



**FALKIRK COUNCIL**

**HOUSING AND SOCIAL WORK SERVICES  
AND  
EDUCATION SERVICES**

**JOINT POLICY ON  
LOOKED AFTER AND  
LOOKED AFTER AND ACCOMMODATED CHILDREN  
AND YOUNG PEOPLE**

**MARCH 2003**

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## 1. INTRODUCTION

- 1.1 The values of Falkirk Council place children/young people and their parents and carers at the centre of service provision. Underpinning these values is the UN Convention on the Rights of the Child, the Children (Scotland) Act 1995, Human Rights legislation and Social Justice targets. Falkirk Council will:
- Provide an appropriate, stable, safe and caring environment to enable children/young people to develop to their full potential educationally, emotionally and socially and to encourage them to be self-confident and motivated.
  - Ensure that all children/young people are treated as individuals, and will involve each child, where appropriate, in decision-making processes, acknowledging that the child's welfare is the paramount consideration.
  - Ensure that children/young people are listened to, their views are taken into account, and their right to advocacy is upheld.
  - Safeguard the child/young person's welfare by having in place clearly stated operational principles and established standards of practice and provision.
  - Promote an open and accountable partnership between child/young person, parents and carers, local authority and school.
  - Meet the child/young person's individual needs and rights in relation to age, gender, race, sexuality and disability and meet specific cultural and religious needs.
  - Work towards ensuring that each child/young person has the opportunity, skills and support to make a successful transition to working life and active citizenship.
- 1.2 The aim of this joint policy is to clarify roles, responsibilities and expectations in order to assist in planning to meet the holistic needs of Looked After and **Looked After and Accommodated** children and young people.
- 1.3 This joint policy operates within the framework of the current legislation and national policies.
- 1.4 The joint policy must be adhered to in respect of all children and young people who are either Looked After or **Looked After and Accommodated**.

## 2. LEGAL FRAMEWORK

2.1 Key legislation relating to Looked After and **Looked After and Accommodated** children/ young people includes:

- The Education (Scotland) Act 1980
- The Children (Scotland) Act 1995
- The Standards in Scotland's Schools etc Act 2000
- The Regulation of Care (Scotland) Act 2001

2.2 The Standards in Scotland's Schools etc Act 2000 establishes that:

- every child of school age has a right to education
- (except in particular exceptional circumstances) education should be provided in a mainstream school
- the education authority must have due regard to the views of the child/young person
- children/young people with legal capacity (presumed to be over the age of 12) have the right to appeal against decisions to exclude them from school.

2.3 Guidance to The Children (Scotland) Act 1995 states that:

*"Children who are Looked After should have the same educational opportunities as all other children for education, including further and higher education, and access to other opportunities for development."*

2.4 The Children (Scotland) Act 1995 is aimed at promoting a child/young person's rights to protection, participation and to the provision of various services. The three key principles of the Act are:

- The welfare of the child is paramount.
- The views of the child must be taken into account.
- There should be minimum intervention in the child/young person's life.

2.5 Section 17 of the Children (Scotland) Act 1995 introduces the term 'Looked After'.

2.6 Children/young people are **Looked After and Accommodated** by the local authority when they are:

- Provided with accommodation under Section 25 of the Children (Scotland) Act 1995. This may be where no one has parental responsibilities for the child or where doing so would safeguard and promote the child's welfare, the child is abandoned or the parent is unable to care for the child.
- Subject to a supervision requirement made by a Children's Hearing under Section 70 of the Children (Scotland) Act 1995, and not living at home.
- Subject to a child protection order by a sheriff under Section 57 of the Children (Scotland) Act 1995.

- Subject to an authorisation granted by a Justice of the Peace under Section 61 of the Children (Scotland) Act 1995.
- Removed to a place of safety by a police constable.
- Subject to a warrant granted by a Children's Hearing under Section 66 of the Children (Scotland) Act 1995.
- Subject to a parental responsibility order made by a sheriff under Section 86 of the Children (Scotland) Act 1995.
- Now living in Scotland for whom local authorities have responsibilities under the Children (Reciprocal Enforcement of Prescribed Order etc, (England and Wales and Northern Ireland) (Scotland) Regulations 1996 - Section 33).
- Freed for adoption and treated as if they are looked after until an adoption order is granted.
- Receiving short-term respite care in foster care or residential setting.

