

The **School Admissions Code** states that highest priority must be given to Looked After Children (LAC) and all Previously Looked After Children (PLAC)*. Schools designated with a religious denomination, however, can prioritise children of the faith before any looked after children and previously looked after children not of the faith. The Code applies to maintained schools and academies, including free schools.

Fair Access Protocols do not apply to CLA/PLAC but, in a case where the local authority has been unable to promptly secure a school place for a child who is PLAC, the local authority has the discretion to use a Fair Access Panel to place a child.

Children who are LAC/PLAC are also 'excepted pupils' in relation to infant class size regulations. There is no legal barrier to CLA/PLAC being admitted to a school, even if the school is full or already has 30 pupils in a class.

**Previously looked after children are those who are no longer in the care of the state because they are either adopted, are subject to a Special Guardianship Order, or have become subject to a child arrangements order. This also includes those who appear to have been in state care outside of England who have been adopted.*

Securing an appropriate school placement

Starting school and moving schools are huge transitional stages in any child's life. Identifying a school that meets a child's need requires skilled and collaborative working between relevant people who make decisions that are based on knowledge of the child and aspirations for the child's future. Decisions must be based on an informed discussion between the child's social worker, their family/carers/ birth parents (as appropriate) and the Virtual School. If a child has an EHCP, their SEN case worker will be involved. This group should act as good parents would and look at all options to decide on the school that will best meet their child's needs and help them to achieve their potential.

The VS must be consulted in advance to avoid choosing a school that is unlikely to meet the child's needs. All options regarding the child's education should be considered:

- The social worker/carer with parental responsibility should make contact directly with the appropriate school(s) to discuss in detail what identified schools could offer the child and how they can meet the child's needs. Having considered all of the information in relation to the child and the school/s and having consulted with the VS, to determine which school would be the most appropriate school an application should then be made.
- At this point, the school receiving the application should clearly understand how it can meet the child's needs. The VS/ Admissions team will support and advise and a planning meeting will be arranged, to include all agencies supporting the child. The Local Authority will not tolerate drift or delay as a result of protracted negotiations and will initiate the direction process where the school being applied to is considered to be the best school to meet the child's needs, but refuses to admit. The Local Authority has the power to direct the admission authority for any maintained school in England to admit a child who is looked after by the Local Authority, even when the school is full. Where the Local Authority considers that an Academy will best meet the needs of any child, it can ask the Secretary of State to intervene. The Secretary

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

The Statutory Guidance '*Promoting the Educational Achievement of Looked After Children*' published in July 2014 (revised February 2018) places an increased responsibility on the Virtual School Head to monitor placement moves which may lead to school moves. The following sections apply:

Securing appropriate education: statutory guidance

- When a child becomes looked after his or her local authority will arrange a suitable placement. In doing so, the child's allocated social worker should do everything possible to minimise disruption to the child's education, whatever the child's age but particularly at key stage 4, and this should involve the Virtual School Head (VSH).
- 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 VSH at the same time as the care placement. The VSH has primary responsibility for ensuring that there is suitable education in place for all children looked after by the local authority. Their views should be given appropriate weight as part of decisions on placement moves. There should also be appropriate consultation with the VSH in another local authority where out-of-authority placements are planned and made.
- In the case of an emergency placement, the authority that looks after the child should secure a suitable new education placement within 20 school days.
- In arranging a school placement the child's social worker (working with the VSH and other local authority staff, where appropriate) should seek a school or other education setting that is best suited to the child's needs. That could be a selective, non-selective, maintained or independent, boarding, day or alternative provision.
- The following principles should apply:
 - educational provision should mean a full-time place
 - schools judged by Ofsted to be 'good' or 'outstanding' should be prioritised for looked after children in need of a new school. Unless there are exceptional evidence-based reasons, looked after children should never be placed in a school judged by Ofsted to be 'inadequate'
 - 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 taken into account and the suitability of the education setting tested by arranging an informal visit with the child. Where a looked-after child would benefit from attending a boarding school, either in the state or independent sector, VSHs and social workers should be proactive in considering this option. This decision is usually based on the care placement needs of the child and the boarding school's ability to meet these needs

Timeline for School Admissions and Key Transition Stages

Age 2: Prospective nurseries should be visited by the Social Worker/ carer, and a decision should be made about the best fit for the child. The 15-hour offer of nursery provision should be taken up unless there is a compelling reason for not doing so. All day care provision should be Ofsted registered and rated 'Good' or better.

Age 3-4: Prospective schools should be visited and a decision made about the best fit for the child. An application to the LA school admissions team should be made before the deadline*. – **15 January (same every year)**

Year 5: Prospective secondary schools should be visited to enable the child to begin to visualise transition and express preferences, and also to enable those with parental responsibility to make a judgement about the school best suited to the child. Schools judged 'Good' and 'Outstanding' by Ofsted should be prioritised.

Year 6. An application to the LA Admissions team should be made in advance of the deadline*. Looked After Children are a priority for all schools, but it is much easier to secure a first choice school when the application is submitted on time. **31 October (same every year).**

Year 9: Subject options should be chosen that reflect the pupil's interests, strengths and aspirations. They should facilitate the pathway to future employment, education or training. Career advice should precede options. It should be robust and facilitate work experience where possible. Extra tuition to achieve higher outcomes should be favoured over lower-level courses.

Year 10: Post-16 Education/ Employment/ training should be investigated. Open evenings for prospective courses should be identified and attended. Work experience should be explored in order to develop confidence and knowledge about the world of work. A CV should be created and regularly updated.

Year 11: Applications for Year 12 courses/ apprenticeships/ employment should be made before the deadline. Where there is financial difficulty that would prevent the pupil from accessing education or training, contact the pupil's social worker or the Virtual School. Extra tuition/ pastoral support should be in place as soon as difficulties are identified. Applications should be made to examination boards where special consideration (e.g., a scribe/ reader/ small venue, etc.) is likely to be needed.

***N.B. If a child has an EHCP, the SEN Case Worker will advise and support with choice of schools and applications for admission.**

Timeline for in-year school moves

