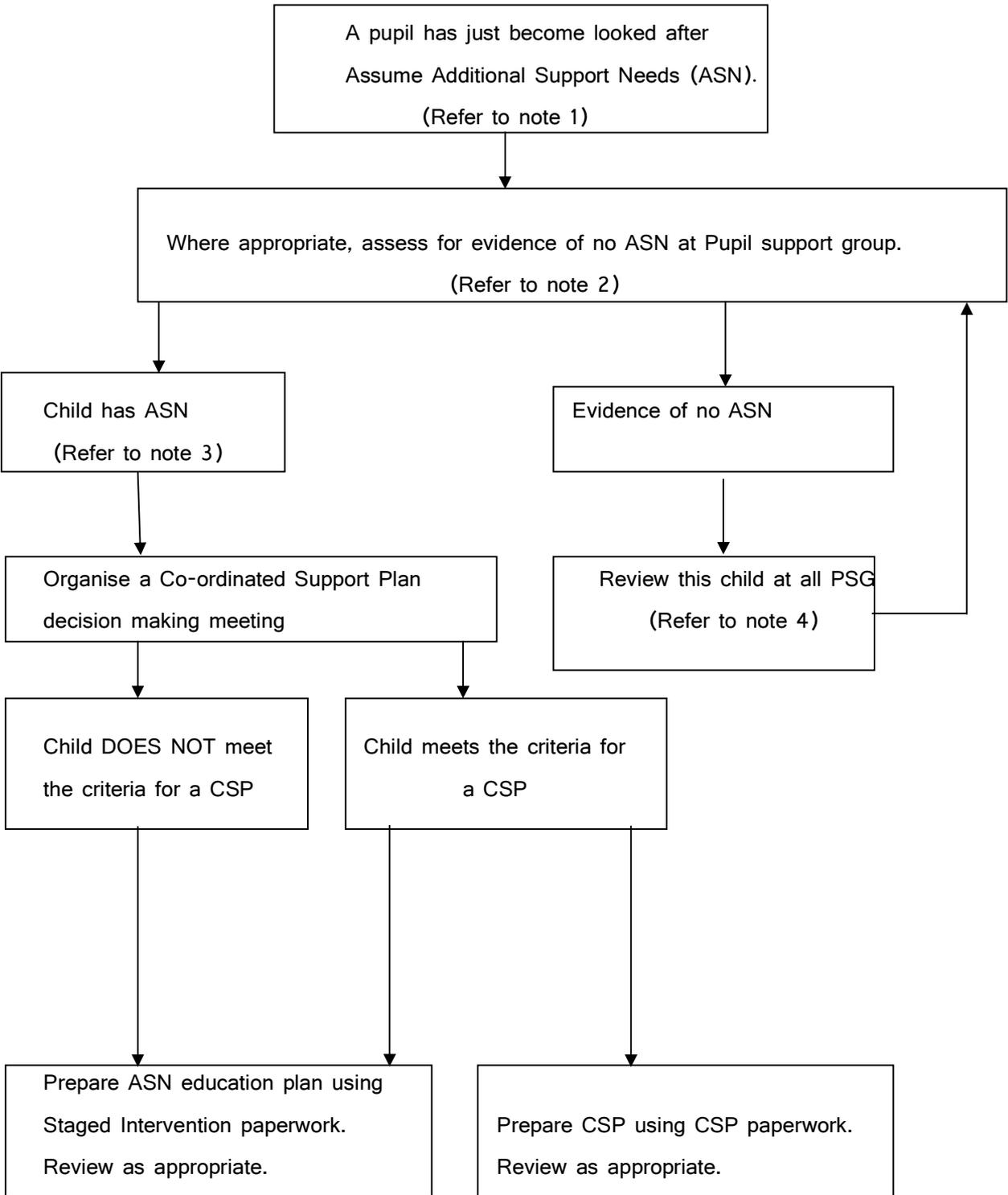
5.2 **Carers and Children's Residential Unit Staff** will:

