



EDUCATION GUIDANCE

Community Services: Education



FRAMEWORK on: Looked After Children in Education settings in Argyll and Bute

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Introduction

According to Scottish Government statistics, looked after school leavers continue to have lower attainment and are less likely to go into positive destinations after they leave school than other students. This framework aims to raise the profile of looked after children and ensure educational establishments, as corporate parents, provide appropriate support to ensure that the best possible educational outcomes and opportunities are achieved for every looked after child in Argyll and Bute.

This framework has been produced from the outcomes from the working party on looked after children.

Background

The 2014 Children and Young People (Scotland) Act 2014 (hereafter referred to as The Act) has formalised and brought together a range of policies, strategies and laws relating to how we address the needs of looked after children. In particular, it has defined within legislation the concept of corporate parenting and the need to safeguard and promote the welfare and wellbeing of looked after children through Getting it right for every child (GIRFEC) Practice Model.

Corporate Parenting is defined in the Children and Young People (Scotland) Act 2014 as: “the formal and local partnerships between all services responsible for working together to meet the needs of looked after children, young people and care leavers”. The Argyll and Bute Corporate Parenting Board exists to maintain a corporate overview of the support provided to looked after children in Argyll and Bute and has been established to ensure that looked-after children and young people leaving care have access to the best possible outcomes and improved opportunities.

These are Our Bairns (2008) says that a good corporate parent should:

- Accept responsibility for the council’s looked after children and young people and care leavers.
- Make their needs a priority.
- Seek for them the same outcomes any good parent would want for their own children.

As employees of the local authority, we are corporate parents and have a clearly defined role to play alongside the other 23 corporate parents defined in [Schedule 4](#) of the Act. However, as staff working in education, we need to be aware of the unique role that we play in ensuring that looked after children and young people experience a positive learning environment, strong, nurturing relationships, encouragement and protection against poor outcomes in adulthood. Managers need to ensure support and ongoing professional learning opportunities for education staff to allow them to fulfil this crucial role.

Within the GIRFEC Practice Model, every looked after child living in Argyll & Bute must be provided with a Named Person. In early years establishments this will be a health visitor. In schools this will normally be a Head Teacher or can be delegated to Depute Head Teacher or relevant Principal Teachers. The Named Person will be a

critical point of contact for the child, parents, carers and other professionals. In most cases they will, perhaps indirectly through other staff in the education setting, be the professional with the most contact with the looked after child. This underlines the importance of the Named Person in contributing to assessment and planning for the child. Timeous and robust planning, and sharing of necessary information at times of transition and difficulty, are crucial elements of this role.

Every looked after child will also be assigned a Lead Professional who is responsible for co-ordinating the work of different agencies involved with the child and managing the Child's Plan. The Lead Professional for a looked after child will be a social worker.

More information about Child Planning and the roles of the Named Person and Lead Professional can be found in the authority GIRFEC resources. (<http://intranet.argyll-bute.gov.uk/getting-it-right-every-child>) Every child who is 'looked after' is considered in law to have additional support for learning needs. These must be assessed and appropriate support put in place.

Contents

1. What is a looked after child and why do some children become looked after?
2. How will I know who is looked after in my education establishment?
3. Why do I need to know?
4. What do I need to do and when?
5. Tracking and Monitoring
6. Supporting looked after children
7. Equality Impact Assessment
8. Review
9. Useful Resources and Information
10. Appendices
 - A. Briefing on definitions and legal framework
 - B. Notification of Education and Health Form – looked after children
 - C. Service Improvement Plan EDO4
 - D. Case Assessment and Reviewing Officers

1. What is a looked after child and why do some children become looked after?

A child becomes looked after in law when society, working through local authorities, needs to act in order to protect and promote the child's welfare and wellbeing. The vast majority of looked after children have become looked after for care and protection reasons. Some will have experienced neglect or mental, physical or emotional abuse. Some parents are unable to look after their children because of their own substance misuse or limited parenting skills.

The term looked after was introduced by the Children (Scotland) Act 1995. This Act provides the legislative framework for children and young people's rights to protection, to participation and to provision of various services. Section 17 of the 1995, as amended by subsequent legislation, makes clear that a child is considered 'looked after' if they:

- are being provided with accommodation by the local authority (i.e. foster care, residential care, or kinship care) under Section 25 of the 1995 Act ("a voluntary arrangement")
- are subject to a compulsory supervision orders issued by a Children's Hearing)
- are under an Order or warrant issued by a Court or Children's Hearing, which identifies the child as 'looked after' (such as a Permanence Order)

A Child or Young Person can be looked after:

At home - staying with their parent(s). [Subject to a supervision order with no condition of residence, issued by a Children's Hearing.]

