

EARLY YEARS CHILDREN IN CARE (CiC) GUIDANCE PACK FOR EARLY YEARS SETTINGS

Introduction

This Guidance has been developed to support Early Years setting staff and other professionals in their work with Children in Care and their Carers.

The term 'Child in Care' (CiC) is used in this guidance. The term 'Looked After Child' (LAC) or 'Child Looked After' (CLA) is also widely used and is also correct.

It is well known that there is a large discrepancy between the educational outcomes of Children in Care and those in the general population and that, despite the challenges that many of our Children in Care face, we should be enabling them to achieve much better outcomes.

CiC overview

Who are Children in Care?

Children in Care can live in their own home, in a foster placement with a foster Carer, in a foster placement with a family member or relative or in a Local Authority home

What is a Care Order?

A Care Order is a Court order made under the Children Act 1989 that places a child under the care of a Local Authority. The Local Authority then shares 'Parental Responsibility' for the child with the parents, and will make most of the important decisions about the child's upbringing e.g. where they live and how they are educated.

A court can only make a Care Order if it is sure that:

- the child is suffering, or is likely to suffer, significant harm.
- the harm is caused by the child's parents or if the parents are failing to protect the child.
- the child is likely to suffer harm because they are beyond parental control.

Children Act 1989 – Care order descriptions

Section 20

This means being **accommodated** only. There are no care orders on the child, although Children's Social Care has certain legal responsibilities. Legally the parents can make all decisions for a child who is only accommodated. It is advisable for schools to check with the child's Social Worker if they are unsure/need clarification.

Section 31

This is a **Care Order** and it means that Children's Social Care share Parental Responsibility

with the parents and can make all important decisions. For example, if a birth family member contacts the school to make a request concerning access to information or educational issues then permission for any arrangement must be obtained from Children's Social Care.

Section 38

This is an **Interim Care Order** and it gives Children's Social Care the same powers as a full care order, but only for the time period during which the interim care order has been granted.

Who has Parental Responsibility (PR) for a child in care?

For children subject to a Care Order the Local Authority holds parental responsibility working in partnership with parents, as appropriate.

For Children in Care without a care order (also known as Accommodated) the parents retain PR.

Parental responsibility is a set of legal rights and responsibilities, including making sure a child has somewhere to live, is looked after, and kept safe.

Parental responsibility gives the right to make important decisions about a child's life like:

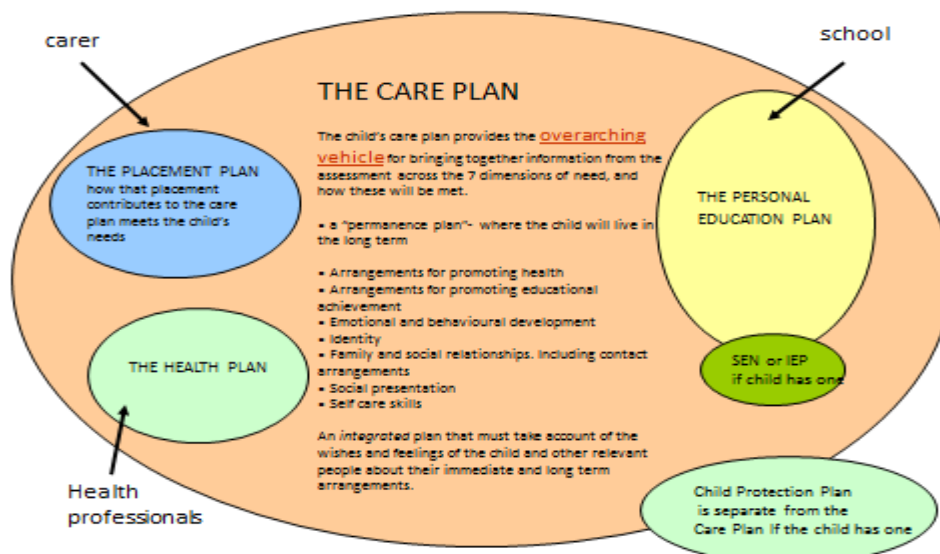
- who looks after them
- where they live how they are educated.

