



**Education of Looked After Children in Kent  
Foster Carers Guidelines and Best Practice**

**Produced by KFCA in conjunction with Children Families and Education.**

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## **Introduction**

This document has been prepared by the KFCA working with a cross section of professionals including Children and Families, Fostering, Education, schools, CHAMS and Foster Carers.

The objective of the document is to provide carers with set of guidelines and best practice notes aimed at improving the educational outcome for looked after children with particular emphasis on the prevention of exclusion from school. To prevent exclusion from school, the key message is to support the child in their education, ensure regular attendance and provide an inclusive environment which includes extra curriculum activities.

### ***Guidelines versus Best Practice***

Guidelines are a statement of KCC policy and as such all carers are expected to follow the guidelines. The guidelines in this document always appear in italic text form. They are not new but are re emphasised. Best practice is a technique used to implement guidelines and it is an evolving process. We would welcome examples of best practice which worked for you and will attempt to make these available to other carers.

### ***The Role of the Foster Carer***

The foster carer is expected to do what a good parent would do for their own child. It is often the case that the children you are looking after will require more support educationally than your own.

*Foster carers are expected to actively promote the foster children they look after by attending parent's evenings and school events; liaising directly with the school where necessary; encouraging with schoolwork and homework; and providing a stimulating home environment.*

*Carers should take an active part in care and education planning, and have a clear understanding of who to liaise with at school, LEA and social services level. They should be involved in monitoring and supporting the targets set out in the young person's PEP, and should be closely involved in any assessment of special educational needs. As soon as a child they care for starts at school they should be told who the designated teacher is.*

*A foster carer should be positive about the value of education and have high expectations for children in their care; praise the child's achievements frequently.*

### ***The Children's Charter***

Every child looked after has:

- A right to an education
- A right to expect carers to advocate on his/her behalf to gain access to educational opportunities.

- A right to a care plan that states how his/her educational needs will be met.
- A right to have a say in the plans for his/her education and to expect his/her views to be taken into account.
- A right to know what the arrangements for his/her education are.

## **Placement**

When a child is placed with a foster carer, it is the opportune moment to clarify roles and responsibilities and to gather information which will enable the carer to perform their role effectively.

Where possible, as much of the required information should be sought before the placement or at time of placement. Certainly by the time the Placement Plan Part 2 meeting, which should take place within 14 days of the placement, all the required information should be in place.

To assist carers we have provided a checklist (see Appendix 2) which covers the information you require concerning education. This is meant to assist you in gathering the required information.

***Every carer should be told what their role and responsibilities are in relation to educational opportunities for individual children.***

Experienced carers are more likely to take a proactive and leading role in seeking educational opportunities for children placed with them. It is within the remit of the child's social worker to agree with the carer the extent of these responsibilities and where appropriate delegate to the carer. All carers should ensure that the child's social worker is kept fully informed of events. At no time should a carer or social worker make assumptions that the other person is managing an event; at all cost we must ensure that appropriate action is managed to prevent actions slipping between responsible parties.

***Every carer should know the extent of their parental responsibility as shared with the natural parents and placing social worker.***

In all situations, parental involvement in the education of their children is encouraged. It is the social workers responsibility to establish the extent of the parental involvement and to ensure that the foster carer is fully aware. This information should be included in the placement plan but is likely to evolve in time. It is the carers' responsibility to ensure that they understand how this will affect their approach to educational issues. For instance, parents may attend the school's Parent Evening but this in no way should prevent the carer from also attending. The carer must make every effort to build a relationship with the parents to enable working with the parents on behalf of the child.

***Every carer should have a placement plan and care plan that states the above information clearly.***

***In order to champion the educational needs of young people in their care, carers need information and support. Social services departments must prioritise education in assessing, recruiting and supporting carers. They should consult carers and establish what their needs are in supporting the educational success of the children for whom they care, and provide appropriate training.***

Training is a significant issue; education like other areas of fostering is undergoing changes and new legislation is being introduced. It is the carers' responsibility to ensure that they undertake the training on offer by KCC. The Fostering Social Worker will monitor carers' training during supervision and can recommend appropriate courses. For experienced carers multi agency workshops will be introduced to stimulate discussion and convey new developments.

***Every carer should pass an updated record of the child's educational history, reports, awards and qualifications to any future carer with a copy to the child.***

The PEP (Personal Education Plan) must be produced for every LAC. This document includes a summary of the education and every carer should have a copy of the document. A PEP should be produced within 20 school days of entering care which means that for a first placement there may be little education history available in the first few weeks until the PEP is produced.

When the placement is a planned move, then the carer should be given a copy of the latest PEP either before or at the time of placement. The document will include a list of previous schools, contact information, any specific support requirements and other essential details.

To supplement this information, we have produced an 'Events Form' which is included as Appendix 1. The purpose of this form is to enable the carer to generate a one line entry for any event during the school year. This may be an award, a detention, parent evening, absence, letter from school or even an exclusion. Please note that this form in no way effects the requirement to produce the Daily Record but will be a summary of educational history and current events and you will be able to easily cross reference with the Daily Report for detailed information.

This information will be valuable to easily see were there is a pattern of problems developing which will enable early intervention to prevent issues escalating. In addition, where a child changes placement, this is a valuable record of educational issues that will be passed to the next carer.

Additional copies of the form can be requested from your Fostering Supervisor.

The KFCA believes that best practice is to maintain the forms regularly and accurately and when the placement ends, a copy of the form should be given to the social worker to be passed to any subsequent carer and a copy should be given to the child.

## **Supporting the Child**

It is paramount that a carer is prepared to give time to the child, by supporting learning tasks or just be available to listen to their views and opinions; it shows the child that you are interested in their education. Be available.

Supporting the school and showing interest in it (in the widest sense) also gives an implicit message about the value placed on the importance of education.

## **Admissions**

Securing an appropriate education placement is one of the main criteria which must be used in identifying a suitable care placement. This should generally mean a full-time place in a local mainstream school, commencing without delay.