2.7 **Looked After and Accommodated** children/young people may be living:

- with relatives
- in foster homes
- in other community placements
- in residential units or schools
- in secure units

2.8 Children/young people are Looked After when they are subject to a supervision requirement made by a Children's Hearing under section 70 of the Children (Scotland) Act 1995

2.9 Looked After Children may be:

- living at home
- with a relative
- with a friend

2.10 The Children (Scotland) Act 1995 requires that the local authority as a whole holds a corporate responsibility - as 'corporate parents' - to meet the needs of Looked After and **Looked After and Accommodated** children/young people.

2.11 The local authority has a statutory duty to safeguard and promote the welfare of children/young people who are Looked After and **Looked After and Accommodated** and those who have been previously **Looked After and Accommodated**.

2.12 Parental responsibilities are retained by the parents *unless* removed by the Court. This occurs only in a very small number of cases.

### **3. IDENTIFICATION OF LOOKED AFTER AND LOOKED AFTER AND ACCOMMODATED CHILDREN AND YOUNG PEOPLE**

- 3.1 When a child/young person becomes Looked After or **Looked After and Accommodated** as the result of the decision of a Children's Hearing, the Children's Reporter will notify the headteacher and the Children and Families Team Manager in writing as soon as is practicably possible, usually on the day the decision was made or on the next working day.
- 3.2 When a child/young person becomes **Looked After and Accommodated** other than as the result of a decision of a Children's Hearing, the allocated social worker will:
- within one working day, advise the Looked After Co-ordinator in the school and the administration worker in Social Work Services of the fact;
  - confirm the information in writing without delay (see Appendix 1).
- 3.3 Each school will have in place a nominated member of staff to take responsibility for all matters pertaining to Looked After or **Looked After and Accommodated** children. This person will be called a Looked After Co-ordinator.
- 3.4 Social Work Services will provide each school's designated Looked After Co-ordinator with a monthly updated list of the **Looked After and Accommodated** pupils in their establishment.
- 3.5 The allocated social worker will notify the Child Health Department when a young person becomes **Looked After and Accommodated**.

### **4. OVERARCHING PRINCIPLES FOR LOOKED AFTER AND LOOKED AFTER AND ACCOMMODATED CHILDREN AND YOUNG PEOPLE**

- 4.1 Looked After and **Looked After and Accommodated** children/young people should be enabled to live and receive their education within their home community.
- 4.2 Looked After and **Looked After and Accommodated** children/young people:
- should be treated with respect
  - will have access to pre-school education
  - will have access to full-time education
  - will receive continuity of education with minimal disruption, unless there are clearly specified reasons to the contrary
  - will have additional supports to compensate for any loss of education
  - will not be disadvantaged in terms of educational opportunities or other opportunities for development and will be encouraged and assisted to access further education.
- 4.3 All **Looked After and Accommodated** children/young people of school age will have a Personal Learning Plan, as well as a Care Plan.

4.4 Staff from Social Work Services and Education Services will work in partnership with Looked After and **Looked After and Accommodated** children/young people and their parents/carers in all aspects of assessment and care planning.

## 5. WORKING IN PARTNERSHIP

5.1 Developing partnerships is a key principle of Falkirk Council's 'Learning to Achieve' strategy. This includes partnerships with parents and carers of children/young people who are Looked After or **Looked After and Accommodated**.

5.2 Children/young people must be consulted and their views taken into account before any significant decisions affecting their education and care are taken. They must be afforded the same right as their peers to have their personal information dealt with confidentially.

5.3 Parents and carers of children/young people who are Looked After or **Looked After and Accommodated** must be consulted before any significant decisions are taken in relation to the child/young person, unless there are compelling reasons to the contrary.

## 6. RESPONSIBILITIES OF PARENTS

6.1 The rights and responsibilities of the parents of **Looked After and Accommodated** children/young people must be taken into account, regardless of where their child is living. In exceptional cases where it is not appropriate that the school has contact with the parents of **Looked After and Accommodated** children/young people, the allocated social worker will advise on this.