Away from home - in foster care, kinship care, a children's home, residential school, secure unit. [Subject to a supervision order with a condition of residence, or, a permanence order, or accommodated by voluntary agreement under Section 25 of the 1995 Act.]

The legal context - A detailed briefing has been produced by The Centre for Excellence for Looked After Children in Scotland (CELCIS) and can be found in Appendix A below.

2. How will I know who is looked after in my establishment?

National guidance recommends that every education establishment has a 'designated manager for looked after children', who knows who is looked after on a week-by-week basis. (See section 4 for more information). It will be the responsibility of the designated manager in each school to ensure that information about looked after children is correct in SEEMIS (and where appropriate the Risk Matrix); this may involve delegation to identified clerical staff and/ or staff who fulfil the Named Person role.

Social work in Argyll and Bute has a list of the children and young people who are looked after by the Argyll and Bute Children and Families Team – this is updated every 2 weeks and circulated to members of the central education team including the Administration and Management Information (SEEMIS) Officer.

Information from the Social Work Looked After list will be updated centrally in Click and Go. Changes to a pupil's looked after status will be notified to the Head Teacher by email at the same time as the information is being updated in SEEMiS Click and Go. Establishments will require to review the changes in Click & Go and can access a list of Looked After pupils at any time by accessing a saved report in Click and Go.

Where a child is new to your establishment, information about looked after status will be passed on as part of the transfer processes.

When a child becomes looked after or stops being looked after at short notice, the establishment will be informed and will need to advise the Administration and Management Officer, via email, of the need to update SEEMiS. The forms in Appendix B are used by social work to convey such information.

If a child has come to Argyll and Bute from another authority and they are enrolled at your establishment, the information about their looked after status will come with them. It will be the responsibility of the Named Person/designated manager to ensure that the Administration and Management Information Officer is advised of the information regarding the looked after status of the child in order that he/she can record the information appropriately in SEEMiS. This includes when a child's status changes to 'previously looked after'. The child will not appear on the Argyll and Bute looked after children list.

It is important to note that the legal orders or agreements that make a child looked after can change as a result of a Children's Hearing or Child Plan review, and the thresholds and criteria for Social Work involvement are strict. In education settings, we need to be aware of children who have been previously looked after, the impact that this may have had on them and the support they may need as a result.

'Previously looked after' should be recorded as a status in SEEMiS. Social Work provides a monthly list to the Administration and Management Information Officer of children who are no longer considered to be looked after. This change in status will be actioned centrally and advised to the Head Teacher as above. This list will only include children who were looked after by the Argyll and Bute Children and Families Team.

In order to ensure parity across Argyll and Bute regarding the recording of the looked after status of children, information should only be entered/amended in the Looked After section within SEEMiS Click & Go by the Administration and Management Information Officer.

3. Why do I need to know?

The 2009 Additional Support for Learning Acts automatically deems that all looked after children and young people have additional support for learning needs, unless the education authority assesses that they do not require additional support in order to benefit from school education. This decision would be based on a consideration of all available assessment information. It is essential that there is a record made within SEEMiS if an assessment and decision are made that a looked after child is deemed to not have an additional support need, and the Child's Plan should include details of the reasons why. The ASN assessment should be provided to the child's parent/carer, Lead Professional and Named Person.

In Argyll and Bute, staged intervention is the agreed process used to identify, plan for and support children who have additional support needs and/or who require targeted intervention. This intervention may include, for example, the use of curricular flexibility or the use of individualised strategies and outcomes in the Child's Plan which should be appropriate to meet individual needs.

If we consider two case studies below we can see the importance of this:

- a) **Jack** is fifteen and lives at home with his mother. In the past his mother has found Jack's behaviour very challenging and he was referred to the Reporter, and subsequently children's hearing, on the grounds that he was outwith her control. He is now subject to a compulsory supervision order. This means that he can live at home as long as his mother meets regularly with and accepts parenting support from Social Work and as long as Jack attends anger management sessions with an Alternative to Care worker. He is on the Argyll and Bute Social Work looked after children list.

At the end of S4, Jack is entered for National 3 qualifications in English and Maths only. His CAT (cognitive ability tests) in S2 had him on track to achieve 5 grade As or Bs in National 5 qualifications. However, Jack's emotional difficulties have meant that he has missed significant amounts of school time during S3 and S4.

On paper and in terms of the data, he has underachieved. However, he has engaged well with the anger management programme and improved his relationship with his mother. He is much happier and less prone to abuse alcohol and drugs and has not attempted suicide in 6 months. He will return to school in S5 and take more qualifications. He will also undertake a college course in leisure management. However, it is essential that Jack continues to receive the support he needs in order to complete his qualifications, and realise his potential. His learning journey may look different to many of his peers, but Argyll and Bute's Corporate Parents should be doing what they can to ensure that he eventually goes to a positive destination.