Government guidelines currently set a maximum time limit of twenty school days within which KCC must secure an education placement for any pupil in public care. It will be a full-time place in a local mainstream school unless the circumstances of the child make full-time or local mainstream provision unsuitable.

From September 2007 schools cannot refuse to take a LAC even if they are full. This means that LAC will be able to go the school of choice rather than ending up in the worse performing schools. LAC are first priority at the point of entry (Year 7).

*The social worker has the primary responsibility to liaise with the education professionals in identifying an appropriate school for the child<sup>1</sup>.* The carer will be involved in the process and will visit the school with the social worker.

## **Statutory Reviews**

*Every carer should use reviews to ensure the child's education progress and achievements are discussed.*

Best practice would be to review your records prior to the meeting and produce a summary report for input to the review. Education would be one of the headings within the report. Clearly state any concerns and include positive information which enables the child to be congratulated at the meeting.

## **Transport to School & Provision of Uniform**

*Every carer should support the child's education by arranging transport to and from school when appropriate; providing for lunch; supplying a uniform.*

Under normal circumstances, the carer will be expected to provide transport to and from school. Where there may be a case for the LEA funding transport, the social worker should apply for this and if necessary appeal any decision. The guidance currently available to social workers (Appendix 3) is included for information only.

While an older child may be able to utilize public transport (paid by the carer), a carer will need to transport the younger child; it is vital that transportation to school is agreed prior to the placement.

If transporting a child to school is likely to prove difficult, the discussion should take place with the SW prior to placement.

Consideration should be given to identifying other carers in your locality and agreeing a school run Rota.

The carer must supply the school uniform and other school equipment such as PE kit, school bag, pens, pencils, calculators etc. Lunch at school is the carer's responsibility.

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<sup>1</sup> 'Who Does What' a DfES publication (see publication list in appendix).

## **Working with the School**

***Every carer should be given the name of an existing contact in the child's school or place of education, or be given the name of the person who is arranging for an educational place to be offered.***

This information should be included in the Placement Part 1 document.

***Every carer should make direct contact with the school, asking to see the Head Teacher in the first instance particularly when introducing a child to a new school.***

Building a relationship with the school is one positive way of supporting the child and preventing problems escalating into exclusion. In most instances, initial contact with the school will be organised by the social worker, particularly if this is to be a new admission as opposed to a placement move. Contact should be made with the school either before the placement or as soon after placement as possible. While the Head Teacher will be the first point of contact, you need to meet the Designated Teacher and the class teacher and/or form tutor. Use the opportunity to gather information about home support required, school policy on homework, uniforms, mobile phones, etc.

***Home-School Agreements apply to children and young people in public care as they do to other children. For the agreement to be meaningful the signatory should be the primary carer<sup>2</sup>, the person with most day-to-day responsibility for the child.***

***Carers are expected to be aware of the demands of course work, study support opportunities and when public examinations and tests are to take place.***

A school diary is to be included in the revised PEP which will contain:

- School term dates.
- Examination time tables.
- Dates for PEP reviews, SEN reviews.
- Parent evenings
- Other key events.

Utilize this to keep track of key school dates.

Exam times can be stressful for the child; ensure the environment is conducive to study and ensure you provide the additional support the child needs. Be ready for the more stressful times in school e.g. exams/problems with teachers or work, conflict with friends and other students. Work out tactics and ideas about how best to cope.

***Every carer should provide access to books and materials; provide a place to study; provide finance for after-school activities and educational trips in line with the school's charging policy.***

Due to the circumstances leading to care, many LAC have literacy weakness. A large percentage of children who become disengaged with school, have truancy issues and end up being excluded from school are noted to have literacy problems. A child can not cope with the wider curriculum if their reading and writing skills are weak.

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<sup>2</sup> 'Who Does What' a DfES publication (see publication list in the appendix).

The Personal Education Plan should note where there are literacy issues and agree actions. Best practice for carers is to be proactive, ensure access to reading material, build reading into the daily routine, read with the child and encourage the child to find reading an enjoyable pastime. Every carer should be a member of their local library and organize membership for the children in their care.

The KFCA has been running, jointly with local libraries, literacy clubs aimed at encouraging children to make use of the library and to read with the carer for enjoyment. These clubs are one way of encouraging the child.

Children will also need built into their routine a time and a quiet place to do homework. Television and games should be banned during this period to allow full attention. ***The carer has the responsibility to check homework and sign the school diary.*** Children may need help to complete homework. Schools sometimes offer homework clubs as does some of the larger libraries. The Fostering Education Assistant can advise on courses available aimed at updating parents and carers on modern education methods.

Computers are becoming increasingly important in education. All children should have access to a computer for homework whether that is in the home or at the library. Carers should encourage this by ensuring they have the basic computing skills. Carers also have the responsibility to protect the child from misuse of the computer and internet access needs to be carefully monitored. It would be unwise to provide internet access in a child's bedroom.

There is currently no funding available for major school trips which can be in the hundreds of pounds. These should be discussed with the child's social worker who may also discuss it with the school, and in exceptional circumstances there may be help available. Schools cannot exclude children from trips if they are part of the curriculum. In cases of hardship schools may also have some funds.

***Every carer should attend parent's evenings, reviews, and meetings to discuss and plan for the child's continuing progress.***

It is vital that a carer attends the parent's evening. The child needs to know that you are interested in their education. Parents of the child are generally encouraged to also attend and you need to build a relationship with the parents to ensure this runs smoothly. Where ever possible both carer and parent should attend together. The outcome of the parents evening should be recorded and information passed to the child's social worker.

Carers have a significant contribution to make at other meetings about the child's progress at school such as the Personal Education Plan (PEP), statement review. Before each meeting, check that the information you have is still accurate. Make sure you update it at the meeting.

A carer should make every effort to attend less formal occasions like plays, concerts, social evenings, exhibitions, fairs and sporting events. This support is invaluable to the child.

Contact with the school need not be limited to formal meetings. If you have concerns about behaviour, progress, homework or other issues, contact the school. Ensure the school is informed of any issues which might affect progress and behaviour.

