

Worcestershire Virtual School – Admissions Policy for Children Looked After September 2021

Introduction

Typically, children in care achieve at a significantly lower level than their peers and too often make less progress than would be expected for other children. As leaders responsible for ensuring that the local authority discharges its duty, directors of children's services and lead members for children's services must ensure that closing the attainment and progress gap between children in care and their peers is a priority for action. Local authorities must develop appropriate local policies and practices both to create a culture of high aspiration and to improve educational outcomes and life chances for children in care.

To that end, the local authority, as the corporate parent, will not tolerate drift and delay where children the authority looks after are without an education placement that is appropriate to their needs. This may include using their powers of direction in a timely way.

The Local Authority's expectation is that all looked after and previously looked after children will be admitted without the need for direction and will work collaboratively with all parties to ensure that informed decisions are made prior to the formal application, to avoid the refusal of a place.

Throughout this document looked after shall be referred to as Child Looked After (CLA) and previously looked after shall be referred to a Previously Looked After Child (PLAC).

Information about School Admissions is provided by the School Admissions Team and can be found at the following link:

<http://www.worcestershire.gov.uk/schooladmissions>

Principles

The following principles apply:

1. Educational provision should mean a full-time place
2. Schools judged by Ofsted to be 'good' or 'outstanding' should be prioritised for children in care in need of a new school. Unless there are exceptional evidence-based reasons, children in care should not be placed in a school judged by Ofsted to be 'inadequate,

We aim to support and challenge schools, carers and all relevant partners to ensure CLA/PLAC achieve the best possible educational outcomes and life chances.

We will work collaboratively to ensure CLA/PLAC attend the best possible education establishments and are provided with the opportunities to progress and realise their individual potential. Every day away from learning has a detrimental effect on learning and

social integration, and any delays in placement will be subject to external scrutiny and rapid action.

Legislation

Section 7 of the **Education Act 1996** states that:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs he may have, either by regular attendance at school or otherwise.

Local authorities have a duty under the **Children Act 1989** to safeguard and promote the welfare and educational achievement of children in their care.

The **School Admissions Code** states that highest priority must be given to looked after children and all previously looked after children, including those who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted. A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions at the time of making an application to a school. Previously looked after children are children who were looked after, but immediately after being looked after, ceased to be so because they were adopted (became subject to a child arrangements order or special guardianship order), this also includes those who appear to have been in state care outside of England who have been adopted.

Schools designated with a religious character however, can prioritise children of the faith before any looked after children and previously looked after children not of the faith. The Code applies to maintained schools and academies, including free schools.

Fair Access Protocols do not apply to CLA/PLAC. Those children are also 'excepted pupils' in relation to **infant class size regulations**. There is no legal barrier to CLA/PLAC being admitted to a school even if the school is full or already has 30 pupils in a class. In any case where the local authority has been unable to promptly secure a school place for PLAC, the local authority has the discretion to use a Fair Access Panel to place a child.

Securing Appropriate Education

Identifying a preferred school requires skilled working between relevant people. It must be based on an informed discussion between the child's social worker, their parent/carer's, if appropriate, birth parents and the VS. It should include the details of the child's needs and advice on the type of provision at different schools. The VS must be consulted in advance to avoid choosing a school that is unlikely to meet the child's needs.

All options regarding the child's education should be considered, the social worker/carer should make contact directly with the appropriate school/s to discuss in detail what that school could offer the child and how they can meet the child's needs. Having considered all of the information in relation to the child and the school/s and having consulted with the VS, to determine which school would be the most appropriate school an application should then be made. The school receiving the application should therefore understand at that stage, how it can meet the child's needs. The VS will support the application process by leading on the section 'reasons for completing the reasons for school selection'. The Local Authority

will not tolerate drift or delay as a result of protracted negotiations and will initiate the direction process where the school being applied to is considered to best meet the child's needs, but refuses to admit.

The Local Authority has the power to direct the admission authority for any maintained school in England to admit a child who is looked after by the Local Authority, even when the school is full. Where the Local Authority considers that an Academy will best meet the needs of any child, it can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child.

In the case of a direction for an academy, the school has to be able to demonstrate that the admission would cause **serious or significant** prejudice to the provision of efficient education or efficient use of resources. This is a much higher level of prejudice than has to be proven in the case of children who are not CLA/PLAC. It is for this reason that the Local Authority will use the direction process, this may be in parallel to the appeal process in such cases.

Avoidance of Disruption to Education

Where a child's educational placement needs to change, usually in the case of an emergency, e.g. exclusion, change of care placement, illness or in other circumstances, the Local Authority and lead professionals will aim to ensure, wherever possible, that other arrangements are made for education or training that meet the child's needs and are consistent with the Personal Education Plan (PEP) and that the days lost to education are minimised.

The Local Authority's expectation is that all schools will work collaboratively with all parties to ensure that decisions on the admission of CLA/PLAC are reached in a timely manner. All schools will appreciate that each day away from learning has a detrimental effect on learning and that any delays in reaching decisions will be subject to external scrutiny and rapid action.

In the case of in-year applications, once a place has been offered, in order to minimise the days lost to education, it is the Local Authority's expectation that the admission of CLA/PLAC will be within 7 working days of the place being offered.

Where a child's needs have changed that suggest a reduction in the child's education is required and or Alternative Provision is to be arranged, the VSH must be consulted prior to making any changes. There must be a suitable Pastoral Support Plan (PSP) in place which must be reviewed in conjunction with the PEP.

Pupils with Education, Health and Care Plans

Where a child has an EHCP, the Local Authority's SEND Services, who maintain the EHCP are responsible for securing appropriate provision. A review of the EHCP must be completed. This also includes any placements subject to dual registration. In circumstances where a child's educational placement needs to change the Local Authority must ascertain the views of the parent/carer, and where appropriate those of the child.