What is a Care Plan?

Before a child is taken into care the Local Authority will produce a plan for the future care of the child. The parents and the child should be involved in developing the Care Plan. The child's Social Worker will make a Care Plan to help the court decide how the child should be cared for. The plan should show how the child's needs would be met in care, including their health, education and contact with family members.

The Social Worker, in partnership with foster Carers and parents, needs to take decisions about what must be done to help the child achieve his or her full potential. Their responsibilities include:

- drawing up a [Personal Education Plan](#) (PEP) for the child, and ensuring they are well supported in their Early Years setting/school
- making sure the child attends the Early Years setting agreed for the named sessions/ attends school every day
- choosing and applying for a setting or school place when required
- making sure that there are good links with the Designated Lead/Teacher at the child's Early Years setting/school
- being involved in any assessment for Special Educational Needs
- making sure that the Foster Carers attend parents' evenings and any other Early Years setting/school events which parents would attend



A child's Care Plan is reviewed regularly by the authority which looks after him or her. These reviews are statutory and must be done **six weeks after a child becomes looked after**, at **three months** and thereafter at **six monthly** intervals. The review is chaired by an Independent Reviewing Officer (IRO). The IRO will ask about the child's educational progress as part of the overall care plan review and should have access to the most up-to-date PEP.

What happens when a child is placed for Adoption?

If the Local Authority believes adoption is the best option for a child, the court can make a **Placement order**. This allows a child to be placed with prospective adopters prior to an **Adoption order**.

The long-term Care Plan may be that a child is placed for adoption. An **Adoption plan** is made following a long process of assessment and is subject to legal proceedings. At the initial stages, a child placed for adoption remains in care until the final Adoption order is granted by the court. Adoptive parents then take on full Parental responsibility for the child.

A child placed for adoption will still require a PEP and adoptive parents may find this useful and supportive. This should be discussed with the adoptive parents and the child's Social Worker.

Until final Adoption Orders are granted in the courts, a child placed for adoption remains in care/looked after by the placing authority.

Once a child is adopted it is good practice to continue with writing a [Education Plan for Adopted Children](#) (EPAC) for the **Post Looked After Child** (PLAC). Although the EPAC is not a statutory document the Virtual School would consider it best practice for preschools, nurseries and schools to undertake one for every Post LAC child on their roll.

What Is A Special Guardianship Order?

A Special Guardianship Order is similar to an Adoption Order in that it gives the person caring for the child the right to make decisions about what happens to them. It is different from an Adoption Order in that it only lasts until they are 18 and they do not lose their legal rights with their birth family, e.g. contact. A Special Guardian may be given permission to change a child's name. If a Special Guardianship Order is made the child will not be in care although the Local Authority who hold the Care Order may be supporting the placement. ([SGO Education Plan](#))

How can Early Years settings help?

Childcare providers should have a policy for supporting care experienced children e.g. Looked After Children and Post Looked After Children) or as following statutory guidance, should show consideration for both LAC and PLAC in all policies. They need to clearly identify a **Designated Lead (DL) person responsible for Children in Care** within the setting. This could be incorporated into Lead Practitioner Safeguarding (LPS) role.

The **Designated Lead (DL)** for Children in Care should attend training delivered by the Virtual School to help them and key staff members identify and recognise their statutory responsibilities. This training is paid for through the Virtual School and is available to book through the Learning Zone. Delegates will need to have access to the [Virtual School Moodle](#) and a [Learning Zone](#) account to book on. For access, please contact aishya.clubley@hants.gov.uk or virtualschool@hants.gov.uk

Prior to admission to an Early Years setting it is essential that the setting gathers relevant information from the Social Worker and Foster Carers to ensure that appropriate support and resources are put into place.