***Every carer should praise the child's education achievements regularly and frequently.*** Promote a culture of positive achievement by praising and celebrating every small step forward. The young people who have succeeded to achieve a good education all highlight the positive support of the carer as a major contributing factor.

### ***Personal Education Plans (PEP)***

Every child and young person in public care will have a Personal Education Plan which ensures access to services and support; contributes to stability; minimises disruption and broken schooling; signals particular and special needs; establishes clear goals and acts as a record of progress and achievement.<sup>3</sup>

Carers should take an active part in care and education planning, and have a clear understanding of who to liaise with at school, LEA and social services level. They should be involved in monitoring and supporting the targets set out in the young person's PEP, and should be closely involved in any assessment of special educational needs. As soon as a child they care for starts at school they should be told who the designated teacher is.

Social workers are responsible for initiating a PEP in partnership with the child or young person, designated teacher (see below), parent and/or family member, carer and any other person that may be relevant.

The PEP should be agreed as soon as possible and at least within 20 school days of entering care or of joining a new school. The PEP will normally be reviewed prior to the statutory review and will be input to the review.

### ***Designated Teacher***

The joint DfES / DoH guidance 'Education of Children and Young People in Public Care' recommended that all schools assign a senior member of staff as designated teacher to act as a champion for looked after children. Foster carers should ensure they have contact information for the designated teacher at the school the LAC attends.

The specific duties of the designated teacher<sup>4</sup> are

- receiving Personal Education Plans from social workers and co-ordinating the development of the plan;
- providing a central point of contact for all professionals working with each looked after child.

Social workers and foster carers will need to liaise closely with designated teachers.

### ***Special Educational Needs***

The important fact is that all children are special. Like other children, young people in care may at some time have special educational needs. However, it should not be assumed that all children in public care will have special educational needs. If they do

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<sup>3</sup> <http://www.dfes.gov.uk/educationprotects/>

<sup>4</sup> Supporting Looked After Learners: A Practical Guide for School Governors' available on <http://publications.teachernet.gov.uk/eOrderingDownload/Governor.pdf>

have learning difficulties or difficulties accessing learning opportunities they need support and advocacy.

The DfES SEN Code of Practice states: ‘The SEN of the great majority of children should be met effectively within mainstream settings without the LEA needing to make a statutory assessment of SEN and then consider whether to issue a statement.’

A child will be brought to the LEA’s attention as possibly requiring an assessment through a request from the child’s school or education setting, parent or another agency. Evidence is submitted and there are clear criteria that must be met in order that a SA (statement assessment) is initiated. As the end of the statutory assessment period, the LEA will either issue a statement or a *note in lieu* setting out the reasons why not. If the carer is concerned that the LAC is not getting the additional support they require, it should be discussed with the social worker, the school and noted at the statutory review. At times a carer may need to actively advocate on behalf of the child.

## **Advocacy**

The lack of consistent parental advocacy is perhaps the most significant barrier to educational achievement for the majority of children in public care. This may include: selecting schools; making subject choices; supporting attendance; assisting with homework; and supporting work experience. Social services should ensure that someone acts as advocate for young people in care. In many instances carers will be the most appropriate person to advocate on behalf of the young person.

It is within the remit of the child’s social worker to negotiate the roles and responsibilities with the carer. Experienced carers should be proactive in agreeing these responsibilities and advocating on behalf of the child while ensuring that the child’s social worker is fully informed and in agreement.

***The carer should defend the rights of the young person but support the school as much as possible. The carer is expected to work in partnership with the school when trying to sort out problems.***

If in doubt about the processes involved, you should contact Partnership with Parents which is an independent agency which can advise on the processes and contact points. See Appendix 4 for contact information.

The Fostering Education Assistant and LAC Education Advisers are available to assist a carer in advocating for the child.

## **Attendance at School**

“Being in school full time gives children the best possible chances to succeed. As well as learning subjects in class, they develop routines and understand about timekeeping. Missing school makes it harder for them to catch up what they miss” (Who Does What, DfES 2004).

***The carer should ensure the child attends school regularly and on time. There should be no absence from school other than on health grounds.***

Social workers and carers are expected to support regular attendance at school. They are expected to work with young people, designated teachers and carers to monitor attendance problems and prevent unauthorized absence.

***The scheduling of dentist, doctor or similar appointments should be done out of school hours wherever possible. Children should not be removed from school for holidays.***

If there is health appointments that cannot be avoided during school hours it will be important that the foster carer finds out what lesson the child will be missing and to work with the school on how to catch up.

Wherever possible LAC reviews, PEPs, contact and similar activities should be arranged out of school hours.

When a child is ill, the foster carers should contact the school by phone on the first day and confirm by letter on the child's return for absences of one week or less. Longer absences should be supported by a GP sickness certificate where possible.

The social worker should be informed whenever a child is away from school.

It is known that failure to attend school does result in poor achievement; the poor achievement then encourages disaffection in school creating a cycle of poor attendance which greatly increases the risk of exclusion.

All Carers should know that permission will NOT be given by the child's social worker, fostering team or school to remove a child from school for holidays. Carers should be mindful of this when booking family holidays and ensure they fall within the school holiday calendar.

KCC currently monitor the attendance at school of LAC through the 'Welfare Call' system. As at January 2007 developments in monitoring systems are under review. CFE have also implemented an Early Intervention programme to identify and monitor problem attendance. Carers have been issued with a form, 'Reasons for Being Out of School' to notify CFE of any absence greater than 5 days and for each occasion a child is excluded from school (temporary or permanent exclusion) or asked not to attend school full time. Note that this includes exclusions at lunch time. Copies of the form are in Appendix 9.

Every school is expected to have an Attendance Policy which details procedures and processes to address cases of irregular and non-attendance, including truancy. The Crime & Disorder Act 1998 enables the police to remove any young person who is truanting from school from the street and return them to school where appropriate. The Crime & Disorder Act also permits police, in conjunction with Education Welfare, to mount 'Truancy Sweeps' where and when applicable.

KCC have produced guidance ‘Promoting School Attendance of Looked After Children’<sup>5</sup> which addresses the subject in more detail.

## **Bullying**

Looked after Children are often signalled out for bullying; their status of being ‘in care’ alone makes them easy targets. Carers need to be aware and watch for signs of stress which may indicate bullying. Truancy from school can often be linked to bullying. It is critical that the carer advocates in these situations.

Every UK school has to have a policy on bullying; make sure you are aware of the school’s policy.

KCC approved an Anti-Bullying Strategy in 2007 which can be viewed on the KCC Cluster Web. This Strategy outlines commitments on behalf of the Local Authority and outlines the expectations of schools to ensure a zero tolerance approach to bullying in schools. The Strategy can be obtained from the Attendance and Behaviour Service or the Children, Families and Education Policy Unit.

If you suspect bullying, then discuss with your contact at the school and make sure the child’s social worker is aware. If the problem persists and needs to be escalated, with your child’s social workers agreement, contact the Educational Welfare Officer<sup>6</sup> in your area. Partnership with Parents can give you independent advice (see contact list in Appendix 4).

## **Extra Curriculum Activities**

Sports and other out-of- school learning (OSHL) activities are seen as positive ways to improve self confidence and self esteem and general emotional health. Children who take an active part in OSHL are less likely to become dissatisfied with school.

*The carer should encourage the young person to use the local facilities for sport and leisure. They should encourage involvement in school activities outside school hours such as visits, outdoor activities, sports, drama, art or any other club that might interest the young person.*

## **When Things go Wrong**

Seldom does an exclusion from school take place without some warning indicators first being noted. Early intervention can prevent escalation of school problems. Some schools have excellent programs to assist a child who is displaying disruptive behaviour; others may be less well equipped to do so.

The carer, with help from the social worker, should be prepared to advocate on behalf of the child to ensure that they are getting the support they require to maintain their place in school.

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<sup>5</sup> <http://www.kent.gov.uk/NR/rdonlyres/26FEA9CA-08BC-468F-8467-891DBFBEA5F5/530/promotingschoolattendance.pdf>

<sup>6</sup> <http://www.kent.gov.uk/education-and-learning/education-welfare-services/education-welfare-contacts.htm>

KCC has a well developed Behaviour Support Plan<sup>7</sup> which is available to view on the KCC Clusterweb site. The TeacherNet<sup>8</sup> website provides government guidance for schools on promoting positive behaviour and early intervention.

When maintaining the Education Events form (see Appendix 1) if you see a pattern developing suggesting there are problems at school, make contact with the school and the social worker to discuss. Support should be put in place by means of a Pastoral Support Plan (PSP) which will both monitor progress and provide support to the child. The objective is to prevent problems escalating. If you are unsure of the processes, contact points or your rights to advocate as a foster carer discuss with the Local Authority's Inclusion/Exclusion Officers. Parents/carers may also seek advice from Partnership with Parents (see Appendix 4 for contact information).

CFE (the education wing) have produced guidance on reporting each occasion a child is excluded (temporary or permanent) or asked not to attend school full time (including lunchtime exclusions) or for any other reason where the absence is for 5 days or more (which would include refusal to attend). The carer should fill out and return this form. A copy of the form is included in the Appendix 9.

### **Unofficial Exclusions**

Unofficial exclusion is illegal; it is against the law to ask a child to go home without going through the process of exclusion. This includes lunchtimes. If the child is excluded the Local Authority has a clear process relating to support, but if unofficial there is no support and no process of appeal and there is no obligation for work to be provided by the school.

Foster Carers should notify any unofficial exclusion to the relevant Inclusion/Exclusion Officer so that they can use their statutory position to challenge the school.

Contact the Exclusion Officers at your Local Education Office; for local contact names and telephone details telephone the Central Call Centre on 01622 696705.

### **Fixed Term Exclusions**

A child may be excluded for a maximum of 45 school days in any one school year<sup>9</sup> or 15 days in any one term. Only the head teacher can make the decision to exclude. The school is likely to telephone and ask the carer to fetch the child. The school must provide a written explanation for their decision within one school day.

The PEP document includes details of who should be included in the notification from the school; this will include the carer and the social worker and possibly parents.

If the Fixed Term Exclusion is less than 5 days, the school's Governing Body does not need to meet but will do if parents/carers ask.

The carer and the social worker should attend this meeting and be prepared to offer support for the child. ***The carer has the primary responsibility for making representation to the school governors***<sup>10</sup>. The social worker will support the carer and if

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<sup>7</sup> [http://www.clusterweb.org.uk/Children/attendance\\_reports.cfm](http://www.clusterweb.org.uk/Children/attendance_reports.cfm)

<sup>8</sup> <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/part1/>

<sup>9</sup> The 1996 Education Act and the Code of Practice (England and Wales). June 2001

<sup>10</sup> 'Who Does What' a DfES publication (see publication list in appendix)

the carer needs help in preparing this submission, they should contact their Fostering Education Assistant.

If for any reason you do not agree with the decision of the governors, then you have a right to appeal to the independent appeal panel. A successful appeal will remove the exclusion from the child's record and is thus worthwhile when appropriate. Discuss with the child's social worker as parental involvement may be required.

During the Fixed Term Exclusion, the school must provide and check homework for the child. ***The foster carer has the primary responsibility for asking for the homework, collecting it, and returning completed work to the school<sup>11</sup>.***

***If a child has an exclusion of more than 5 days, the responsibility for the first 5 days lies with the parent for ensuring the child is properly cared for. If the child is found in a public place without appropriate adult supervision the carer/parent will be subject to a penalty notice. From the 6<sup>th</sup> day it is the school's responsibility to provide full time education in some way.***

At the conclusion of the Fixed Term Exclusion, the carer will be asked to attend a meeting at the school. The exclusion cannot be extended where a carer cannot attend on the specified date. The meeting is an opportune time to agree a pastoral support programme with the school which will be aimed at preventing further problems and monitoring the behaviour that resulted in exclusion.

The Advisory Centre for Education produces an excellent booklet 'Fixed Period Exclusion: A practical guide to parents legal rights' detailing processes and how to appeal. They also provide a free help line which is shown in the contacts list.