6.2 Those parents who retain their legal rights and responsibilities when their child becomes Looked After or **Looked After and Accommodated** would be expected:

- (a) to work in partnership with the 'corporate parent' to encourage and support the child/young person to maximise his/her educational potential;
- (b) when the child/young person is living with them to ensure, s/he attends school regularly and punctually within the terms of the education arrangements made for her/him;
- (c) when the child/young person is living with them to ensure, as far as is possible, that the child complies with the rules and disciplinary requirements of the school.

## 7. RESPONSIBILITIES OF THE LOCAL AUTHORITY AS CORPORATE PARENT

7.1 The local authority, as corporate parent of Looked After and **Looked After and Accommodated** children/young people, will maintain accurate statistics on a range of aspects of the education of such children/young people. These will include statistics relating to:

- educational attainment
- attendance at school

- exclusion from school
  - post school education training and employment.
- 7.2 Social Work and Education Services will produce a joint annual report to their respective committees with updated information about their activities in meeting the needs of Looked After and **Looked After and Accommodated** children and young people. This report will include details on the educational attainment and attendance information of Looked After and **Looked After and Accommodated** children and young people. The report will evaluate the performance of Education and Social Work Services in relation to areas covered in this policy and to the relevant national priorities and performance indicators.
- 7.3 Pre-school **Looked After and Accommodated** children will have priority access to pre-school services.
- 7.4 Social Work and Education Services will support Looked After and **Looked After and Accommodated** children/young people in maximising their educational potential.
- 7.5 Social Work Services and Education Services have a responsibility to collaborate on recommendations made to the Children's Hearing in relation to the education of a child/young person.
- 7.6 Social Work and Education Services acknowledge that their responsibility as corporate parents in relation to educational attainment will continue to age 19 and possibly beyond.
- 7.7 Falkirk Council is committed to joint training of Education Services and Social Work Services staff as part of continuous professional development.

## **8. RESPONSIBILITIES OF THE INCLUSION SUPPORT CO-ORDINATOR**

- 8.1 The Inclusion Support Co-ordinator on behalf of Education Services, will collate information on:
- children in local authority nursery provision who are Looked After and **Looked After and Accommodated**
  - children and young people of school age who are Looked After or **Looked After and Accommodated**
- 8.2 The Inclusion Support Co-ordinator or, in his/her absence, a named depute will:
- consult with school staff and others in identifying resources within Education Services in relation to pupils who are Looked After or **Looked After and Accommodated**
  - collaborate with other Falkirk Council services and other agencies to secure appropriate education provision for pupils who are Looked After or **Looked After and Accommodated** so as to allow them to be maintained in the mainstream setting

- make recommendations to the Director of Education on issues relating to education resources and mainstream placements for pupils who are Looked After or **Looked After and Accommodated**.

8.3 The Inclusion Support Co-ordinator will have responsibility for the overview of Looked After and **Looked After and Accommodated** children and young people in relation to:

- the educational progress and attainment
- placing requests
- attendance matters
- exclusion from school.

8.4 The Inclusion Support Co-ordinator will be consulted in the event of consideration being given to the exclusion from school of a **Looked After and Accommodated** pupil (see 9.7).

## 9. RESPONSIBILITIES OF EDUCATION ESTABLISHMENTS

9.1 All establishments must have a designated member of staff, the Looked After Co-ordinator, to progress the interests of Looked After and **Looked After and Accommodated** pupils.

9.2 Headteachers will ensure that the joint policy on Looked After and **Looked After and Accommodated** children is implemented in his/her school.

9.3 Education staff must be aware of the support available from Health Services for **Looked After and Accommodated** children (see Appendix 3).

9.4 Establishments must take positive steps to ensure that Looked After and **Looked After and Accommodated** pupils are given the same opportunities as their peers to participate in clubs, including homework clubs, and extra curricular activities. This may require flexibility as well as a co-ordinated approach involving the carers and others.