- a) Ensure that children have appropriate school clothing and equipment;
- b) Encourage and support each child in their learning;
- c) Advocate on behalf of the child to ensure that their educational experience is a positive one and that they have the educational support and opportunity to help them reach their full potential;
- d) Liaise regularly with the relevant education establishment in connection with the child's educational development and needs; this includes being up-to-date with the child's progress, social development and attendance;
- e) Encourage participation in extra-curricular activities including school trips, unless this is not in the child's best interests;
- f) Ensure that any difficulties in relation to school transport arrangements are brought to the immediate attention of the Head of Education or the allocated Social Worker who will liaise with officers from Education Services;
- g) Ensure that the education establishment has information on emergency contact details;
- h) Ensure that the education establishment is informed about any specific additional needs of the child (for example, in relation to their health or diet), taking into account issues of confidentiality;
- i) Participate (unless the care plan dictates that this is not to happen) in discussions and meetings related to the education of the child. For example, in relation to: possible exclusion from school; Additional Support for Learning Needs including reviews of Coordinated Support Plans; meetings with Education Psychological Services; and parents'/carers' evenings; and
- j) Act as the child's advocate to ensure that their right to education is given effect, as well as ensuring their right to participation, protection and equality of opportunity.

Section 6: Responsibilities of Parents

- 6.1 Within this section the term ‘parent’ is used to describe parents and other individuals who have parental rights and responsibilities in respect of the child/young person who is looked after.
- 6.2 Section 30 of the Education (Scotland) Act 1980 places a duty on parents to ensure that their children receive suitable education; this section states that:
- It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means.*
- 6.3 Section 1 of the Children (Scotland) Act 1995 places a duty on parents to safeguard and promote their child’s health, development and welfare. This includes promoting and safeguarding the child’s educational development.
- 6.4 It is to be expected that parents of looked after children fulfill the following responsibilities:
- a) Work in partnership with relevant agencies and services such as Education, Social Work, and with carers (i.e. Foster Carers, Formal Kinship Carers, Residential Unit staff) to encourage and support their child to maximize their educational potential;
 - b) When the child is living with them, ensure that he/she attends school/nursery on a regular basis; and
 - c) To participate in Looked After Child Reviews, school reviews and other meetings related to their child, for example in relation to the child’s additional support for learning needs.
- 6.5 In addition, parents should alert the school/nursery about any issues related to their child’s attendance and to their circumstances which are relevant to their learning and education.

Appendix 1: LOOKED AFTER CHILD, ADDITIONAL SUPPORT NEEDS & CO-ORDINATED SUPPORT PLAN FLOW CHART



Notes for LAC, ASN & CSP FLOW CHART

Note 1:

When a child becomes looked after this may mean that, by formal arrangement (e.g. through the Children's Hearing system, the Courts and / or with the local authority) they have either been

- Placed in a care setting and under the supervision of the local authority, e.g. Foster Care, Formal Kinship Care (with a friend of the family or relative) or in residential care such as a residential children's unit or a residential school setting. This is known as "looked after away from home" or 'looked after and accommodated' OR
- Placed under the supervision of the local authority while they live with their parents. This is known as "**looked after at home**".

Collectively these terms are referred to as looked after children or as being "looked after". For further information on the definitions of looked after children you can look at the Scottish Government website and/or the GLOW group "Looked After Children".

Note 2:

As is now stated in the Additional Support for Learning Legislation (2004 & 2009) we must assume that all looked after children have additional support needs, unless we as an authority can evidence otherwise. A pupil support group (PSG) would be an appropriate setting to consider the needs of the child as they have in attendance the school senior management and relevant school support staff, Social Work, educational psychologist and health professionals. The question should be asked: **Does this child have any barriers to learning?** If all present are in agreement that the answer is yes then the child does have ASN. If the answer is NO then the discussion and consideration of this meeting is sufficient to record as evidence that the child has no additional support needs.

Note 3:

If a looked after child is deemed to have additional support needs, then they **MUST** be considered for a CSP. Most professionals involved with the child will be able to tell if the looked after child meets the criteria for a CSP and so, if desired, the relevant preparation can be done in advance of the CSP decision tool kit meeting. At the decision tool kit meeting any relevant other agencies who may contribute to the child's educational goals, should be present. The child and their parent/carer should be invited to the meeting.

Note 4:

If a looked after child is evidenced not to have ASN then this child's name should be a standing item on the agenda of the pupil support group (along with all other LAC in your school) and should be regularly reviewed. If circumstances change in a child's life this may cause a barrier to learning and so they will be considered to have additional support needs. They should receive an education support plan using the appropriate Staged Intervention paperwork and **MUST** be considered for a CSP (although remember they may not meet the criteria but a CSP tool kit meeting must be held regardless).