The Department of Education has produced the booklet 'Who Does What'<sup>12</sup> which clearly lays out the expectation of who has primary responsibility for the support of the child. Copies of the document are available on line (see footnote reference) or DfES Publications, PO Box 5050 Sherwood Park, Annesley, Nottingham NG15 0DJ.

## ***Lunchtime Exclusions***

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusion is a fixed period exclusion (deemed to be equivalent to one half of a school day) and should be treated as such. A lunchtime exclusion for an indefinite period would not be lawful "The Secretary of State does not expect lunchtime exclusion to be used for a prolonged period. In the long run another strategy for dealing with the problem should be worked out."<sup>13</sup>

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<sup>11</sup> 'Who Does What' a DfES publication (see publication list in appendix).

<sup>12</sup> <http://www.dfes.gov.uk/educationprotects/>

<sup>13</sup> Removing pupils from a school site and the decision to exclude  
<http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/part2/>

## **Permanent Exclusions**

A decision to exclude a child permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

In exceptional circumstances permanent exclusion can be used for a first or 'one off' offence. These would include:

- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.

Exclusions should not be used for: minor incidents; truancy and lateness; pregnancy; punishing pupils for the behaviour of their parents; breaching school uniform policy – including hairstyle or wearing jewellery (except possibly where this is “persistent and malicious disruptive behaviour”). Exclusion should not be used for breaking the home-school agreement – the incident itself should justify exclusion.

Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with statements. Children in public care are especially at risk of low attainment in school and exclusion. Schools should be especially sensitive to exclusion issues where children in public care are concerned. Schools should try every practical means to maintain the child in school and should seek LEA and other professional advice as appropriate.<sup>14</sup>

## **The Governors Meeting**

Only the head teacher can make the decision to exclude a pupil. Once the decision to exclude has been made, the school will notify the primary contacts as noted in the PEP which should include the carer and the social worker. Initially this is likely to be a phone call but this must be followed by a letter within one school day which will identify the reasons for the exclusion. The school governors will also be notified and the governors must convey a meeting between the 6<sup>th</sup> and 15<sup>th</sup> school day following the notification. The governors will make a decision on whether to uphold the exclusion, to reinstate the child or to that the child should not be excluded but should not return to that school. The social worker and the carer must attend the governors meeting. ***The carer has primary responsibility to make representation on behalf of the child***<sup>15</sup> Permanent Exclusion hearings **MUST** include the Inclusion/Exclusion officer; they are an independent arbiter who can advocate for the child and oppose permanent exclusion.

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<sup>14</sup> Removing pupils from a school site and the decision to exclude  
<http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/part2/>

<sup>15</sup> 'Who does What' DfES publication (see publication list in appendix).

If the carer needs assistance in preparing for the meeting they should seek the help of the Fostering Education Assistant. The Advisory Centre for Education (ACE) provides both a good booklet and a help line. (See contacts Appendix 4).

## Appealing the Exclusion

If the governors uphold the decision to permanently exclude the child, an appeal can be made to the Independent Appeal Panel. The appeal must be lodged within 15 days of the governors' decision. ***The carer has the primary responsibility to appeal the decision with the help of the social worker<sup>16</sup>***. The decision to appeal should be taken jointly with the social worker who would seek advice from the LAC Education Advisor and the Inclusion/Exclusion Officer. With the current protection of government guidelines such as 'Who Carers about Education', there is an increasing possibility that a LAC appeal will be upheld.

The Advisory Centre for Education produces an excellent booklet 'Permanent Exclusion: A practical guide to parents legal rights' detailing processes and how to appeal. They also provide a free help line which is shown in the contacts list.

In the case of a permanent exclusion the pupil remains on the roll of the school until any appeal is determined, or until the time limit to lodge an appeal has expired without an appeal being brought, or the parent has told the LEA in writing that no appeal is to be brought.

Schools should set and mark work for the first 5 days of an exclusion. After that, the education authority should provide a full time suitable education.

***If a child is excluded for more than 5 days, the responsibility for the first 5 days lies with the parent for ensuring the child is properly cared for. If the child is found in a public place without appropriate adult supervision the carer/parent will be subject to a penalty notice. From the 6<sup>th</sup> day it is the school's responsibility to provide full time education in some way***

## Re-Integration to School

Guidance suggests that a forum be used to deal with exclusions and re-integration. The forums will consist of multi agency support personnel including education welfare officers, social services, educational psychologists, and head teachers.

In Kent the 'District Inclusion Forum' fulfils this role.

The forum will be responsible for drawing up a re-integration plan up for each excluded child which will include:

- Steps to be taken for re-integration into schools;
- Dates for the LA officer to review the re-integration plan (at least monthly);
- The name of the school to which the child will return;
- A programme of re-integration with the named school;
- The target date for return to school.

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<sup>16</sup> 'Who does What' DfES publication (see publication list in appendix).

This plan should be in place within a month of the governors upholding the exclusion. It is the responsibility of the social worker to liaise with education to ensure an adequate plan is put in place.

Advice and guidance to schools and LA is contained in report 'Managing Behaviour and Attendance: responsibility for educating pupils out of school and re-integrating them into school.'

In Kent, the Attendance and Behaviour Service currently leads the multi agency team which addresses education places for children out of school including permanently excluded children. In 2007, this role will be devolved to the Clusters (a group of schools working co-operatively).



## **Appendix (2) Placement Checklist - Education**

1) *The young person's full name, date of birth, home address and legal status.*

This information will be available on the Placement Part 1 document.

2) *Name and address of school the child currently attends.*

This information should be included in the Placement Part 1 information. It should include the name of the primary contact at the school.

3) *Establish how the child will travel to school.*

In all situations you should confirm the arrangements prior to the placement taking place; it is much harder to amend these arrangements following placement.

4) *Provision of school equipment, school uniform or other requirements should be established.*

If the child is placed with you for only a short period, there may be a requirement to negotiate payment for such equipment but under normal circumstances a carer will provide all the equipment and uniform a child needs for school. This will include funding for school trips, school photos, and other related cost.

