



Department
for Education

Revised statutory guidance for virtual school heads and designated teachers

Government consultation

Launch date 16 October 2017

Respond by 27 November 2017

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Introduction

The consultation seeks views on changes to two statutory guidance documents: *Promoting the education of looked after children*; and *Roles and responsibilities of designated teachers for looked after children* following the Children and Social Work Act 2017.

The Children and Social Work Act 2017 expanded the role of Virtual School Heads and designated teachers to include providing information and advice to certain previously looked after children and their families. For many previously looked after children the impact of their pre-care experiences can continue to act as a barrier to educational progress after leaving care. The changes to the Virtual School Head and designated teacher role will help ensure previously looked after children receive support to help them achieve their full potential.

For the purposes of this consultation, the key changes introduced by the children and social work act 2017 are:

- a duty on local authorities in England to make advice and information available to those with parental responsibility; designated teachers in maintained schools and academies; and any other person the authority considers appropriate, for the purpose of promoting the educational achievement of certain previously looked after children.
- a duty on the governing body of a maintained school or academy proprietor in England to designate a member of staff at the school to have responsibility for promoting the educational achievement of certain previously looked after pupils.

These new duties apply to children who leave care as a result of adoption, special guardianship or child arrangement order and children adopted from state care abroad.

Who this is for

- Virtual School Heads
- Designated teachers
- School and academy governing bodies
- Head teachers

Issue date

The consultation was issued on 16 October 2017.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on:

- 0207 7838777 for changes to the guidance relating to looked after children and ask for Lydia Affie; or
- 0207 7838027 for changes to the guidance relating to previously looked after children and ask for Debra Gilder.

or email: CSWACT.CONSULTATION@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Consultations.Coordinator@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in Winter 2017.

About this consultation

Local authority Virtual School Heads and school's designated teachers are responsible for monitoring and supporting the educational progress and attainment of children looked after by local authorities. The Children and Social Work Act 2017 has extended the role of the Virtual School Heads and designated teachers to certain previously looked after children as they continue to experience educational challenges after leaving care.

Statutory guidance for Virtual School Heads and designated teachers now needs to be updated to reflect their new duties.

The key proposed changes to statutory guidance are:

- an amended structure to clearly signpost information on the role of Virtual School Heads and designated teachers for previously looked after children;
- addition of information on the new role of Virtual School Heads and designated teachers for previously looked after children; and
- an increased emphasis on: mental health; training for Virtual School Heads, designated teachers and school staff; promoting school's awareness of looked after and previously looked after children's needs and proactively building interagency relationships.

The first part of the document sets out where we would welcome feedback on the revised statutory guidance on *Promoting the education of looked after children*. The second sets out where we would welcome feedback on the revised statutory guidance on the *Roles and responsibilities of designated teachers for looked after children*.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

By email

- CSWACT.CONSULTATION@education.gov.uk

By post

Lydia Affie
Department for Education
Sanctuary Buildings
Great Smith Street
Westminster
SW1P 3BT

Deadline

The consultation closes on 5pm 27 November 2017.

Changes to statutory guidance on *Promoting education of looked after children*

Inclusion of new information and new structure for the guidance to clarify Virtual School Heads' duties for previously looked after children

Background

Statutory guidance on *Promoting the education of looked after children* needs to be updated and restructured to provide clarity on a Virtual School Head's new duty to make advice and information available to promote the education of certain previously looked after children.

Proposal and rationale

To ensure clarity on the Virtual School Heads new role, we propose to:

- provide guidance on new duties of the Virtual School Head for previously looked after children in a new the section on *The role of the Virtual School Head for previously looked after children*; and
- restructure the guidance in to three sections: *The role of the Virtual School Head for looked after children*; *The role of the Virtual School Head for previously looked after children*; and *Supporting looked after children and previously looked after children*.

Guidance on duties applying specifically to looked after children has been grouped into the chapter on *Supporting looked after children*. Some elements of the Virtual School Heads' role, for example training for designated teachers, will apply to both looked after and previously looked after children. Guidance on these duties has been grouped in to the chapter on *Supporting both looked after and previously looked after children*.

Questions

Does the statutory guidance clearly explain what is expected of local authorities and the Virtual School Head in discharging the duty to promote the educational attainment of children who were previously looked after children? Yes or No

If no, please explain.

Does the structure of the guidance help clarify the duties which apply to looked after and previously looked after children? Yes or No

If no, please explain.

Additional information on Pupil Premium Plus for looked after children

Background

Local authorities in England receive Pupil Premium Plus funding of £1900 per year, for each looked after child aged 4 to 15 in their care to help promote their educational attainment. This funding is managed by the Virtual School Head.

In response to stakeholder concerns, this section of the guidance has been revised to:

- encourage Virtual School Heads and schools to use Pupil Premium Plus funding for interventions supported by evidence;
- provide more emphasis and information on effective use of the Pupil Premium Plus; and
- promote transparency in how Pupil Premium Plus is managed and used.

Proposal and rationale

To provide more information on effective practice and encourage evidence based use of Pupil Premium Plus, we propose including the following in the section on Pupil Premium Plus for looked after children:

- improved information on Virtual School Head's role and accountability regarding Pupil Premium Plus; and
- a table of positive characteristics for interventions supported by Pupil Premium Plus funding to help guide the use of Pupil Premium Plus funding.