Well planned and supported transitions are key to children who may have experienced neglect and trauma, so it important to have a good liaison between the child's Social Worker, Carers and previous setting before the child starts at the setting. This liaison should include sharing information about significant Life Events, relational trauma and loss and is may be a great opportunity for gathering information for the PEP.

Personal Education Plans (PEPs) for Children in Care

It is requirement for a child in care to have an [Early Years PEP](#). The Purpose of the Personal Education Plan meeting is to look at the child/ young person's current educational needs and to update the Early Years setting regarding the child/young person's social needs. The main purpose of this meeting is to ensure that the setting, Social Services and the Carers are aware of any current areas of concern regarding the child/young person's needs and to plan together the current priorities and any future action.

Those people who might attend a meeting regarding the Personal Education Plan include:

- Social Worker
- Designated Teacher for Looked After Children at the school or an appropriate member of staff (Tutor, Head of Year, etc)
- Any other appropriate school personnel as suggested by the school (Tutor, Head of

Year, Teaching Assistant, etc)

- Appropriate member of the Early Years setting (e.g. Manager, Designated Lead for CiC, Key Person, SENCO)
- Parent/Carer/Social Worker to invite as appropriate
- Child and Young Person (or incorporate the child's view where they are not able to participate)

If the child or young person is not able to attend the meeting, the Social Worker and the setting should discuss and determine the most appropriate way to seek their current views. It is important that every effort is made to seek the child/ young person's views, even from the youngest children.

Information sharing and on-going communication is essential to help provide appropriate support for Children in Care and help support transitions. For Children in Care, the child's Social Worker is the Lead Professional. **Maintaining confidentiality is essential.**

The child's **Social Worker** has responsibility for informing the setting a child is in care, **initiating the first PEP meeting**, completing the PEP form and distribution. The Early Years setting needs to provide information on the child's overall progress in all Areas of Learning and the child's Characteristics of Effective Learning.

The Early Years Setting should contact the designated Social Worker if the **first** PEP has not been arranged. If required, the Virtual School can help with signposting (virtualschool@hants.gov.uk)

PEP reviews should take place in consultation with the child, the school's/settings Key person/Designated lead/Teacher, the Social Worker, Carers and other relevant professionals. In Hampshire we recommend that the PEP is reviewed at least termly.

The Social Worker will organise the initial PEP and its paperwork. Once the initial PEP has taken place, reviews will be then organised by the Designated Lead for Children in care who works in the child's setting. It is good practice to set dates of PEP reviews in advance so that dates and times are agreed well in advance.

The PEP toolkit is a resource written by staff within Hampshire that enables professionals to identify specific areas of need that may be impacting on educational outcomes for any vulnerable young person. In addition, it offers practical guidance on how best to meet these needs and thus raise attainment.



The toolkit is divided into two sections. The first section is a needs identification tool which will guide staff in identifying particular behaviours, skill deficits, cognitions and emotional difficulties that are affecting learning. The second section has a chapter devoted to each of the areas of need, with practical guidance for staff on how best to meet these needs.

Any professional wishing to access and use the PEP toolkit will need to contact the Virtual School for details of next training event which is funded by the Virtual School. virtualschool@hants.gov.uk

Children in Care will benefit from Early Years setting staff working in close partnership with the children's Carers, Parents and Social Workers (the Social Worker will advise who it is appropriate for the setting to engage with). The Key Person role is pivotal in supporting these children appropriately. Early Years professionals who have an understanding of the impact of attachment difficulties, trauma and loss on a child's emotional well-being and development are essential. A Child in Care is likely to have experienced trauma, separation and significant disruption in their lives and their progress is often impeded as a result.