9.5 Where a **Looked After and Accommodated** pupil is absent from school and there has been no contact from the carer, a member of staff from the school must report the absence to the carer as soon as possible on the day of the absence either verbally or in writing. If verbally it must be confirmed in writing. (See Education Services Guidelines on Non-Attendance and Truancy from School.)

9.6 Unless the local authority holds parental responsibilities for the child/young person, reports and invitations to school meetings must be sent to parents as well as carers. The only exception to this would be where Social Work staff advise the school that such contact would be contrary to the child/young person's best interests.

9.7 A Looked After or **Looked After and Accommodated** pupil must not be excluded from school without prior consultation with appropriate Social Work staff. The Inclusion Support Co-ordinator should be consulted in the event of consideration being given to the

exclusion from school of a **Looked After and Accommodated** pupil. (See Education Services Circular 10 - Guidelines and Procedures for Temporary Exclusion from School.)

- 9.8 When a temporary exclusion for a Looked After or **Looked After and Accommodated** pupil does take place, Education Services must make alternative arrangements for the child/young person's education without undue delay and must work with Social Work Services to achieve her/his speedy reintegration into education.
- 9.9 Where a Looked After or **Looked After and Accommodated** pupil is temporarily excluded from school both Education Services and Social Work Services must advise the pupil of his/her right to appeal against the decision to exclude. Appropriate support must be given to the child/young person in the event of an appeal being made.

## **10. RESPONSIBILITIES OF THE SCHOOL LOOKED AFTER CO-ORDINATOR**

- 10.1 The designated Looked After Co-ordinator in the school has responsibility for:
- maintaining a register of all Looked After and **Looked After and Accommodated** pupils;
  - liaising with guidance/support staff regarding the welfare of such pupils, taking into account the young person's views in this matter as far as possible;
  - ensuring that all school staff are aware of their respective responsibilities towards these pupils;
  - liaising with the school management team;
  - co-ordinating information for, and attendance at, Children's Hearings and children's reviews;
  - liaising with the Education Officer and the Inclusion Support Co-ordinator as required;
  - liaise, as appropriate, with the school nurse/doctor.
- 10.2 The Looked After Co-ordinator in each school will ensure the provision of information to a **Looked After and Accommodated** pupil's social worker in order to enable the completion of the relevant sections of the 'looking after' materials.
- 10.3 The Looked After Co-ordinator will ensure that the school is represented at children's reviews.

## **11. RESPONSIBILITIES OF SOCIAL WORK SERVICES**

- 11.1 The social worker must make contact with the Looked After Co-ordinator within one school day of the child/young person becoming **Looked After and Accommodated** to advise on the child/young person's status. S/he must confirm this in writing without delay.
- 11.2 The social worker will ensure that education is given high priority and is central to the Care Plan.

- 11.3 Where a child/young person becomes **Looked After and Accommodated**, the social worker must ensure that the carer or key worker is informed of the child/young person's school details.
- 11.4 Social Work Services must ensure **Looked After and Accommodated** children/young people have the space, time and encouragement from carers to undertake homework or additional school work outwith school hours. All necessary learning materials and resources, including IT facilities, must be provided where required.
- 11.5 Where a school is giving consideration to excluding a Looked After or **Looked After and Accommodated** child/young person from school, the social worker must be fully involved in the discussions on how to prevent the need to exclude. Where there is a divergence of view on the matter the social worker may consult with the Inclusion Support Co-ordinator.
- 11.6 Social Work Services staff must be aware of the support available from Health Services for **Looked After and Accommodated** children and young people (see Appendix 3).

## **12. RESPONSIBILITIES OF CARERS**

- 12.1 Following placement, carers should contact the school's Looked After Co-ordinator in order to exchange information about the child/young person's education, progress, attainment and attendance.
- 12.2 Carers must ensure that the child/young person has the space, time and encouragement to undertake homework or additional school work outwith school hours.
- 12.3 Where appropriate, the carers should attend all meetings regarding the education of a child/young person accommodated with them.
- 12.4 Carers must:
- advise schools as soon as possible on the first day of any absence and indicate when the child/young person is likely to return to school
  - provide a dated written note explaining the absence to be brought to school by the child/young person on their first day back.