- b) **Rachel** is six and lives with foster carers. She was removed from the care of her mother following incidents of physical abuse, inflicted by her mother (who suffers from mental illness). Rachel was accommodated by the local authority under a compulsory supervision order, issued by a children's hearing, and has supervised contact with her mother. Rachel is a looked after child.

Rachel's teacher has not managed to get her to take the Word reading assessment using the York Assessment of Reading Comprehension (YARC) as outlined in the Argyll and Bute Literacy Assessment procedures for looked after children. Each time Rachel goes to take the test, she begins to cry and has wet herself on two occasions. It would be appropriate to consider alternative approaches based on teacher judgement to evaluate where Rachel is with her literacy.

4. What do I need to do and when?

A great deal of reflection and learning in relation to Looked after Children and Education has been done through the work of CELCIS, which was set up in 2011 to assist public and third sector agencies in their efforts to improve services for looked after children. More information on CELCIS can be found at <https://www.celcis.org/>

Their booklet [Looked After and Learning: Improving the learning journey of looked after children](#) (2015) provides a toolkit and self-evaluation methodology frameworks, based on evidence of what works to improve educational outcomes for children. The booklet contains an initial checklist for establishments:

Practitioners regularly ask us ‘What is working elsewhere?’ and in this booklet we’ve identified seven key areas that need to be given serious attention if there’s to be sustained improvement:

- Commitment to the designated manager role.
- Support for teachers.
- Promoting resilience and positive attachments.
- Planning for education.
- Developing engagement between establishments, and parents and carers.
- Inclusive approach to education.
- Planning for improvement.

5. Tracking and monitoring

Tracking and monitoring for all pupils, particularly those who are looked after, is based on a foundation of intelligent use of relevant data and on the principles of added value and the robust use of baseline data and valuing of a range of achievements.

Educational establishments will need to create an appropriate ‘core data set’ on the achievement of every looked after child who is of school age. This will include;

- Standardised testing data where the child is at P1, P4, P7 and S3
- Assessment information including literacy skills and CfE levels across literacy, numeracy and health & wellbeing
- The primary literacy data collected by Education Psychology Service for looked after children
- Consideration of other assessment information collected by establishment, for example, Suffolk, York Assessment of Reading Comprehension (YARC) etc
- Insight data for senior phase
- Destination and sustained destinations information
- Exclusions
- Attendance

It is essential that confidence in the ability to meet the needs of looked after children is apparent in every educational establishment. Discussions on the identification, support and progress of looked after children should permeate professional dialogue and scrutiny on tracking and monitoring at all levels of leadership.

Therefore, the progress of looked after children towards their educational outcomes should be part of regular tracking and monitoring dialogue between line manager and class teacher in every education establishment and the attainment of looked after children should be a specific and regular item of discussion between members of the senior leadership team and principal teachers in secondary establishments.

Education Service Improvement Plan

At a strategic level, the Education Service will track and monitor the attainment of looked after children at senior phase across all secondary establishments. The Service Improvement Plan contains the success measures for looked after children for the authority. (Appendix C) These will be included in the Education Service Pyramid data set and reported to DMT, Community Services Committee and the Corporate Parenting Board.

Corporate Parenting Board

The Corporate Parenting Board (CPB) exists to maintain a corporate strategic overview and governance of the support provided to looked after children in Argyll and Bute and to recognise and celebrate the achievements of our looked after children and young people and care leavers. In addition to Education Service representation, members of the Board include elected members, including 4 who are area children's champions, the Chief Executive of Argyll and Bute Council, the Council's Executive Director of Community Services, the Chief Social Work Officer, the Chief Officer for Health and Social Care, the Chief Superintendent of Police Scotland and the Area Commander of Scottish Fire, Chair of the Support Forum and Who Cares Scotland? It meets formally twice per year. Educational attainment is a standard item on the agenda and statistics on attainment and positive destinations are scrutinised by the CPB.

6. Supporting Looked After Children

Planning/Review meetings

Every looked after child will be assigned a Lead Professional who is responsible for co-ordinating the work of different agencies involved with the child and managing the Child's Plan. The Lead Professional for a looked after child will be a social worker. In Argyll and Bute, looked after child Planning meetings are chaired by Case Assessment and Reviewing Officers (CAROs). More information on their role can be found in Appendix D.

While this guidance acknowledges the need for shared responsibility amongst all corporate parents to Get It Right for Looked After Children, it also signposts the specific tasks and actions to be addressed by education staff within their corporate parenting role.

