

Haringey Virtual School

Protocol for choosing schools for Looked-after Children (LAC) and monitoring those children and young people placed in schools and Post-16 provision rated less than 'good' by OFSTED

In this document the term 'school' may include Early Years Settings, Alternative Provisions and Post-16 education providers.

Background

Parents want their children and young people to have the best start in life and to reach their full potential. As corporate parents, local authorities should have equally high aspirations for the children they look after. National guidance 'Promoting the education for looked-after children and previously looked-after children' published in February 2018 states that all looked-after children should be in suitable full-time education, in a school or education setting rated at least 'good' by Ofsted, and this aim is shared by Haringey Council. Whilst the guidance does accept that there may be 'exceptional circumstances' for looked-after children to be placed in schools rated less than good, these must be evidence-based, and there should be clear monitoring arrangements in place to ensure the child is making 'better than expected' progress and that the school's action plan is effective and ambitious for improvement.

This protocol outlines the requirements and arrangements for:

1. When looked-after children start school, if they are not starting in the academic year that they turn five.
2. When children are seeking to change schools out of the usual admission round.
3. Things to consider when making a school choice – reception and secondary transition
4. Things to consider – casual admissions
5. Children with Special Educational Needs and/or an Education, Health and Care Plan.
6. Placing children and young people in non-DfE registered schools and education settings
7. Placing children and young people in schools and settings with an Ofsted-rating of less than 'good'.
8. Those children and young people already in schools/settings rated less than good (some of whom might have been at the school/setting prior to becoming looked-after).
9. Monitoring procedures for Haringey Virtual School.

The Virtual School must be consulted prior to submitting applications for schools. This ensures that the process of securing a school place is efficient and, should a direction be necessary, it can happen without delay.

1. Children starting school

Children can start primary school in the academic year that they turn five, however parents/carers can ask for their child to be held back a school year if the following both apply:

- they were born in the summer (1 April to 31 August)
- parents/carers don't think they're ready to start in the September after they turn four

Careful consideration should be given to the impact on looked-after children of delaying entry into primary school as, for most children, joining school in reception provides an opportunity to make friends and learn new skills in a

safe, supportive environment. Additionally, some looked-after children may not have had the opportunity to attend a pre-school setting, which could have affected their speech, language and social skills, and school would be able to address any additional needs or initiate an Educational, Health and Care Plan (EHCP) if required. It is therefore the policy in Haringey that looked-after children are expected to start school in the September after they turn four, unless there are exceptional reasons why they should not do so. Where this is the case, there should be a discussion with the Virtual School Head, who together with the Head of LAC Service, can agree that a delayed entry is in the best interest of the child, and this will be recorded on the child's file and the admissions authority can be formally notified. The Educational Psychology Service, and in particular the educational psychologists in the Virtual School, can provide advice on the learning needs of individual children.

2. Children seeking to change schools outside of the usual admissions round

Occasionally looked-after children may request to change schools for reasons other than moving placements. The first step should always be to speak to the school to try and resolve the problem, with the support of the Virtual School. Only in exceptional circumstances and if there is evidence to suggest it would be in the best interest of the child, should a school move be considered. Where this is the case, school choices should only include schools rated at least 'good' and the decision would require sign off from the Virtual School Head and relevant Social Care Head of Service.

3. Things to consider when making a school choice – reception and secondary transition

- Educational provision should mean a full-time place
- Unless there are exceptional evidence-based reasons, looked-after children should not be placed in a school judged by Ofsted to be 'requiring improvement' or 'inadequate'
- Before making a school choice, carers and social workers should view the latest Ofsted report (available on both the Ofsted and school's websites) and check the current rating. If less than 'good' and there are evidence-based reasons for continuing with the choice, procedures for securing approval from VSH and heads of service must be followed
- The choice of the education setting should be based on what any good parent would want for their child. It should be based on evidence that the setting can meet the educational needs of the child and help them make the maximum progress
- The child's wishes and feelings should be considered, and the suitability of the education setting tested by arranging an informal visit with the child
- The choice of school requires skilled working between relevant people. It should be based on a discussion between the child's social worker, their carers and, if appropriate, birth parents. The VSH should normally be consulted to avoid choosing a school that is unlikely to meet the child's needs. Delegated authority (to the foster carers) about choice of school should be addressed explicitly in the child's permanence plan, which is part of their wider care plan
- Looked-after Children have priority for admission under the Admissions Code:
<https://www.gov.uk/government/publications/school-admissions-code>

4. Things to consider – in-year (casual) admissions

The principles outlined above also apply for children who have to change school during the school year, usually following a change of placement. If it is not possible to maintain the child's existing education placement, the child's

new education placement should be arranged in consultation with the Virtual School at the same time as the care placement. This process should always include an informed discussion about the school which will best meet the child's needs.