5) *Changes of school* when a child goes to a new placement are generally avoided where possible. If the child is likely to start school, change school or move up to secondary school during their placement with you, you should agree with the social worker in detail who is going to manage the move.

6) *You will require a copy of the PEP (Personal Education Plan) which provides the school / education history. It will include a list of names of previous schools, dates and reasons for leaving, school contact information, support provided by the school and support required at home.*

If this is the child's first placement or an emergency placement, this information may not be available when the child is placed but should be produced within 20 school days. For a placement move, the social worker should also pass to the new carer a copy of the 'Events Forms' (see Appendix 1) giving a summary of events related to school.

7) *You should request a copy of recent school reports on academic progress and after school activities.*

If you receive a copy of the PEP from the social worker, this information should be included. Where this is not available (a first placement) discuss with the school when you visit.

8) *Request details of particular needs that require extra support in the home (eg. Literacy, homework).*

Again the PEP should include this information if it exists. When you visit the school, either before the placement or as soon as possible following the placement, you can request further information on support required at home.

□9) *Request details of previous exclusions or absence from full-time school and alternative provision and information on the attendance record at school.*

This information should be included in the PEP if it exists. For a new placement, the social worker may be able to give you some of this information but you will need to further discuss with the school when you visit.

As regular attendance at school is a critical factor in preventing disengagement with education, seek information from the social worker and the school on the attendance record. If there is a record of truancy, discuss this with the social worker and the school and agree how this can be best managed.

□10) *Establish if there a Statement of Education Needs (SSEN) and get a copy from the social worker.*

Not all children have special needs and not all children with special needs will have a statement. If one exists, the social worker should be asked to provide a copy.

Where a SSEN exist, these are reviewed annually, request a copy of the latest review report.

Some children will have special needs but do not have a Statement of Education Needs. The school will be able to provide information on what additional support is being provided for the child within the school. Ask for details and ensure you know how you can support the child.

□11) *Establish if there is an IEP (Individual Education Plan) and get a copy.*

Some children may not have a SEN but will have an IEP and this should be included in the PEP. This may include information on the management of behaviour within school. Ask the social worker if an IEP exist and for a copy. You will also need to discuss with the school.

□12) *Establish if there is a Pastoral Support Plan in place and get a copy.*

Where a child has had behaviour issues in school, a Pastoral Support Plan should be in place. Request a copy from the social worker and/or the school. You should discuss with the social worker and school whether this plan should be reviewed in light of the new placement and what you can do to support the school and the child.

□13) *Establish how the young person's natural parents are kept informed about progress .This is critical to establish at the time of placement. If the situation changes, then it may be necessary to amend initial agreements; ensure this is documented. All parents of children in public care are entitled to have information on the child's education and in most cases they will be encouraged to be actively involved. The exception will be when it is not in the child's best interest.*

The PEP, which should be produced /amended within one month of a new placement, should detail contact information and who will be informed of the child's progress. Make sure that you are fully informed about who will be invited to parent evenings. Even when the parent attends, the foster carer should also attend. It is critical that the primary carer is aware of progress and the home support requirements. Every carer must attend parent evenings.

□14) *The agreed arrangements for you and/or the natural parents or social worker to receive information about events such as school trips, parents evenings, and medical consent forms for activities.*

Make sure you are aware who can sign for school activities. Often these will come via the school to be signed for the next day which does not leave time to send the forms to the social worker to get a signature. Make sure that you fully understand the limitations on what you can sign for.

□15) *Identify what leisure activities the child participates in.*

This may include school sports or clubs. In all circumstances, a carer should try to maintain these activities and even consider with the child additional activities. Whenever a child has an aptitude or interest in extra activities whether music, sports, or clubs, these should be actively encouraged as they provide a resilience factor and encourage inclusion in education. If there is a requirement for help with extra cost such as purchase of an expensive musical instrument, discuss with the child's social worker. There are charities and special funds that can sometimes assist and a child should not be excluded from activities purely on funding principles.

## **Appendix (3) Transport Appeals for LAC**

### **Transport Appeals for LAC who move placements but it is deemed more appropriate for them to remain at their current school.**

It is the responsibility of the Social Worker to make an appeal for school transport. This process has been included in this document for information only.

If there is a question of whether transport entitlement can be granted - please contact the Transport Team for an application form.

Complete the Transport Application form and forward to the Transport Team a.s.a.p. - **with an accompanying letter** indicating that if the transport entitlement is not approved an appeal should be processed as quickly as possible.

Please be aware that it is unreasonable for a child to undertake a journey longer than 1 hour 15 minutes (door to door).

### **The following points can be raised in the letter of appeal and spoken about in more depth at the appeal hearing.**

#### **A brief description of the circumstances leading up to the change of placement:**

- Through no fault of the child.
- Foster placement - terminated/ unsuccessful because ...
- How a move from the current school would impact on the child ie Every Child Matters issues.

#### **Current school circumstances**

- Good transport route to and from current school
- How well the LAC has settled into the school
- How well the education provision is meeting the needs of the child - proving successful
- Expected attainment/assessment grades
- The child's attendance record at the school
- Provide a letter of support from the Headteacher/Head of Year

*Each case is assessed by it's own particular circumstances. It is important to stress KCC's role as a 'Corporate Parent' for Kent LAC, and the need to ensure that as an authority we provide for our looked after children in the same way as a 'good parent' would be expected to.*

## **Appendix (4) Contact List**

### **Advisory Centre for Education (ACE)**

1C Aberdeen Studios, 22 Highbury Grove London N5 2DQ

General advice line: 0808 800 5793 (Monday to Friday 2-5pm)

Exclusion information line: 020 7704 9822 (to order a free advice pack)

Exclusion advice line: 0808 800 0327 (to speak to an adviser) (Monday to Friday 2-5pm)

<http://www.ace-ed.org.uk>

### **Connexions** (head office)

Woodstock House, 15 Ashford Road, Maidstone ME14 5DA.

Tel: 01622 683155.

Note there are offices in at least 12 other cities in Kent. The web site gives contact details. <http://www.connexionskentandmedway.co.uk>

### **Fosteringline**

Fosterline is funded by the DfES and run in association with the Fostering Network to offer independent advice about fostering issues.

Tel: 0800 040 7675 (Monday to Friday, 9am – 5pm except bank holidays).

### **Fostering Network**

87 Blackfriars Road, London SE1 8HA

Tel: 020 7620 6400 <http://www.fostering.net/england>

### **Kent Foster Care Association (KFCA)**

PO. Box 86, Kent, ME12 3TA Tel: 07050641943 [www.kfca.org.uk](http://www.kfca.org.uk)

### **KCC Call Centre (to obtain local contact names and numbers)**

Tel: 01622 696705

### **NCH : The Children's Charity**

Central office, NCH, 85 Highbury Park, London, N5 1UD

Tel: 020 7704 7000 Fax: 020 7226 2537 <http://www.nch.org.uk/>

### **Partnership with Parents**

Shepway Centre, Oxford Road

Maidstone, ME15 8AW

Tel: 01622 755515

<http://www.kent.gov.uk/education-and-learning/special-and-additional-education/partnership-with-parents/>

### **Upfront: The Children's Right Group**

Tel: 01622690977 Fax: 01622693531 Email: [upfront@ csr. org. uk](mailto:upfront@csr.org.uk)

## **Appendix (5) Useful Publications**

The following is a list of publications which may be useful.

### **School Attendance: A practical guide to parents' legal rights.**

By Advisory Centre for Education (ACE) (see contacts appendix 4)

### **Fixed Period Exclusion: A practical guide to parents' legal rights.**

By Advisory Centre for Education (ACE) (see contacts appendix 4)

### **Permanent Exclusion: A practical guide to parents' legal rights.**

By Advisory Centre for Education (ACE) (see contacts appendix 4)

### **Children out of School: A guide to the law on attendance, exclusion, home education, and the education of children with health needs.**

By Advisory Centre for Education (ACE) (see contacts appendix 4)

### **Who Does What: How social workers and carers can support the education of children in care.**

By Department of Education and Skills

The document is available online <http://www.dfes.gov.uk/educationprotects> or can be ordered from DfES Publications, PO Box 5050, Sherwood Park, Annesley, Nottingham NG15 0DJ.

### **Nobody Ever Told Us School Mattered: Raising the educational attainments of children in care**

By BAAF (British Association for Adoption and Fostering)

<http://www.baaf.co.uk>

### **Learn the Child: Helping looked after children to learn.**

By Kate Cairns and Chris Stanway (BAAF, July 2004)

<http://www.baaf.co.uk>

## ***Appendix (6) Legal Framework***

- Children Act 1989
- Crime & Disorder Act 1998
- Education Act 1996 outlining the duty to ensure the child receives a full time education.
- Education Act 2002 includes guidance on pupil exclusion and appeals.
- Education (Pupil Registration) Regulations 1995 is about schools keeping attendance registers.
- Statutory guidance on the duty of local authorities to promote the educational achievement of looked after children under section 52 of the Children Act 2004. Improving Behaviour and Attendance: guidance on Exclusion from School and Pupil Referral Units is a statutory guidance which details the procedures which head teachers, school governors and independent appeal panels must follow.
- Education of Children and Young People in Public Care (2000) is guidance on raising the achievements of LAC.
- DfEE Circular 10/99 Social Inclusion: Pupil Support Truancy and School Exclusion (Social Exclusion Unit 1998)
- DfEE Circular 1/98 Behaviour Support Plans
- DfEE Circular 13/98 Standards Fund Exclusions from Secondary Schools 1995-96 (OFSTED 1996)
- The education of Looked After Children Guidelines for 'Carers and those involved in Shared caring with Parents'. By KCC

## ***Appendix (7) National Standards***

### **UK National Standards for Foster Care**

UK National Standards for Foster Care which was established in 1999 as 'best practice' for foster carers.

The following is a copy of standard 11 from the UK National Standards for Foster Care which is the standard relevant to education. The full set of standards can be purchased from the Fostering Network or speak to your Fostering supervisor.

#### **Standard 11**

1. The social work department and the education authority give high priority to promoting both continuity and quality of education for each child and providing any professional support or extra tuition necessary.
2. Assessments, Care Plans and reviews consider and record the child's educational needs, appropriate educational attainment targets and progress.
3. The education authority and social work department plan jointly for the education of each child, in foster care.
4. The roles of the child's social worker, foster carer and parent in promoting the child's education are clearly defined in the placement agreement; individual responsibility is clearly assigned and accepted for all contact with the school.
5. The foster home provides an environment in which education and learning are valued: the foster carer establishes (with the support of the authority) an expectation of regular attendance at school, and supports the child's full participation through provision of necessary uniform and equipment, support for completion of homework, and financial and other support for attending school trips and after school activities.
6. Appropriate education personnel are notified of a child's foster placement and are invited to contribute to the assessment, planning and review process.
7. Information systems are maintained by the authority for recording the educational attainments of each child both at and after her or his placement in foster care; these statistics are recorded with details of the child's ethnic origin, gender and any disability and the data is analysed and used to inform strategies to improve educational outcomes for children who are fostered.
8. The authority ensures that the education and social development of each pre-school child in foster care is stimulated through attendance at playgroup or nursery school.
9. The authority provides access for each young person in foster care to opportunities for further or higher education, vocational training and employment.
10. The child's social worker, in consultation with the carer, ensures that any bullying or abuse suffered at school by a child is brought to the attention of the school without delay; an effective plan for tackling it is agreed and recorded on the case file.
11. The social work department and the education authority have procedures in place to ensure immediate notification of exclusion from school of a child in foster care to the child's social worker, foster carer and parent/s (where appropriate); joint

- procedures exist to provide alternative education immediately and to promote the child's return to school as soon as possible.
12. Each child excluded from school has her or his needs assessed by her or his social worker; procedures are in place to provide the child and her or his carer with the support required to maintain the placement and address the child's educational needs.

### **Fostering Services: National Minimum Standards, Fostering Services Regulations (2002)17.**

Following the Care Standards Act 2000, the National Care Standards Commission was set up as an independent, non-governmental body with responsibility to regulate social and health care services. There followed a number of standards being introduced one of which is the standard for Fostering Services which regulates services provided by the local authority (or independent agency) and these standards are used as the basis for inspections. The regulations are mandatory and fostering service providers must comply with them.

These standards should not be confused with the UK National Standards for Foster Care which was established in 1999 as 'best practice' for foster carers.

The following is an extract of section 13 Promoting Educational Achievement. The entire standard can be accessed on the link in the footnote.

#### **STANDARD 13: Promoting Educational Achievement**

1. The fostering service gives a high priority to meeting the educational needs of each child or young person in foster care and ensures that she/he is encouraged to attain her/his full potential
2. The fostering service gives high priority to helping their foster carers to meet a child's education needs.
3. The fostering service requires foster carers to contribute to the assessment of the child's educational needs and progress for the planning and review process. The fostering service helps the foster carer to contribute to the delivery of any personal education plan.
4. The foster carer's role in school contact, e.g., parents evenings, open days, discussions with teachers, in conjunction with the birth parent where appropriate and in line with the care plan, is clearly laid out in the placement agreement.
5. The fostering service ensures that their foster carers provide an environment in which education and learning are valued; and that the foster carer establishes an expectation of regular attendance at school, and supports the child's full participation through provision of necessary uniform and equipment, support for completion of homework, and financial and other support for attending school trips and after school activities.
6. The fostering service has information systems to demonstrate the educational attainment of the children and young people in their foster care services and to demonstrate the numbers excluded from school.

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<sup>17</sup> Source: <http://www.dh.gov.uk/assetRoot/04/03/43/84/04034384.pdf>

7. The fostering service makes clear its expectations (in relation to school-day responsibilities) of foster carers and the arrangements which will be put in place if any child in their care is not in school. Those arrangements include structured occupation during school hours.

The foster placement agreement identifies where financial responsibility lies for all school costs, including school uniform, school trips

## **Appendix (8) Glossary of Common Acronyms**

ASD	Autistic Spectrum Disorder
ASK	Advisory Service Kent
CAFCASS	Children and Family Court Advisory and Support Service
CFE	Children Families and Education
CO	Care Order
CSCI	Commission for Social Care Inspectorate
ECM	Every Child Matters
EP	Education Psychologist
EPO	Emergency Protection Order
ICO	Interim Care Order
IEP	Individual Education Programme
IRO	Independent Reviewing Officer
JAR	Joint Area Review
KCC	Kent County Council
LAC	Looked After Child
LAC EWO	Looked After Children Education Welfare Officer
MAEYM	Multi-Agency Early Years Meeting
MAG	Multi-Agency Group
PEP	Personal Education Plan
PP	Police Protection
PRU	Pupil Referral Unit
PSC	Profound, Severe and Complex
PSP	Pastoral Support Plan
SEN	Special Educational Needs
SENCO	Special Educational Needs Co-ordinator
SIP	School Improvement Partner
SRE	Sex and Relationships Education
SSEN	Statement of Special Educational Needs

# Appendix (9) Reasons for being out of School

## CONFIDENTIAL



To be completed by the Child's Carer:

- Each occasion a child is excluded (temporary or permanent) or asked not to attend school full time
- For any other reason where the absence is for 5 days or more



<b>Name of child:</b>	<b>DoB:</b>
<b>Name &amp; Address of Carer:</b>	<b>Tel No:</b>
<b>Name of Social Worker:</b>	<b>District:</b>
<b>School attended:</b>	
<b>Inclusive dates of absence/exclusion:</b>	

### REASONS FOR BEING OUT OF SCHOOL

<b>Exclusion</b>	<input type="checkbox"/>	<i>Temporary fixed term</i>	<input type="checkbox"/>	<i>Permanent</i>
	<input type="checkbox"/>	Agreed integration/behaviour plan	<input type="checkbox"/>	School request not to attend
	<input type="checkbox"/>	Waiting for appropriate school place	<input type="checkbox"/>	School refuser

### HAVE THE FOLLOWING BEEN INVOLVED?

<input type="checkbox"/>	Exclusions Officer	<input type="checkbox"/>	Social Worker
<input type="checkbox"/>	Education Welfare Officer	<input type="checkbox"/>	LAC Co-ordinator/IRO
<input type="checkbox"/>	LAC Education Adviser	<input type="checkbox"/>	Social Work Assistant for Education linked to Fostering
<input type="checkbox"/>	Specialist teacher/cluster support staff	<input type="checkbox"/>	Connexions Personal Adviser

### ADDITIONAL INFORMATION

## ARRANGEMENTS FOR EDUCATION PROVISION

School send work home for completion/marking

Tuition

Alternative Curriculum

Work experience

No arrangements in place

### PLANS FOR RESUMING FULL TIME EDUCATION

Meeting arranged with school

Date:

Pastoral support/Integration plan to be reviewed

Date:

Governors meeting arranged

Date:

MA meeting arranged

Date:

### FOR LAC WITHOUT A SCHOOL PLACE

Case managed by:

Admissions

Additional Educational Needs

Exclusions Officer

**Thank you for taking the time to complete this form**

**Please return to:**

Debbie Hayward	East Kent Clover House, John Wilson Business Park, Thanet Way, Whitstable CT5 3QZ	email: debbie.hayward@kent.gov.uk
Judy Molyneux	Mid Kent Kroner House, Eurogate Business Park, Ashford TN24 8XU	email: judy.molyneux@kent.gov.uk
Ann Frazer	West Kent 17 Kings Hill Avenue, Kings Hill, West Malling ME19 4UL	email: ann.frazer@kent.gov.uk

#### **Circulation**

LAC Co-ordinator  
LAC Adviser  
LAC Social Work Assistant for Education

#### **For Action**

LAC Education Welfare Officer  
Exclusions Officer  
Social Worker