



Education Policy for Adopted Children

Guidance for Social Workers and Parents

Updated: March 2024 **Next review:** March 2025



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Expiry or review date

This guidance will next be reviewed in March 2025.

What legislation does this guidance refer to?

- The Adoption Agencies Regulations 2005
- Children Act 1989: care planning, placement and case review July 2021
- Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies - July 2013
- Adoption: national minimum standards. July 2014
- Promoting the education of looked-after children and previously looked-after children Statutory guidance for local authorities. - February 2018
- Children missing education Statutory guidance for local authorities September 2016
- Elective home education Departmental guidance for local authorities. April 2019
- School Admissions Code. September 2021
- The designated teacher for looked-after and previously looked-after children Statutory guidance on their roles and responsibilities. February 2018
- Unique pupil numbers (UPNs) A guide for schools and local authorities guidance June 2019
- School Census 2023 Data Items 2023 2024
- Using pupil premium: guidance for school leaders March 2023

Who is this guidance for?

This guidance is for Surrey social workers, Adoption Social Workers working with Surrey children, prospective adopters of Surrey Children and adoptive parents of previously looked

after children who live in Surrey. It may also be of interest to Designated teachers and other professionals working with looked-after and previously looked-after children in Surrey.

Introduction and Purpose

All Local Authorities are required to actively promote the education and achievement of adopted children and provide support for them to achieve their educational potential. Prospective adopters, like all parents are expected to help their adopted children to access education and work with their education setting to support their education and address any barriers to learning.

This policy aims to provide adoptive and prospective adoptive parents with information about the education of their adopted children, the services, and resources available. Additionally, it aims to clarify the roles and responsibilities of the different Surrey County Council services, education settings and adoptive parents of Surrey resident or looked after children in relation to the educational support for children adopted from care.

Main Points

For the purpose of this guidance:

- 'Local authority' refers to Surrey County Council.
- 'Virtual School (VS)' or 'Virtual School Head (VSH)' refers to Surrey Virtual School.
- It is important to note that parental responsibility is shared between the first family, the Local Authority and the Prospective Adoptive Parent during the adoption process up until the Adoption Order it made.
- Therefore, the term 'parent' in this policy refers to whom holds parental responsibility, which for looked-after children is the Local Authority including the Virtual School alongside the child's biological parents and prospective adopters until after the Adoption Order is finalised.
- Until the Adoption Order is finalised and the child is no longer looked after, the adoptive parents are referred to as prospective adoptive parents or prospective adopters.
- For looked-after children (those placed for adoption but not yet adopted), as part of a local authority's corporate parent role, the VSH needs to be the educational advocate that parents are for others alongside the other parents who hold parental responsibility.

For previously looked-after children (in this case, those adopted from care) the VSH will be a source of advice and information to help their parents to advocate for them as effectively as possible. VSHs are not acting as part of the corporate parent role in these circumstances but are there to promote the educational achievement of these children through the provision of advice and information to relevant parties. VSH's are not acting as part of the corporate parent role in these circumstances; they are there to promote the educational achievement of these children through the provision of advice and information to all relevant parties. For example, advice and guidance may be provided to parents, education settings, adoption social workers, Local Authority education and social care professionals working with children. This is taken from the statutory guidance below.

<u>'Promoting the education of looked-after children and previously looked-after children'</u> provides the following definitions:

- Looked-After Child/ren: Refers to a child (0-18 years of age) who is looked-after by a
 local authority and subject to a care order (or an interim care order) or who is
 accommodated by the local authority.
- Previously Looked-After Child/ren: refers to those who are no longer looked-after by a
 local authority in England and Wales because they are the subject of an adoption, special
 guardianship or child arrangements order; or were adopted from 'state care' outside
 England and Wales.

1. Recruitment, Assessment and Preparation of Prospective Adopters

- 1.1. When assessing prospective adoptive parents, Adoption South East (ASE) consider the applicant's educational background and the value they place on education. The ability to provide a rich and stimulating parenting experience, to include learning within and outside of the home, will be evaluated but no application will be refused on the basis of the applicant's own educational achievements.
- **1.2.** Adopters will be provided with information about the developmental risks for children with Adoption Care Plans which could have arisen from deficits in their care and the opportunity that adoption provides for children to recover and achieve.
- **1.3.** ASE takes account of current research into the impact of neglect and maltreatment on the developing brain and makes effort to share this information with prospective adopters through ongoing training and development opportunities.¹
- **1.4.** Applicants undergoing preparation are helped to understand the child's hierarchy of needs, whereby education is set in the context of other needs and developmental capacities.
- **1.5.** Particular emphasis is given during preparation to the importance of attachment and the impact of trauma, and applicants are advised on how parent-led activities can help promote this. ²
- **1.6.** The attuned availability of applicants to a child is a key consideration, as promoting a secure attachment style which is trauma informed and responsive, is regarded as precursor to more formal modes of learning.
- **1.7.** Where there are already children in the household, ASE will seek the views of their education setting to ascertain the prospective adopter's level of engagement around education matters and ability to work in partnership with professionals.
- **1.8.** ASE will develop an understanding of the applicant's knowledge of local resources, including nurseries, schools and community facilities for developing young people as appropriate, and consider how readily these can be accessed.

¹ Adoption: national minimum standards (July 2014) - Point 10.9, Recruiting and assessing prospective adopters

² Adoption: national minimum standards (July 2014) - Point 3.41, Counselling, Information and Preparation for

1.9. Once a decision has been made that a child is in need of adoption, a Child's Permanence Report will be prepared by the Social Worker, which will include details of the child's backgroud that will be used to inform the plan to meet post-order support needs. Professionals alongside prospective adopters share appropriate information with the education setting to enable an appropriate support plan to be put in place.

2. Identifying a Match

- **2.1.** ASE will always consider the child's needs in their entirety, including their educational requirements. ³
- **2.2.** To allow prospective adopters to make an informed decision about adoption, the Local Authority and ASE will provide comprehensive information about a child who is awaiting adoption. This will include:
 - A permanence report, including a summary of the educational outcomes achieved by the birth parents and siblings.
 - Reports on the child's development and capacities by existing foster carers
 - Formal Medical Review and Advice
 - Progress reports from education settings and Personal Education Plan (PEP), if applicable.
 - Education, Health and Care Plan or summary of special educational needs if a child has received SEN Support in their setting.
 - Reports from any specialist services which have been involved with the child, such as Speech and Language Therapy or Portage Early Education Support Service.⁴
- **2.3.** Prospective adopters are provided with opportunities to discuss the child's needs and progress with any education settings and the Adoption Medical Adviser, in order that they are able to understand the possible impact of any identified genetic factors on their learning potential.⁵
- **2.4.** A Post-Order Support Planning meeting will provide an additional forum for discussion of the child's current and anticipated needs. Any unmet needs, including educational needs, should be carefully considered and a plan devised as to how these might best be met pending and following adoption.⁶
- **2.5.** ASE's Adoption Panel will consider the extent to which prospective adopters could meet the current and future needs of the child, including education, and may seek advice in order to inform the decision. ⁷

³ <u>Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies</u> (July 2013) – Matching Considerations

⁴ <u>Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies</u> (<u>July 2013</u>) – Point 4.23, Proposing a placement: AAR 31

⁵ Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies (July 2013) – Proposing a placement: AAR 31

⁶ Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies (July 2013) – Chapter 9, Adoption Support Services

⁷ Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies (July 2013) – Matching Considerations

3. Notification of Placement and Transfer of Education Records

- 3.1. When a match has been recommended by the Adoption Panel and ratified by the Agency Decision Maker (ADM), the child's Social Worker should notify the Virtual School Education Support Officer and set up a meeting with the team around the child to plan education transitions.
- **3.2.** Prior to the childs move to their adoptive placement, the child's Social Worker should notify the child's previous school and ensure that the transfer of records. The details of the child's looked-after status should also be provided to the local authority, including the Virtual School, in which the family lives.

4. Identifying a suitable education setting before adoption placement

- **4.1.** At this stage, the child remains a Child Looked After (CLA); the Virtual School retains oversight of education as Corporate Parent.
- **4.2.** Every effort must be made to minimise disruption to the child's education, whatever the child's age, and this must involve Surrey Virtual School. Stability and continuity in education is important at all stages, but particularly so at Key Stage 4.8
- **4.3.** If it is not possible to maintain the child's existing education placement, a new education placement will be arranged in consultation with the VSH at the same time as the care placement.⁹
- **4.4.** Where Adoption placements are outside of Surrey, appropriate consultation with the local Virtual School where the child will be placed must also take place. The child will remain a Surrey child looked after until after the Adoption Order is finalised.¹⁰
- **4.5.** Looked-after children cannot be placed in schools which have been rated 'Inadequate' by Ofsted and a setting judged to be 'Requiring Improvement' will only be considered where Surrey Virtual School has evidence that the support available to vulnerable pupils is excellent and will facilitate maximum progress.¹¹
- **4.6.** Where a child has an EHCP, professionals around the child should explore education placement options in partnership with SEND.

The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review (July 2021)
 Regulation 2.77, The contribution of the corporate parent to education.

⁹ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Paragraph 9, Securing appropriate education.

¹⁰ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Paragraph 9, Securing appropriate education.

¹¹ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Paragraph 12, Securing appropriate education.

5. Education Planning Meeting

- **5.1** When the match has been agreed by the Agency Decision Maker (ADM) the child's social worker will organise a 'Education planning meeting' with all relevant professionals prior to placement.
- **5.2** This meeting should centre around discussing the child's transition to their new education setting and forming a transition plan that takes into consideration the individual child's needs.
- **5.3** Please contact the Virtual School for guidance on what could be discussed in this meeting.

6. Continuity of Education

- **6.1.** Local authorities have a statutory duty to minimise any disruption to the education of a looked-after child or young person, regardless of their age. 12
- **6.2.** Where an emergency placement change is unavoidable, Surrey Virtual School will work with a looked-after child's Social Worker to ensure that a suitable, full-time education placement is found as soon as possible and no later than twenty days following the move.¹³
- **6.3.** As Corporate Parents, we have a legal duty to ensure that looked-after children of statutory school age receive continuous full-time education and understand that any breaks in learning are damaging to their life chances.¹⁴
- **6.4.** Where a looked-after child is in the process of being adopted, good attendance provides stability and security; it should be carefully maintained throughout this time. The parameters of this will be discussed for the child at the meeting following the Agency Decision to Match and any subsequent meetings to agree placement for adoption.
- **6.5.** Parents, schools, and other agencies who are part of the child and family's network will need to work together to ensure that the right support is put in place to meet the child's emotional health needs alongside their education. This should have regard to their individual needs, their right to an education and to DFE attendance requirements.
- **6.6.** Whilst it is legally possible for a looked-after child to be educated at home (for example by foster carers), it requires permission from the local authority as corporate parent.¹⁵ It is rare for CLA to be home educated. If parents decide to home educate a Previously Looked After Child (PLAC), it is recommended they seek advice from the Local Authority to fully understand the implications of this decision. Parents should consult the LA Elective Home Education (EHE) policy as well as DfE guidance.¹⁶

¹² The Care Planning, Placement and Case Review (England) Regulations (2010) - Regulation 10, Avoidance of disruption in education

¹³ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Paragraph 9, Securing appropriate education.

¹⁴ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Point 12, Securing appropriate education.

¹⁵ Elective home education Departmental guidance for local authorities (April 2019) - Looked after children.

¹⁶ Elective home education: guide for parents (publishing.service.gov.uk)

7. School Admissions

- 7.1. The School Admissions Code stipulates that children in care and those accommodated by the local authority must receive top priority for a school place within each school's admission arrangements.
- 7.2. Admission authorities cannot refuse to admit a looked-after child on the basis of challenging behaviour or refer a looked after child for action under Fair Access Protocol on the basis of challenging behaviour.¹⁷
- 7.3. Looked-after children can be admitted as 'excepted pupils' in relation to the infant class size limit, if they are admitted outside the normal admission round. 18
- **7.4.** 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.¹⁹
- 7.5. By law, maintained schools and academies, including free schools and sixth-forms, must give priority within their oversubscription criteria to looked-after and previously looked-after children²⁰.
- **7.6.** Designated grammar schools, which provide for only those pupils who score highest in any selection test to be admitted, are not required to give priority to looked-after or previously looked-after children.21
- 7.7. Faith schools must give priority to looked-after and previously-looked after children a) of the faith, before other children of the faith; and b) where any element of priority is given in relation to children not of the faith, not of the faith above other children not of the faith.²²
- **7.8.** Until the match has been considered by the adoption panel and ratified by the Agency Decision Maker (ADM), a formal application for a school place should not be made.
- **7.9.** Once a match has been recommended by the Adoption Panel and agreed by the Agency Decision Maker (ADM), the child's Social Worker should work with the prospective adopters to choose and apply for an appropriate school for the child, seeking advice from the Virtual School in the Local Authority in which the child is looked-after by. ²³
- 7.10. The school application should be made directly to the chosen school or Local Authority in which the child will reside, depending on the schools admissions arrangements. For school applications for Surrey schools, please refer to Surrey's Protocol for the processing of in year admissions for children in care.

¹⁷ School Admissions Code (September 2021) - Point 3.12, Children who have been permanently excluded twice or display challenging behaviour.

¹⁸ School Admissions Code (September 2021) – 2.16(b), Infant class size.

¹⁹ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) - Paragraph 17, School admissions.

²⁰ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) - Paragraph 16, School admissions.

School Admissions Code (September 2021) – Grammar Schools.
 School Admissions Code (September 2021) – Faith based oversubscription criteria in schools designated with a religious character.

²³ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) - Paragraph 18, School admissions.

7.11. Applications for admission to a school as part of a normal intake to Reception, Year 3 or Year 7 must go through the same process as non-looked-after children national closing dates for applications are: 31st October for secondary schools, and 15th January for primary schools.²⁴

8. Starting School

- **8.1.** The timing of a child commencing school or nursery for the first time should be discussed at the child's Looked-After Child Review meeting. Following the LA agreement of the matching decision, professionals around the child as well as Surrey Virtual School will meet to discuss appropriate time frames for transition into school.
- **8.2.** The following points from <u>Children missing education Statutory guidance (September 2016)</u> should be taken into consideration:
 - Parents, or who currently has parental responsibility, are responsible for making sure that their children of compulsory school age receive a suitable full-time education.
 - A child reaches compulsory school age on or after their fifth birthday.
 - Compulsory school aged children who are not registered at a school are identified as Children Missing in Education. In this instance, Local Authorities have a duty to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise.
- **8.3** The Designated Teacher has a responsibility to ensure the child's PEP along with other school records are transferred to the new school when known, and to the main contact (usually the child's social worker) in the local authority which looks after the child.²⁵

9. Working with Education Settings Pending Adoption Order

- **9.1.** While an Adoption Order is pending, children will continue to have looked-after status within their education setting and must be formally registered at any new setting using their legal name.²⁶
- **9.2.** Within each education setting, it is the responsibility of the Designated Teacher to oversee and promote the education of looked after children.²⁷
- **9.3.** Whilst the child remains looked after, the Virtual School will retain responsibility for monitoring their educational attainment and progress.²⁸

²⁴ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Paragraph 18, School admissions.

²⁵ The designated teacher for looked-after and previously looked-after children Statutory guidance on their roles and responsibilities (February 2018) – The PEP and its importance.

²⁶ Statutory Guidance on Adoption (July 2013) - Point 5.23, Changing the child's name.

²⁷ The designated teacher for looked-after and previously looked-after children Statutory guidance on their roles and responsibilities (February 2018) – Looked-after children.

²⁸ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Looked after-children.

- **9.4.** Statutory reviews of a child's academic progress via the Personal Education Plan (PEP) will continue until the Adoption Order is finalised and their legal status changes to previously looked-after.
- 9.5. Any new setting must be made aware of the child's looked-after status and the need to liaise regularly with both the Social Worker and Surrey Virtual School as well as the prospective adoptive parent, until such time as the Adoption Order is finalised. Surrey Virtual School highly recommends that a PEP is initiated each time a child moves to a new education setting.
- **9.6.** Whilst a child remains looked-after, there is a statutory requirement for PEPs to be reviewed each school term. Prospective Adoptive parents are part of the PEP reviews; they hold joint parental responsibility with the LA.²⁹
- **9.7.** Whilst the child remains looked after the Designated Teacher and child's Social Worker should lead the PEP reviews, alongside the advice from the child's Education Support Officer. They should provide appropriate input and updates in relation to the child's progress, including setting appropriate SMART targets, as well as identifying the most effective use of any Pupil Premium Plus funding.³⁰
- **9.8.** As per the Adoption: national minimum standards document, prospective adopters should maintain regular contact with the child's school and other education settings, attending all parents' meetings as appropriate and advocating for the child where appropriate. School reports should be sent to the child's Social Worker and their prospective adopters, until such time as the adoption is complete at which point the school will stop reporting to the social worker and will require consent from the adoptive parent to share information about their child.³¹
- **9.9.** Attendance at parents' evenings and other school functions will, on the main part, be delegated to the prospective adoptive parents. This will be set out in the delegated parental responsibility agreement between the LA and the prospective adopters which the child's Social Worker must maintain, and the child's Independent Reviewing Officer must review at the Adoption Placement Review meetings ³²

10. The Adoption Order

- **10.1.** An Adoption Order results in the child legal status changing from looked-after to adopted when they are regarded as previously looked-after and ends their statutory involvement with Surrey Children's Services, ASE and the Virtual School. Ongoing support is provided on a voluntary basis for families from the point of the Adoption Order.³³
- **10.2.** Ordinarily, it is intended that Adoption Orders are completed within a year to eighteen months of placement; however, this is subject to the process within the court system.
- **10.3.** The child's Social Worker must inform the School and the Virtual School of the date that the child ceases to be looked-after. The child will be reassigned a new Unique Pupil

²⁹ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Paragraph 28, Initiating, developing and reviewing the PEP.

³⁰ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Paragraph 24, Initiating, developing and reviewing the PEP.

³¹ Adoption: national minimum standards - Standard 7 – Promoting educational attainment

^{32.} Adoption: national minimum standards - Standard 7 - Promoting educational attainment

³³ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Point 53, Role of the Virtual School Head for previously looked-after children

- Number (UPN) to reflect their adopted status according to the <u>Unique pupil numbers</u> (UPNs) A guide for schools and local authorities guidance ³⁴.
- **10.4.** Once the adoption order is complete, the Virtual School of the Local Authority in which the child attends school is responsible for providing advice and guidance.
- **10.5.** Where education settings or parents require further information or support, they can contact adoption@surreycc.gov.uk.