As stated, although children will usually be placed on the waiting list, the local authority, as a corporate parent, does not tolerate drift and delay where children the authority looks after are without an education placement that is appropriate to their assessed needs. This includes using their powers of direction in a timely way rather than delay issuing a direction as a result of protracted negotiation. In these circumstances, where there is a place available in a school rated as less than 'good', which has effective plans in place, an application can be discussed with the Virtual School.

Looked-after children who have additional learning or behavioural needs but who are without an Education, Health and Care plan (EHCP) should not be considered under the 'Fair Access Protocols' in any authority. They should be offered suitable provision, including Alternative Provision, outside these arrangements by the authority in which they are resident.

5. Looked-after children with special educational needs and/or an Education, Health and Care Plan

For children with an Education, Health and Care plan (EHCP) the authority in which they are 'usually resident' (i.e. living with a foster family or residential setting) is responsible for their educational provision, and this process is co-ordinated by the SEND service in that authority. Carers and social workers can express a preference and this should be based on the principles above, ensuring preferences are made only for schools rated 'good' or 'outstanding'. The Virtual School can be consulted on this if required.

School admission for these young people is not through the normal school admissions process but instead, it is through a consultation process that is led by the SEND Officer of the residing Local Authority, where the EHCP paperwork is sent to the school and they have 15 days to respond, indicating if they would be able to meet the child or young person's needs. (see [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](#))

If social workers are unsure of how school admissions work in relation to looked-after children with an EHCP, they should discuss this with the Virtual School as soon as possible. Further detailed information on school admissions is available in our Education Guide or at the above link.

6. Placing children in non-DfE registered schools

Every effort should be made to place children in DfE registered schools. However, local authorities and schools will sometimes commission alternative provision from unregistered settings which fall outside any existing designation as a "school". This provision has no legal definition but is commonly referred to as unregistered alternative provision. It is for children of compulsory school age and takes place during the school day. The placement routes into unregistered alternative provision are varied and include:

- Where local authorities are using their section 19 duty² to provide suitable education for children or young people who would not otherwise receive it because of a permanent exclusion, illness or any other reason;
- Where local authorities have specified full-time education in an unregistered alternative provision³ setting in section F of a pupil's Education, Health and Care (EHC) plan (for example under section 61 of the Children and Families Act 2014: "education otherwise than in a school");

- Where local authorities have specified part-time education in an unregistered provision in a pupil's EHC plan, alongside a placement in a school;
- Where local authorities are supplementing provision provided by parents who have chosen to electively home educate their child or young person;
- Where schools have directed a pupil off-site (and not to another school) to improve their behaviour⁴ or have arranged alternative provision outside the school for a pupil who is suspended;
- Where schools consider that a pupil with an EHC plan requires additional support to achieve their expected outcomes, but where the unregistered setting is not named on their plan.

Please see the link to the guidance below.

[Unregistered independent schools and out of school settings- Advice \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

7. Placing children in a school or provision with an Ofsted-rating of less than 'good'

Unless there are exceptional evidence-based reasons, looked-after children should not be placed in a school judged by Ofsted to be 'requiring improvement' or 'inadequate'. Before making a school choice, carers and social workers should view the latest Ofsted report (available on both the Ofsted and school's websites) and check the current rating. If less than 'good' and there are evidence-based reasons for continuing with the choice, procedures for securing approval from VSH and heads of service must be followed.

In the usual admissions rounds, i.e. starting in reception and at secondary transfer, looked-after children have the highest priority for school choice, so it would only be in exceptional circumstances that there would be a reason to choose a school rated less than good. Where this is the case, there should be a discussion with the Virtual School and the form (**Appendix 1**) should be submitted to be signed off by the Virtual School Head and relevant Social Care Head of Service. Regular monitoring of the school, by Haringey Virtual School, will be conducted to ensure that the decision to enrol the young person is not detrimental to them or their education, going forward (**see Appendix 3**).