There are many different offers of Attachment training on offer through a variety of both internal and external professionals. It is good practice to ensure that all staff undertake quality assured 'Attachment training'. Attachment training needs to cover the key concepts of attachment theory and emotional attachment as well as enable practitioners to reflect on the effectiveness of their environment and practice in meeting individual children's emotional and developmental needs. Settings could consider using additional funding to pay for this training. Please contact the Virtual School for further advice on specific 'Attachment training'. virtualschool@hants.gov.uk

Funding for CiC

All two year old Children in Care are entitled to Early Years Education (EYE) funding for 15 hours a week (term time or all year round equivalent). If a child has recently experienced separation and trauma or a significant transition, arrangements and hours should be made to meet the child's best interests. This decision should be made by the child's Social Worker, Foster Carers and Parents and may include advice from other child care professionals working with the child.

3- and 4-year olds in receipt of Early Years Education (EYE) funding are also entitled to Early Years Pupil Premium (EYPP) if they have:

- spent 1 day in care
- have been adopted;
- left care under a Special Guardianship Order or Residency Order.

Further guidance can be found on the [SfYC](#) and [Virtual School](#) websites.



Applying for a school place

The Virtual School publish a [Best Provision Protocol](#) which provides Social Workers with guidance applying for a PVI setting and school place.

1) The Social Worker should complete the application form and indicate their relationship to the child and contact details.

2) When applying to a school, the Social Worker should complete a LAC Transfer form at the time of application and return this to the Admissions Team.

Further guidance can be found on the [Hampshire County Council website](#).

If the child has a Hampshire address (not including Southampton or Portsmouth) an application can be submitted online accessible from the [Admissions home page](#) which will refresh when applications open.

If the child lives outside of Hampshire, the Social Worker should apply via that Home LA and refer to their webpages to access the application form.

Children in Care have first priority for admissions to all publically funded schools regardless of status and therefore will be offered a place at the preferred school.

If a CIC moves into the area after the deadline, the SW should make a school application as soon as possible to enable the [Admissions Team](#) to process it as early as possible.

Where can Early Years Settings get support?

The Virtual School now has specific EYFS staff to support PVI and Year R in schools. The Virtual School Education Advisers and Education officers alongside a team of Advisory Teachers from Services for Young Children ensure that every CiC has access to a high quality education setting which meets their needs. We expect Social Workers and settings to follow the [Best Provision Protocol \(BPP\)](#) to ensure CiC attend a setting that will meet their needs and take into consideration their care context. Social Worker should always aim to place a child in an Early Years setting which has received a 'Good' or 'Outstanding' OFSTED outcome and should only depart from this approach in line with the specific guidance outlined in the Best Provision Protocol.

This joint work between the Virtual School and Services for Young Children aims to bring about support and challenge to settings around progress and outcomes for CiC. This is key in terms of ensuring that our CiC experience the best possible start and maintain the progress they have already made.

The VS and SfYC Adviser will be responsible for monitoring each individual CiC's learning and development within Early Years settings and the setting's use of EYPP. This will involve a termly moderation of each Child in Care's PEP.

An offer of a support visit may be made to your setting. The visit to your setting will help to provide advice and guidance around EYFS provision and practice to help meet the child's individual needs.

SfYC, through its Early Years Advisory Team, and the Virtual School Advisers also provide focused support with regards to improving educational outcomes and strengthening transition between pre-school and Year R, and Year R and Year 1 for Looked after Children in schools.

The Virtual School have resources and training available through the [Virtual School Moodle](#). Most of these resources are funded through the Virtual School, so there will be little or no cost to settings. To gain access to the Moodle and to set up a [Learning Zone](#) account for training, please contact aishya.clubley@hants.gov.uk or Virtualschool@hants.gov.uk

Other Useful Contacts

Education Adviser (EYFS) – Victoria Betts victoria.betts@hants.gov.uk 07590 304914

[Virtual School Website](#)

[Virtual School Moodle](#)

[County Admissions Team Contact](#)

PEP inbox : HCC.PEPs@hants.gov.uk

Links to other useful on-line support and information

[Promoting the Educational Achievement of Looked After Children
Statutory Guidance for Local Authorities](#)

[The Designated Teacher for looked after and previously looked after children](#)

[NSPCC](#)