11. Surrey Virtual School

- **11.1.** For looked-after children, Surrey County Council is acting as Corporate Parent and the Virtual School provides individualised support for each young person and will play an active part in planning their education.³⁵
- **11.2.** Until such time as an Adoption Order has been granted and the legal process is complete, the child will remain looked-after with Surrey County Council the corporate parent and under the jurisdiction of Surrey Virtual School.³⁶
- **11.3.** It is a statutory requirement for all schools to have a Designated Teacher for looked-after and previously looked-after children. The Designated Teacher for previously looked-after children is the central point of initial contact for parents.³⁷
- **11.4.** Within the statutory guidance <u>'Promoting the education of looked-after children and previously looked-after children</u> the role of the Virtual School for previously looked-after children is to promote their educational achievement by providing information and advice to parents and professionals. The duty relates to previously looked-after children who are in education in the area served by the VSH irrespective of where the child lives.
- **11.5.** The Virtual School can provide information, advice and guidance on school admissions ³⁸ but cannot recommend specific schools or promote one school over another.
- **11.6.** Surrey Virtual School promotes the use of the Education Plan for adopted children (EPPLAC) within schools as good practice. Surrey Virtual School's EPPLAC template can be requested from the Surrey Virtual School directly.
- **11.7.** For previously looked after information, guidance, and details of the EPPLAC, Surrey Virtual School can be contacted by email to virtualschool.plac@surreycc.gov.uk

³⁴ Unique pupil numbers (UPNs) A guide for schools and local authorities guidance – Point 6.5, Adopted children.

³⁵ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Main Points.

³⁶ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Looked after-children.

³⁷ The designated teacher for looked-after and previously looked-after children Statutory guidance on their roles and responsibilities (February 2018) – Point 75, Working with carers and parents.

³⁸ Promoting the education of looked-after children and previously looked-after children: Statutory guidance for local authorities (2018) – Point 52, Role of the Virtual School Head for previously looked-after children.

12. Pupil Premium Funding

- **12.1.** Pupil Premium Plus funding is provided by the Department for Education for Looked after and previously looked-after children from reception to year 11.
- **12.2.** Pupil Premium Plus funding for Looked-after children is held by the Virtual School in the Local Authority in which the child is currently in the care of. Surrey Virtual School allocate funding via the child's termly Personal Education Plan (PEP) as per Surrey Virtual School's Pupil Premium policy.

For previously looked-after children:

- **12.3.** Pupil Premium Plus funding is managed by the child's school. The amount a school receives is based on the number of eligible children recorded in the school's annual School Census return to the Department for Education.³⁹
- **12.4.** It is for those with parental responsibility to decide if they wish to self-declare their children's previously looked after status to schools. The school will not receive Pupil Premium Plus funding for the child if a child is not recorded as PLAC on the Schools Census. ⁴⁰
- **12.5.** Pupil Premium Plus cannot be claimed in retrospect if the child joins the school roll after the school census return.
- **12.6.** Pupil premium plus funding is not a personal budget for individual children. The school manage their Pupil Premium Plus funding allocation for the benefit of their cohort of previously looked-after children and according to children's needs. Schools must spend their funding in line with the 'menu of approaches'. ⁴¹
- **12.7.** The Designated Teacher has a key role in ensuring that the specific needs of previously looked-after children are reflected in how the school use their Pupil Premium funding. Each school will have processes in how they manage the use of PP+ funding; however, as per the <u>DT guidance</u> 'They should encourage parents and guardians' involvement in deciding how the PP+ is used to support their child and be the main contact for queries about its use.'⁴²

³⁹ The designated teacher for looked-after and previously looked-after children Statutory guidance on their roles and responsibilities (February 2018) –Point 42, Pupil Premium Plus (PP+).

⁴⁰ School Census 2023 Data Items 2023 - 2024 - Post Looked after arrangements (used for funding).

⁴¹ Pupil premium Funding Overview – Funding Criteria

⁴² The designated teacher for looked-after and previously looked-after children Statutory guidance on their roles and responsibilities (February 2018) –Point 43, Pupil Premium Plus (PP+).