When children move placements in an emergency, and outside the usual admissions round, choice may be more limited and, although looked-after children should be given priority, good schools will often be full and they may have to go on a waiting list. Where this is the case, the local authority, as a corporate parent, should not tolerate drift and delay which could impact on learning, so consideration should be given to using our powers to direct a school to admit our looked-after child. This decision should be made in consultation with the Virtual School who will lead on the process and ensure that regular monitoring of the school will be conducted to ensure that the decision to enrol the young person is not detrimental to them or their education.

In exceptional circumstances, such as when children are placed in very rural areas with limited school choice or in more specialist residential settings, placement at a school rated less than 'good' may be considered. In such cases, the social worker will need to complete a form (**Appendix 1**) clearly setting out the reasons for the decision and the proposed monitoring arrangements. This will need to be signed off by the Virtual School Head and relevant Social Care Head of Service. Regular monitoring of the school, by Haringey Virtual School, will be conducted to ensure that the decision to enrol the young person is not detrimental to them or their education, going forward (**see Appendix 3**).

8. Children already in provision rated less than 'good'

For children currently placed in provision rated as 'requires improvement' or 'inadequate', social workers will be required to complete a form (Appendix 2) clearly setting out the details of the school placement, including when it

was chosen and justify why they think the young person should remain there, so that the Virtual School can ensure that appropriate reviewing and monitoring arrangements are in place.

It may be that a child already attended the provision prior to becoming looked-after, in which case the recommendation is likely to be that they remain there, in order to provide continuity in their learning and relationships with adults and peers. Other circumstances might include the provision being very rural or remote, and there are no other schools in close proximity for the young person to attend.

In this situation, attainment and progress data should clearly show the young person is making good progress and interventions are effectively supporting their learning. There should be a clear link between their learning goals and the proposed use of Pupil Premium Plus (PP+) and evidence that the PP+ spend has had an impact on attainment. Please see Section 9 below which outlines the role of the Virtual School in monitoring attainment and progress under these circumstances.

9. Monitoring procedures for Haringey Virtual School.

Where a young person is placed in a provision that is less than good, Education Improvement Consultants (EICs) will be expected to attend every PEP meeting. HVS EICs must regularly review the quality of education being provided in the setting and whether the young person is making adequate progress. This should be done on a 4-6 weekly (half-termly) basis and **Appendix 3** should be completed at each review interval to record evidence as justification as to why the young person should remain in this setting (until the provision is deemed as at least 'good' by Ofsted). If the young person is not making adequate progress, consideration should be given as to whether further interventions or staff training are necessary and viable, or whether an alternative school or provision should be sought. The Virtual School Head should be kept informed of progress and developments following each review.

The monitoring and review of the suitability of the provision will be done through a variety of means (this is not an exhaustive list) such as:

- Attending regular meetings with the education provider and professionals (i.e. PEP meetings, professionals meetings, or annual reviews (if appropriate), etc.)
 - Monitoring attainment and progress data, flight paths, etc. for improvements.
 - Monitoring behaviour and attendance records including suspension and exclusion data
 - Scrutinising paperwork i.e. ePEPs, IEPs, EHCPs, young persons' schoolwork, etc.
 - Conducting learning walks, visits/observations to lessons (if appropriate).
 - Talking to and observing pupils in addition to joint visits to lessons
 - Speaking to the professional network i.e. foster carers, social workers, teachers etc. about their joint-working and obtain their views on the suitability of the provision and support and interventions being provided, etc.
 - Reviewing the impact of support and interventions
 - Requesting/reading Ofsted reports or letters regarding inspections and/or monitoring visits
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- It is important that a sufficient range of evidence is collated to be able to justify why the provision remains suitable for a young person to attend when it has a requires improvement or an inadequate Ofsted rating. Although this is not an exhaustive list, examples of evidence to be collected and recorded on Welfare Call and the Haringey Social Care Information Management System include:
 - Evidence of pupil progress i.e.
 - Attainment data or flight paths are improving, and the young person is reaching or exceeding age-related expectations.
 - Attendance is high and it is evident that the young person is engaging well
 - Behaviour incidents and suspensions are reduced or not evident at all.