In order that planned support is effective, it is critical for establishments to take an active part in review processes for looked after children. This will include where appropriate;

- Educational outcomes are included in looked after children plans
- Key Education staff attend looked after children Planning/Review meetings
- An education report is written and submitted to looked after children Planning/Review meetings
- At each review meeting reports from schools will include, where appropriate, attainment information and progress towards identified educational outcomes.

Educational establishments can access support around looked after children in a number of ways;

Area Education officers should regularly discuss looked after children attainment with head teachers during their link visits and at senior phase, will meet with secondary schools to discuss looked after children performance following the SQA exam diet.

Primary head teachers can discuss the attainment and wellbeing of looked after children in their establishment with their link Educational Psychologist.

GIRFEC advisers and Education Psychology can offer support to schools on the GIRFEC Practice Model including Child's planning and outcomes, the Staged Intervention Framework and intervention strategies.

Transitions

The Lead Officer 16+ can offer support around positive destinations and provide advice on partnership links with Colleges and employers, and, if appropriate, flexible learning plans and activity agreements.

When a looked after and accommodated child moves from one place of residence to another the Lead Professional should contact the Area Principal Teachers to support the educational aspect of the transition. The Area Principal Teacher will work with the Lead Professional to ensure that the receiving educational establishment obtains all the appropriate educational information and that all arrangements for support are in place.

7. Equality Impact Assessment

This framework is in accordance with Argyll and Bute Council's Equalities and Diversity Policy. It supports the Council in its duty to eliminate discrimination, treat people fairly and with respect and promote good relations between diverse groups.

8. Review

This framework will be reviewed during session 2018-2019.

9. Useful resources and Information

GIRFEC Resources and Information:

<https://www.argyll-bute.gov.uk/social-care-and-health/girfec-resources>

<http://intranet.argyll-bute.gov.uk/getting-it-right-every-child>

<http://www.gov.scot/Resource/0048/00489805.pdf>

[Statutory Guidance on Part 9 of the Children and Young People \(Scotland\) Act 2014](#)

<http://www.educationscotland.gov.uk/inclusionandequalities/additional-support-for-learning/looked-after/index.asp>

Count Us In: Improving The Education of Our Looked After Children (Education Scotland 2008)

http://www.educationscotland.gov.uk/resources/c/publication_tcm4618881.asp?strReferringChannel=inclusionandequalities&strReferringPageID=tcm:4-851475-64&class=l2+d218550

Education Outcomes for Looked After Children (Scottish Government 2015)

<http://www.gov.scot/Publications/2015/06/6439/downloads#res479432>

<https://www.celcis.org/>

These Are Our Bairns (Scottish Government 2008)

<http://www.gov.scot/resource/doc/236882/0064989.pdf>

Appendix A – Briefing on the legal framework

Who is considered a ‘looked after child’ in Scotland? A short guide for professionals and carers.

This briefing explains which children in Scotland are considered to be ‘looked after’, sets out the grounds on which children are referred to a Children’s Hearing (Appendix 1), and provides definitions and / or explanations for some frequently used terms, such as ‘care experienced’ (Appendix 2).

Definition of a Looked After Child in Scotland

Under Part 2 of the Children (Scotland) Act 1995 (“the 1995 Act”), which provides the main legal framework for supporting looked after children in Scotland, a ‘child’ is defined as a person under the age of 18 (i.e. aged 0-17 years inclusive).¹ All Parts of the Children and Young People (Scotland) Act 2014 (“the 2014 Act”) define a child in this way too. Therefore, while it is the case that different definitions of a child exist in other legal contexts, in respect of the ‘looked after’ system a person can be considered a ‘looked after child’ at any time from birth up to their 18th birthday.²

Who is considered a ‘looked after child’ is set out in section 17(6) of the 1995 Act, as amended by the Adoption and Children (Scotland) Act 2007 (“the 2007 Act”) and Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”).

A child is ‘looked after’ by a local authority when he or she is:

- a) provided with accommodation by a local authority under section 25 of 1995 Act; or
- b) subject to a compulsory supervision order or an interim compulsory supervision order made by a children’s hearing in respect of whom the local authority are the implementation authority (within the meaning of the 2011 Act); or
- c) living in Scotland and subject to an order in respect of whom a Scottish local authority has responsibilities, as a result of a transfer of an order under regulations made under section 33 of the 1995 Act or section 190 of the 2011 Act; or.
- d) subject to a Permanence Order made after an application by the local authority under section 80 of the 2007 Act.

¹ Children (Scotland) Act 1995, Section 93, Article (2)(a)

² It is possible for a child to remain ‘looked after’ by a local authority beyond their 18th birthday, as part of private arrangement between the family and the local authority. Where this does happen, it is usually due to the child’s significant physical and/or mental disabilities, which require the local authority to provide continuous care.

Please note that the law does not recognise any hierarchy of 'status' within the looked after child system (i.e. a child subject to a Permanence Order is not 'more' looked after than a child provided with accommodation under section 25 of the 1995 Act). The different legal routes do lead to differences in the way a child's care is managed, reflecting the extent to which parental rights and responsibilities are transferred to the local authority and, relatedly, the social work processes (such as reviews) which are mandated. However, in general terms, the duties of a local authority, or any other corporate parent, apply equally to all looked after children in Scotland.

The sections below provide some further detail about what these different legal routes mean in practice, particularly in terms of the child's experience.

(a) provided with accommodation by a local authority under section 25

Where a child is provided with accommodation by a local authority under section 25 of the 1995 Act, it is done so in agreement with the child's parent(s), carer, or child themselves. The local authority is not compelled by a court or Children's Hearing to provide the accommodation, nor the child to accept it. This legal route is often referred to as 'voluntary measures' or a 'voluntary arrangement'.

Section 25 of the 1995 Act enables local authorities to offer accommodation to a child if it is in the child's best interest. Local authorities are under a duty to provide accommodation to a child when no one has parental responsibility for him or her, he or she is lost or abandoned or the person who has been caring for him or her is prevented, whether or not permanently and for whatever reason, from providing him or her with suitable accommodation or care. The local authority can also use section 25 to provide respite services for children; if the child is accommodated for more than 24-hours (in a continuous period) then they are considered to be 'looked after' for as long as they remain in that local authority provided accommodation.

A Scottish local authority has the power to provide accommodation to a person, under section 25, up to their 21st birthday, if the provision of accommodation would safeguard or protect their welfare.³

(b) Subject to a compulsory supervision order (or interim compulsory supervision order)

³ Children (Scotland) Act 1995, section 25(3)

Where a child is considered to be ‘at risk’⁴, and it is not possible for public services to address that risk in cooperation with the child and/or their parents/carers, a Children’s Hearing can make a ‘compulsory supervision order’ (or an ‘interim compulsory supervision order’).⁵ This means the child becomes a ‘looked after child’, with their local authority responsible for ensuring the conditions of the order are implemented, and for providing (and coordinating) the services and support necessary to address the child’s needs. A compulsory supervision order (CSO) is sometimes referred to as ‘compulsion’ or ‘compulsory measures’.

A CSO may contain conditions about who the child should have contact with, and where they must live. Where a CSO requires a child to live away from their usual place of residence (e.g. with their parents), the local authority must provide appropriate accommodation to meet the needs of the child, such as with foster carers, kinship carers, or in a group setting (e.g. residential home or school).

Where no condition of residence is attached to a CSO, children become ‘looked after’ by their local authority but remain living with their parents/carers. This group are often referred to as ‘looked after at home’.

A Children’s Hearing determines how long a CSO will last, for up to a maximum of one year, or to the child’s 18th birthday, whichever comes first. The CSO can be renewed, amended, or ended by a Children’s Hearing.

(c) Living in Scotland and subject to an order in respect of whom a Scottish local authority has responsibilities

The four countries of the United Kingdom maintain a reciprocal agreement, set out in law, to recognise the legal orders by which children become ‘looked after’ in each of the different UK legal jurisdictions. Therefore, a child living in Scotland may be considered to be ‘looked after’ if they are subject to an English, Welsh or Northern Irish order which, under regulations made under section 33 of the 1995 Act⁶ or section 190 of the 2011 Act⁷, a Scottish local authority has recognised as equivalent to a compulsory supervision order (as made by a Children’s Hearing), accepting the legal responsibilities (duties) which come with it.

When a ‘looked after child’ moves to Scotland, the relevant English, Welsh or Northern Irish authorities must inform the Principal Reporter and the Scottish local authority to

⁴ For a list of reasons (in law referred to as ‘grounds’) why a child may be considered ‘at risk’, and therefore referred to a Children’s Hearing, please see Appendix A below.

⁵ The legislation under which the Children’s Hearings System operates is the Children’s Hearings (Scotland) Act 2011. This Act entered into force on 24 June 2013.

⁶ [The Children \(Reciprocal Enforcement of Prescribed Order s etc. \(England and Wales and Northern Ireland\)\) \(Scotland\) Regulations 1996](#)

⁷ [The Children’s Hearings \(Scotland\) Act 2011 \(Transfer of Children to Scotland – Effect of Orders made in England and Wales or Northern Ireland\) Regulations 2013](#)

which the child is moving. Where appropriate, agreement is then reached to 'transfer' responsibility for the child's supervision, care and education to the Scottish local authority. The child then becomes a Scottish 'looked after' child, with their supervision reviewed and, if necessary, renewed through the Children's Hearing system. This process also works in the other direction too. If a looked after child (subject to a compulsory supervision order) moves from Scotland to England, Wales or Northern Ireland, the relevant authorities in those jurisdictions recognise the child's legal status as 'looked after' and, where appropriate, will take on responsibility for the child's care and protection.

However, it is possible for a looked after children from England, Wales and Northern Ireland to live in Scotland without any transfer of 'looked after child' duties to a Scottish local authority. For instance, a child may be living in Scotland in a residential unit or with foster carers provided by the private or third sector, and continue to be under the supervision of the relevant English, Welsh or Northern Irish authority. This is also true in the reverse, with Scottish looked after children living with carers elsewhere in the UK. In these circumstances specific arrangements (concerning the child's education, care and health) are made between the placing authority (from England, Wales, Northern Ireland or Scotland) and the relevant local authority and health board/trust in the part of the UK where the child is placed.

(d) Subject to a 'Permanence Order'

A Permanence Order transfers certain parental rights to a child's local authority, including the right to regulate the child's residence (up until the child's 18th birthday). It is a long-term measure of care, used to secure permanence (i.e. physical and emotional stability with one set of carers) for a child who has no reasonable prospect of returning to live with their biological family, but for whom adoption is not appropriate or desirable at this particular time. Once a Permanence Order is in place, a compulsory supervision order, which must be reviewed at least every year, can be removed.

A child provided with long-term accommodation under a Permanence Order is considered a 'looked after child', and all the specific and general duties of corporate parents apply.

Children in other alternative care arrangements

It is important to note that many children in Scotland live in alternative care arrangements (i.e. not with their biological parents) but are not considered to be 'looked after'. This group includes children who have been adopted (under an Adoption Order), those who are living with friends and relatives (either in a private family arrangement or under a Kinship Care Order (Section 11 of the 1995 Act)) and those who's placement is secured by a Residence Order (Section 11 of the 1995 Act). The

group also includes children who have been removed to a place of safety under a Child Protection Order.

Public authorities are under a number of specific duties in respect of each of these groups. For instance, a child living with family under a Kinship Care Order may be eligible for regular financial support from their local authority. Similarly, a child removed to a place of safety under a Child Protection Order must be provided with accommodation and support by their local authority. However, while the law requires certain public authorities to treat these groups of children as if they were 'looked after' in some circumstances, they are not, under the parameters set out by section 17(6) of the 1995 Act, 'looked after children'. This means they are not covered by the complete range of statutory duties which apply to any looked after child (such as the duties for corporate parenting or Additional Support for Learning).

Appendix 1: Grounds for referral to a Children's Hearing

Section 67 of the Children's Hearing (Scotland) Act 2011⁸ sets out the grounds on which a Reporter may refer a child to a Children's Hearing. These are:

- a) the child is likely to suffer unnecessarily, or the health or development of the child is likely to be seriously impaired, due to a lack of parental care,
- b) a schedule 1 offence has been committed in respect of the child,
- c) the child has, or is likely to have, a close connection with a person who has committed a schedule 1 offence,
- d) the child is, or is likely to become, a member of the same household as a child in respect of whom a schedule 1 offence has been committed,
- e) the child is being, or is likely to be, exposed to persons whose conduct is (or has been) such that it is likely that—
 - (i) the child will be abused or harmed, or
 - (ii) the child's health, safety or development will be seriously adversely affected,
- f) the child has, or is likely to have, a close connection with a person who has carried out domestic abuse,
- g) the child has, or is likely to have, a close connection with a person who has committed an offence under Part 1, 4 or 5 of the Sexual Offences (Scotland) Act 2009 (asp 9),
- h) the child is being provided with accommodation by a local authority under section 25 of the 1995 Act and special measures are needed to support the child,
- i) a permanence order is in force in respect of the child and special measures are needed to support the child,
- j) the child has committed an offence,
- k) the child has misused alcohol,
- l) the child has misused a drug (whether or not a controlled drug),
- m) the child's conduct has had, or is likely to have, a serious adverse effect on the health, safety or development of the child or another person,
- n) the child is beyond the control of a relevant person,
- o) the child has failed without reasonable excuse to attend regularly at school,
- p) the child—

⁸ Children's Hearing (Scotland) Act 2011
[<http://www.legislation.gov.uk/asp/2011/1/contents>]

- (iii) is being, or is likely to be, subjected to physical, emotional or other pressure to enter into a marriage or civil partnership, or
- (iv) is, or is likely to become, a member of the same household as such a child.

Appendix 2: Explanations of frequently used terms

Term or Phrase	Explanation
Adoption / adopted	<ul style="list-style-type: none"> • Process by which all parental responsibilities for a child are transferred to an individual(s), by means of an Adoption Order.
Care experienced	<ul style="list-style-type: none"> • The term has basis in legislation or statutory guidance, and so no fixed, universal definition is available. • In general, the term is used to describe persons who are, or have been at any time, 'looked after' by a local authority. • To manage eligibility for support, individual organisations have chosen to develop their own definitions. For example, the University of Strathclyde, uses the following definition of 'care experienced': <ul style="list-style-type: none"> ○ Currently a 'looked after' child or young person; ○ Currently or were a UK 'care leaver', (i.e. eligible for aftercare support from a UK local authority); ○ Were looked after by a UK local authority for three months or more during the years of compulsory school education (5-15 years old).
Care leaver	<ul style="list-style-type: none"> • A person who 'ceased to be looked after' on or after their 16th birthday, but who has not yet reached their 26th birthday. (This includes persons who were 'looked after at home' and 'looked after away from home'. • All 'care leavers' are, subject to an assessment, eligible to 'aftercare' support from their local authority. • Corporate Parenting duties (Part 9 of Children and Young People (Scot.) Act 2014) apply to all care leavers.
"in care"	<ul style="list-style-type: none"> • Child is currently 'looked after' by a local authority. (For further information, please refer to briefing above.)

Corporate Parent	<ul style="list-style-type: none"> • An organisation or individual listed, or within a description listed, of schedule 4 of the Children and Young People (Scotland) Act 2014. • These organisations and individuals are subject to all the duties set out in Part 9 of the 2014 Act.
Kinship Care	<ul style="list-style-type: none"> • Term used to describe a child who lives with, and is care for by, a relative or friend of the family. <u>However</u>, the term is used to describe three similar, but legally distinct groups: <ul style="list-style-type: none"> (a) Formal kinship care, where the child is 'looked after', and so living with relatives or friends under the supervision of a local authority. (b) Informal kinship care, where the child is living with relatives or friends on the basis of a private agreement with the child's parents, and is <u>not</u> 'looked after' by a local authority. (c) Subject to a section 11 order (referred to as a 'residence' or 'Kinship Care Order'), where the child lives with relatives or friends to whom certain parental responsibilities have been transferred by a Court. These children are not 'looked after' by a local authority, but may be eligible for a range of support from publicly funded organisations.
Kinship Care Order	<ul style="list-style-type: none"> • A legal order, made by a Court under section 11 of the of the Children (Scotland) Act 1995; this transfers certain parental responsibilities to a named individual(s). • If the child meets certain criteria (e.g. they were, or were at risk of, being 'looked after'), the section 11 order may be referred to as a Kinship Care Order. This entitles the child and carer, under Part 13 of the Children and Young People (Scotland) Act 2014) to support from their local authority. • A child subject to a 'Kinship Care Order' (aka a 'section 11 order') is not 'looked after' by a local authority.

Looked after child	<ul style="list-style-type: none"> • A child to whom a local authority is providing a level of care and protection, as an outcome of either an agreement with the child’s family, or a legal process (which transferred certain responsibilities for the child’s welfare to the local authority). • A child for whom a local authority has a duty to safeguard and promote their welfare and wellbeing (and which shall, in the exercise of their duties to him/her, be the local authorities’ paramount concern); • A child eligible to the support and assistance of all ‘corporate parents’, as appropriate to their function.
Looked after at home	<ul style="list-style-type: none"> • Child is subject to a Compulsory Supervision Order (CSO) with “no condition of residence”. • Child lives with their parent(s), or other family member, under the supervision of the local authority. • Child is ‘looked after’ by the local authority for the duration of the CSO.
Looked after away from home	<ul style="list-style-type: none"> • Child is either: <ul style="list-style-type: none"> (a) subject to a Compulsory Supervision Order (CSO) with a condition of residence; (b) provided with accommodation under section 25 of the 1995 Act; (c) subject to a Permanence Order; or (d) living in Scotland and subject to an order in respect of whom a Scottish local authority has responsibilities. • Child lives with carers ‘away from’ their parents or regular carers, under the supervision of the local authority, in kinship care, foster care or some form of residential care (including secure care). •
Formerly / previously looked after	<ul style="list-style-type: none"> • A child or young person who was, but is no longer, ‘looked after’ by a local authority. This could apply to a person of any age, including children who went on to be adopted, those

	<p>who returned to the care of their parents after being accommodated elsewhere, care leavers, etc.</p>
<p>'Section 11 order' (also known as a 'Residence Order' or 'Kinship Care Order')</p>	<ul style="list-style-type: none"> • A legal order, made by a Court, under section 11 of the Children (Scotland) Act 1995. • The order transfers parental responsibilities (including decisions over residence) to a named individual(s), such as a grandparent, aunt, etc. • A child subject to a section 11 order is not 'looked after' by a local authority.

Appendix B - Notification of Education and Health – Looked after Children Form

Notification of Education and Health – Looked after Children

The following procedure has been established to improve information sharing between Social Work, Health and Education. Timeous notification enables colleagues to make arrangements to meet children's needs with a minimum of delay.

These arrangements will operate from 1st August 2012

LAAC - Admissions to care, transfers and discharges

Where any child becomes looked after and accommodated the social worker is responsible for ensuring that a LAAC ATD form (Appendix 1) is completed and e-mailed to the Health and Education contacts within one working day of the admission, transfer or discharge.

In most situations admin will support this task; however it is the social worker's responsibility to ensure this happens and to provide the required information without delay.

Supervision Requirements

Admin will complete a LAC notification form (Appendix 2) and send this via e-mail to the health and education contacts for every child that becomes the subject of a supervision requirement or has their order continued, varied or discharged.

Notification will be triggered by the receipt of the decision from the Reporter to the social work office.

Health Contact Details

patricia.renfrew@nhs.net

helenh.martin@nhs.net

lmerrylees@nhs.net

Education Contact Details

schoolsupport.enquiries@ea.argyll-bute.sch.uk

Roslyn.Redpath@argyll-bute.gov.uk

David.Bain@argyll-bute.gov.uk

Independent Reviewing Officer – Admin

caroadmin@argyll-bute.gov.uk



Notification of Admission Transfer or Discharge - LAAC

This form is completed by the social worker and e-mailed to Health and Education contacts within one working day of any child becoming LAAC or the transfer of discharge of any LAAC child.

If you require any further information please contact the allocated worker.

Child's Name:		
Date of birth:		
Home address:		
School/Preschool/Nursery attended:		
Placement address (old): (If applicable)		
Placement address (new):		
Date change:		
Brief details:		
Contact details of allocated worker:	Name:	
	Tel:	
	Mobile:	

Notification of Child subject of Supervision Requirement



This form is completed by Social Work on receipt of confirmation that a child or young person has been made the subject of a Supervision Requirement or where there has been a variation or discharge of an existing Supervision Requirement.

If you require any further information please contact the allocated worker.

Child's Name:		
Date of birth:		
Home address:		
School/Preschool/Nursery attended:		
Date of Order/ change:		
Legal Status:		
Details of any conditions of the order:		
Contact details of allocated worker:	Name:	
	Tel:	
	Mobile:	

Appendix C Excerpt from Service Improvement Plan

Business Outcome 16

ED16 We wholly embrace our Corporate Parenting responsibilities

Outcome success measure	Target
Increase the number of looked after young people participating on 2017 Summer Internship Programme.	10 looked after young the people participate on the programme.
Provide a Looked After Children - Annual Performance Report to the Corporate Parenting Board.	Completion and presentation of Report
Increase positive destinations for looked after children in Argyll and Bute.	80% FQ1 2017 84% FQ1 2018

Appendix D - Case Assessment and Reviewing Officers

Care planning and reviews are about bringing together children and young people who are looked after, their families, carers and professionals, in order to plan for the care of the child / young person and to review that plan on a regular basis. Effective care planning and review is underpinned by careful assessment, using the Argyll and Bute GIRFEC framework and guidance, of the needs of a child / young person and making the right decisions about how best to meet those needs. This requires an understanding of the importance of planning and the relevant conceptual and practice frameworks. It is the responsibility of the social worker to set out the care plan.

The CARO has specific responsibilities in relation to chairing the child's / young person's review meeting and monitoring the child's / young person's case on an ongoing basis. Together, these are integral to the overall care planning and review process. Further detail about local authorities' responsibilities for care planning is set out in Guidance on Looked after Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) 2007.

The care plan will contain information about how the child's / young person's current developmental needs will be met as well as the arrangements for the current and longer term care for the child / young person. It will ensure that there is a clear plan for the child's / young person's future to which everyone is working, including the child / young person, the team around the child / young person and, where appropriate, the family. There should be clarity in the care plan, particularly about the outcomes expected for the child and responsibilities and other actions clearly identified. This will support effective reviews. It is the responsibility of the allocated Social Worker to set out the care plan.

The review of the care plan is one of the key components within the core processes of working with children and young people and families of: assessment, planning, intervention and reviewing. It is the responsibility of the CARO to chair this review at regular intervals.

The CAROs (Care Assessment and Reviewing Officers) should ensure that all those involved in the meeting(s) make a meaningful contribution to the discussion so that an informed decision can be made about the short and long term actions that will need to be taken to advance the child's / young person's care plan. The CAROs are well placed to identify any concerns about how a child's / young person's care is being managed and to ensure that the long term objectives agreed through the assessment and care planning process are implemented within a timescale appropriate for the child / young person.