## **13. RESPONSIBILITIES OF CARE STAFF**

- 13.1 The key worker must, within one school day of the child/young person being admitted to the unit, make contact with the Looked After Co-ordinator at the child/young person's school in order to obtain information about the child/young person's education, progress, attainment and attendance.
- 13.2 The unit manager and staff must aim to ensure that the unit is an educationally rich environment which maximises educational potential of the children/young people who are resident there. They must ensure that the child/young person has the space, time and encouragement to undertake homework or additional school work outwith school hours.

All necessary learning materials and resources, including IT facilities, must be provided where required.

- 13.3 The unit manager must ensure that the unit is represented at all meetings regarding the education of the child/young person accommodated in the unit.
- 13.4 The unit manager must ensure that the school is made aware of particular circumstances which may affect the child/young person in school.
- 13.5 Where a school is giving consideration to excluding a **Looked After and Accommodated** child/young person from school, the unit staff must be fully involved in the discussions about how to prevent the need to exclude. Where there is a divergence of views on the matter, further advice and information should be sought from the Inclusion Support Co-ordinator.

#### **14. CHILDREN IN RESIDENTIAL SCHOOLS OR SECURE UNITS**

- 14.1 Where it is not possible for a child/young person to live and receive their education within their home community a comprehensive multi-disciplinary assessment must be undertaken. The outcome of this assessment must be discussed in a multi-disciplinary forum such as a child care review meeting or school liaison group meeting.
- 14.2 The proposed future plans must be presented to the Joint Child Care Resource Allocation Group (JCCRAG), which is the joint Social Work, Education and Health Services forum at which decisions on funding for residential placements are made.
- 14.3 Falkirk Council must aim to select educationally rich environments for children/young people who require to be educated outwith the Falkirk Council area. Residential placements must take account of the assessed needs of the child/young person.
- 14.4 For every child/young person in a residential or a secure unit placement there will be:
- an allocated social worker
  - a designated member of staff from their mainstream school
  - an allocated psychologist
- 14.5 Every review of the Care Plan must give consideration to whether or not the child/young person's care and education needs could be met within the Falkirk Council area. A record must be kept of the decisions taken.
- 14.6 Education Services have lead responsibility for:
- (a) Assessing and advising on the educational needs of the child/young person in a residential or a secure setting and maintaining a link to the base school.
  - (b) Determining the suitability of an educational placement on a child/young person's return from residential or secure setting to Falkirk Council provision.

- (c) Assisting in the link to another setting from the initial mainstream placement should that be the decision.

## **15. TRANSPORT**

- 15.1 The current transport protocol developed between Education Services and Social Work Services will form the basis of transport arrangements for Looked After or **Looked After and Accommodated** pupils.
- 15.2 Current policy allows that where a joint decision is made that a Looked After or **Looked After and Accommodated** pupil needs to attend a particular school, then, regardless of distance entitlement, if the provision of transport will safeguard and promote that child/young person's welfare, they are entitled to the provision of transport. The costs will be borne either by Social Work Services or Education Services dependent upon individual cases.
- 15.3 Once a decision has been made, Education Services will liaise with the Transport Planning Unit advising that the pupil is now entitled to transport. The Transport Planning Unit will then ensure that appropriate transport has been arranged for the child/young person and recoup the cost from Social Work Services or Education Services dependent on the individual case.

**APPENDIX 1**

Letter from Social Work Services to advise that a child/young person has become **Looked After and Accommodated**.

To be reproduced on Social Work Services notepaper

Name of School Looked After Co-ordinator  
Address

Ask for:  
Extension:  
Our reference:  
Your reference:

Date:

Dear

**Child's Name (dob)**

I am writing to advise you that on ..... (date) the above child/young person became Looked After and Accommodated in terms of Section..... of the Children (Scotland) Act 1995.

(name of child) ..... is now residing with:

Name of carer(s) .....

Address .....

Telephone contact .....

The social worker allocated to the case is (name) ..... who is based at ..... Social Work Office.

Please do not hesitate to contact me if you would like further information or advice.

Yours sincerely

Team Manager  
(Children and Families)

**INFORMATION ON THE NUMBER OF CHILDREN AND YOUNG PEOPLE  
WHO ARE LOOKED AFTER OR  
LOOKED AFTER AND ACCOMMODATED  
AS AT 31<sup>ST</sup> JULY 2003**

<b>Number of Looked After and Accommodated</b> children in the Falkirk Council area .....	170
Percentage of <b>Looked After and Accommodated</b> children in community based resources	69%
Percentage placed in residential accommodation .....	24%
Percentage in secure units .....	7%
Number of Looked After Children Living at home .....	120

## THE ROLE OF THE CHILD HEALTH DEPARTMENT AND SCHOOL HEALTH TEAM

**Looked After and Accommodated** Children and Young People have a higher prevalence of unmet health needs and poorer health outcomes than their peers. They are, in general, in poorer health at the time of becoming looked after, and being accommodated away from home further disrupts their health care. There are often problems with tracking the child through a series of placements and locating and transmitting health records. Lack of clarity about medical consent and who has responsibility for arranging medical follow-up contribute to discontinuity. In addition, foster carers or residential care staff are not always provided with the full and accurate health information, including information about health care professionals currently involved with the child, that they need in order to meet the day to day health care needs.

Legislation requires that a written health assessment be obtained at the start of a placement for all children who are looked after and placed away from home. Whenever possible the school aged child is seen by his community paediatrician (school doctor) for the health assessment. The community paediatricians have a commitment to providing high quality health assessments for looked after children and young people. These include:

- Consideration of background information contained within the child's LAC materials - the Essential Core Record and Placement Agreement and Essential Background Record.
- Consideration of available health information about the child including:
  - family medical history
  - the child's birth history
  - child health surveillance data
  - immunisation record
  - Community Child Health Department records
- Identification of gaps in the child's routine health care including:
  - dental care
  - missed immunisations
  - failed or lapsed attendance at out patients clinics
  - other discontinuities in health care
- Identification of potential risk factors for health in the child's family and social background (the doctor is usually dependent on information being provided by the child's social worker in order to do this).

- A medical examination tailored to the child/young person's individual needs. This will take account of the young person's own consent and concerns, including concerns about confidentiality.
- Assessment of the need for fuller developmental assessment.
- Screening for emotional, behavioural and mental health problems.
- Identification of health issues to be addressed in the child/young person's Care Plan, including health promotional issues.
- Liaison with the child/young person's social worker about respective roles and responsibilities in implementing recommendations and liaison as appropriate, with other health professionals, including education professionals.
- A recommendation about when the next review should take place. Where possible, this will be within normal Community Child Health Department review systems, and often within the school setting.

Staff at the Community Child Health Department are also available for discussion about progress in relation to health issues affecting the child's progress in school. They can also advise social workers about health issues which need to be considered when the child/young person's Care Plan is reviewed and for consultation should new health issues arise.

Systems are being developed for informing staff at the Community Child Health Department whenever a child is accommodated or moved to a new placement or new school. Additional resources are being sought to enable the department to establish more efficient administration systems for tracking looked after children and monitoring their health outcomes. This will reduce the likelihood of health care being interrupted because information on the child's whereabouts or circumstances is out of date. Liaison between the designated LAC teacher in a school and the school nurse will be extremely helpful here.

**List of Relevant Documents**

- The Education (Scotland) Act 1980
- The Children (Scotland) Act 1995
- The Standards in Scotland's Schools etc Act 2000
- The Human Rights Act 2000
- The Children Leaving Care Act 2000
- The Regulation of Care (Scotland) Act 2001
- 'Better Behaviour, Better Learning' 2002
- 'For Scotland's Children' 2001
- Falkirk Council 'Learning to Achieve'
- Falkirk Council Service Circular 10 - Guidelines and Procedures on Temporary Exclusion from School 1998 (updated 2002)
- Falkirk Council Services Circular 9 - Child Protection Procedures 1999
- Falkirk Council Service Circular 34 - Procedures and Guidelines on Making a Referral to the Children's Reporter and the Completion of School Reports to the Children's Reporter 2002
- Falkirk Council Guidelines and Procedures on Non-Attendance and Truancy from School 2000
- Falkirk Council Transport Policy 2000