In addition, we propose stating that all Virtual School Heads should publish a clear policy on the use of Pupil Premium Plus, including any funding top sliced by the Virtual School for authority wide services. This requirement promotes transparency and clarity for schools, carers and families about how local authorities use and manage Pupil Premium Plus funding.

Questions

Is the information provided on positive characteristics of interventions in the *Pupil Premium Plus* section in *Promoting education of looked after children* helpful in encouraging use of interventions supported by evidence? Yes or No

If no, please explain.

Do you agree that Virtual School Heads should publish a clear policy on the use of Pupil Premium Plus, including any top sliced funding? Yes or No

If no, please explain.

Increased emphasis on mental health, training for professionals and proactively building interagency relationships

Background

Looked after and previously looked after children have an increased likelihood of experiencing mental or social, emotional health issues than their peers. In the year ending 31st March 2016, 51% of looked after children looked after continuously for 12 months had Strength and Difficulties Questionnaire scores which were “border line” or a cause for concern. Given this, it is vital that that Virtual School Heads and designated teachers have the skills, knowledge and interagency relationships to manage and support looked after and previously looked after children facing these challenges.

Proposal and rationale

To ensure that Virtual School Heads and schools build the professional relationships and have the skills necessary to support looked after and previously looked after children’s mental health, we propose to:

- explicitly reference the need for Virtual School Heads to proactively build interagency relationships in the *Working with others* and *School exclusions* sections of the guidance; and
- Ensure the new section in the guidance on *Mental Health* 1) highlights this group’s increased likelihood of mental health issues and 2) makes clear that Virtual School Heads should work with designated teachers to ensure schools can identify signs of potential issues and understand they impact can have on children.

Questions

Does the new section on Mental health give sufficient information to enable Virtual School Heads to help schools in supporting looked after and previously looked after children’s with mental health needs ? Yes No

If no, please explain.

Do you agree with the emphasis in the *School exclusion* section on Virtual School Heads being proactive in building relationships with designated teachers to help ensure behavioural issues are resolved early? Yes No

If no, please explain.

Changes to statutory guidance on *Roles and responsibilities of designated teachers for looked after children*

Inclusion of new information and new structure for the guidance to clarify designated teachers' duties for previously looked after children

Background

Statutory guidance on *Roles and responsibilities of designated teachers* needs to be updated and restructured to provide clarity on designated teachers new duties towards certain previously looked after children.

Proposal and rationale

To provide clarity about designated teacher's duties towards looked after and previously looked after children, we propose to:

- include guidance on new duties of the designated teacher for previously looked after children in the section on *The role of the designated teacher for looked after and previously looked after children*; and
- restructure the guidance to include distinct chapters on *Supporting looked after children* and *Supporting looked after and previously looked after children*.

Guidance on duties applying specifically to looked after children has been grouped into the chapter on *Supporting looked after children*. Some elements of designated teacher's role, for example raising awareness of children's needs amongst other school staff, will apply to both looked after and previously looked after children. Guidance on these duties has been grouped in to the chapter on *Supporting both looked after and previously looked after children*.

Questions

Does the statutory guidance clearly explain what is expected of schools and the designated teacher in discharging the duty to promote the educational attainment of certain previously looked after children? Yes or No

If no, please explain

Does the structure of the guidance help clarify the duties which apply to looked after and previously looked after children? Yes or No

If no, please explain.

Increased emphasis on mental health, training for professionals and proactively building interagency relationships

Background

Looked after and previously looked after children have an increased likelihood of experiencing mental or social, emotional health issues than their peers. In the year ending 31st March 2016, 51% of looked after children looked after continuously for 12 months had Strength and Difficulties Questionnaire scores which were “border line” or a cause for concern. Given this, it is vital that that staff in schools have the skills, knowledge and interagency relationships to manage and support looked after and previously looked after children facing these challenges.

Proposal and rationale

To ensure that designated teachers build the professional relationships and have the skills necessary to support looked after and previously looked after children’s mental health, we propose to:

- include new sections in the guidance on *Raising awareness and staff training* and *Special educational needs and mental health* to highlight looked after and previously children’s increased likelihood of experiencing mental health issues and the need for schools to have the necessary skills to support them; and
- emphasise the importance of building professional relationships to support looked after and previously looked after children’s education by:
 - expanding the section on *The relationship of the designated teacher to others beyond the school* to include new sections on working with local authorities and carers and parents; and
 - emphasising the need for designated teachers to build links with Virtual School Heads in the sections on *Raising awareness and staff training* and *School Exclusions*.

Questions

Do you agree with the increased emphasis on looked after and previously looked after children’s mental health and attachment in the *Special educational needs and mental health* section? Yes No

Do you agree with the emphasis on designated teachers being proactive in building relationships with professionals beyond the school? Yes No

Do you agree with the emphasis in the *School exclusion* section on designated teachers working with Virtual School Heads to help ensure behavioural issues are dealt as soon as possible to help minimise the need for exclusion? Yes No



Department
for Education

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