- Evidence that the young person is able to self-regulate or has made improvements towards this (as evidenced by a reduction in conflicts or behaviour points or incidents)
 - Evidence showing the young person is meeting the targets set
 - Young person continues to thrive in this setting and relationships with staff and peers are strong.
- Evidence showing the positive impact of funding streams
- i.e. impact of PPPG funding, SEND funding etc. on attainment, progress and emotional wellbeing (if applicable).
- Evidence showing that interventions are working and are having an impact
- The education provider is adhering to and implementing the advice given by the professional network in order to improve the quality of education and experiences being provided
 - Tuition and/or individualised teaching or small groups is showing an improvement in attainment and progress data

Where the HVS EIC or network, deem that the school is not meeting the educational needs of the child or young person and there is no evidence of the setting's improvement, this should then be discussed with the Virtual School Head at the earliest opportunity with appropriate evidence provided. A decision and arrangements can then be made about moving the young person to a more suitable provision.

Haringey Virtual School: School Placement Agreement To be completed by social worker to seek agreement for all placements in schools rated by Ofsted as 'Requires Improvement' or 'Inadequate'		
Name of child	Current school and year group	Social worker
Date of request		
Details of proposed school/educational placement		
Type/category of school		
Proposed start date		
Reason for change of school/educational placement		
Reason for identifying this school/educational placement		
Date of Ofsted inspection		
Ofsted inspection judgements and rating	Inspection area	Inspection judgement
	Overall effectiveness	
	Leadership and management	
	Behaviour and safety of pupils	
	Quality of teaching	
Key improvement areas identified		
Details of monitoring inspection visit under section 8 of Education Act 2005 (if available)		
Are the school taking effective action on areas requiring improvement (in section 5 inspection)?	Yes/No (please highlight)	
Haringey Virtual School Head/School Actions or Planned Actions	Outcome	

1.	
2.	
3.	
Is the placement agreed? Yes/No (please highlight)	
Reason/rationale for school placement decision:	
Signatures of responsible officers	
Nicola Morgan, Virtual School Head	Date:
Colette Elliott-Cooper, Head of Service Children in Care and Fostering & Adoption	Date:

Haringey Virtual School: School Placement Agreement for those young people already attending a 'requires improvement' or 'inadequate' school		
To be completed by social worker to seek agreement for all placements in schools rated by Ofsted as 'Requires Improvement' or 'Inadequate'		
Name of young person	Current school and year group	Social worker
Date of request		
Details of current school/educational placement		
Type/category of school		
Date young person started/length of time attending.		
Is the intention for this young person to remain at this school?		
Reasons justifying why the young person should stay in this school/provision		
Date of Ofsted inspection		
Ofsted inspection judgements and rating	Inspection area	Inspection judgement
	Overall effectiveness	
	Leadership and management	
	Behaviour and safety of pupils	
	Quality of teaching	
	Achievement of pupils	
Key improvement areas identified		
Details of monitoring inspection visit under section 8 of Education Act 2005 (if available)		
Are the school taking effective action on areas requiring improvement (in section 5 inspection)?	Yes/No (please highlight)	

Haringey Virtual School Head/School Actions or Planned Actions	Outcome
1.	
2.	
3.	
Is the placement agreed? Yes/No (please highlight)	
Reason/rationale for school placement decision:	
Signatures of responsible officers	
Virtual School Head	Date:
Relevant Social Care Head of Service	Date:

Haringey Virtual School: Record of Action/Intervention		
To be completed for all LAC currently in education provision rated by OFSTED as 'Requires Improvement' (RI) or Inadequate		
Name of child	Year group	Social worker
Details of school / educational placement		
Type/category of school – please see OFSTED website for details: www.gov.uk/find-ofsted-inspection-report		
Inspection area	Inspection judgement	
Quality of Education – Teaching and Learning		
Leadership and management		
Behaviour and safety of pupils		
Achievement of pupils		
Details of monitoring inspection visit under section 8 of Education Act 2005 (if available)		
Are the school taking effective action on areas requiring improvement (in section 5 inspection)?		
Reason/rationale for young person to remain in this school or provision: Based on evidence, please outline the quality of education provided and the progress, attainment, development and well-being of the young person, to justify why you think they should remain in this provision. Please attach evidence to support your decision and how it was obtained (please see Section 9 in policy for what to include)		
Haringey Virtual School Actions		Outcome
1.		
2.		
3.		
Date of next review meeting:		
Name of representative of HVS:		Date: