



# **Vulnerable Pupils (VSH and LAC, Safeguarding, role of SENCO, supporting mental health)**

Understanding Education – Briefings

## **What do I need to know?**

The definition of 'Vulnerable Pupils' generally includes those who are looked after, children with Education and Health Care Plans, children missing from education, children who are being exploited or abused, asylum seeking children and children who are out of school. Education professionals in local authorities and schools have very clearly defined duties in relation to supporting and protecting these pupils, including the designation of Virtual School Heads, SENCOs, Designated Safeguarding Leads in schools (DSL) and lead Governors for Safeguarding.

### **Looked After Children and the Role of the Virtual School Head (VSH)**

The Children and Families Act 2014 requires councils in England to appoint a Virtual School Head to discharge the local authority's duty to promote the educational achievement of its children in care. The Virtual School Head is the lead responsible officer for ensuring that arrangements are in place to improve the educational experiences and outcomes of the authority's children in care, including those placed outside the caring authority's boundaries.

Directors of Children's Services and Lead Members for Children's Services are charged with ensuring that:

- top priority is given to creating a culture of high educational aspirations and that the authority strives for accelerated progress and age-related attainment or better for looked-after children;
- looked-after children have access to a suitable range of high quality education placement options and that, when commissioning services for them, the authority takes account of the duty to promote their educational achievement;
- VSHs are in place and that they have the resources, time, training and support they need to discharge the duty effectively;
- VSHs have robust procedures in place to monitor the attendance and educational progress of the children their authority looks after;
- the authority's Children in Care Council (CiCC) regularly considers the educational experiences as reported by looked after children and is able to respond effectively to any issues.
- the VSH should be the lead responsible officer for ensuring that arrangements are in place to improve the educational experiences and outcomes of the authority's looked-after children, including those placed out-of-authority.
- VSHs should ensure the educational attainment and progress of children looked-after by the local authority are monitored and evaluated as if those children attended a single school.

- the VSH should ensure that there are effective systems in place to:
  - maintain an up-to-date roll of its looked-after children who are in school or college settings, and gather information about their education placement, attendance and educational progress;
  - ensure sufficient information about a child's mental health, SEN or disability is available to their education setting so that appropriate support can be provided;
  - inform head teachers and designated teachers in schools if they have a child on roll who is looked after by the VSH's local authority
- Ensure social workers, designated teachers and schools, carers and IROs understand their role and responsibilities in initiating, developing, reviewing and updating the child's PEP and how they help meet the needs identified in that PEP
- Ensure up-to-date, effective and high quality PEPs that focus on educational outcomes, and that all looked-after children, wherever they are placed, have such a PEP
- Avoid drift or delay in providing suitable educational provision, including special educational provision, and unplanned termination of educational arrangements through proactive, multi-agency co-operation. Where this requires negotiation with other authorities this should be completed in a timely manner and with the best interest of the child as paramount
- Ensure the educational achievement of children looked-after by the authority is seen as a priority by everyone who has responsibilities for promoting their welfare
- Report regularly on the attainment, progress and school attendance of looked-after children through the authority's corporate parenting reporting structures.

In arranging a school placement, the child's social worker and VSH should seek a school or other education setting that is best suited to the child's needs. That could be in a maintained school, academy or independent school. It might also, in some cases be appropriate to place a child in a special school or alternative provision. The following principles should apply:

- educational provision should mean a full-time place
- schools judged by Ofsted to be 'good' or 'outstanding' should be prioritised when seeking a place for looked-after children in need of a new school. Unless there are exceptional evidence-based reasons, looked-after children should never be placed in a school judged by Ofsted to be 'inadequate'. When consideration is given to schools judged 'Requiring Improvement', VSHs and social workers should have evidence that the school is providing high quality support to its vulnerable pupils, and will enable a looked-after child to make maximum progress before placing them in that school
- the choice of the education setting should be based on what any good parent would want for their child. It should be based on evidence that the setting can meet the educational needs of the child and help them make maximum progress
- the child's wishes and feelings should be taken into account, and the suitability of the education setting tested by arranging an informal visit with the child. Where a looked-after child would benefit from attending a boarding school, either in the state or independent sector, VSHs and social workers should be proactive in considering this option
- the VSH should ensure that social workers, IROs, admission officers for the schools maintained by the local

authority and SEND departments understand and comply with the requirements in the School Admissions Code about the priority admission arrangements for looked-after children and previously looked-after children

- VSH should proactively build positive relationships with local education provision regarding the admission, support and behaviour management of looked-after children.

Admissions authorities of all mainstream schools must give the highest priority in their oversubscription criteria to looked-after and previously looked-after children, as defined in the School Admission Code. This Code applies to maintained schools and academies, including free schools. It is the responsibility of the VSH to ensure that admission authorities understand that they cannot refuse to admit a looked-after child on the basis of challenging behaviour or refer a looked-after child for action under the Fair Access Protocol on the basis of challenging behaviour. Admission authorities must also understand that 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 of admissions. The local authority, as a corporate parent, must 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 negotiations.

Looked-after children and previously looked-after children are significantly more likely to have SEN than their peers. Of those with SEN, a significant proportion will have Education, Health and Care Plans (EHC plans). Their EHC plan should work in harmony with their care plan and PEP to tell a coherent and comprehensive story of how the child's needs are being met. Some children may have undiagnosed special needs when they start to be looked after. As part of the PEP process, there should be robust arrangements in place to ensure that any undiagnosed SEN are addressed through the SEND framework as soon as possible.

## Pupil Premium

Schools receive Pupil Premium funding based on the number of pupils they have from the following groups:

- Free School Meals – schools receive £1,345 for every primary aged pupil, or £955 for every secondary age pupil, who claims free school meals, or who has claimed free school meals in the last 6 years.
- Looked after and previously looked after children – schools receive £2,345 for every pupil who has left local authority care through adoption, a special guardianship order or child arrangements order. Local authorities must work with schools to decide how the money is used to support the child's personal education plan (PEP). The role of the VSH will be critical here in determining with the school how funding can best be targeted.

School leaders can decide how to spend the pupil premium. They should assess their pupils' needs and use funding to improve attainment. This might include training and professional development for staff to improve the impact of teaching and learning for pupils; investment to overcome academic barriers which are stopping pupils from succeeding, and investment into non-academic activities which will increase pupil confidence and resilience and encourage pupils to be more aspirational such as:

- School breakfast clubs
- Music lessons for disadvantaged pupils
- Help with the cost of educational trips
- Speech and language therapy
- Improving mental health
- Supporting better attendance

Schools must show how they are using their pupil premium effectively:

- by publishing an online statement
- through inspections by Ofsted
- through published performance tables

## **Safeguarding in schools and colleges (DSL and Governor Lead for Safeguarding)**

The 'Keeping Children Safe in Education (2020)' guidance was updated in January 2021.

As a starting point, all staff in schools and colleges should be aware of the systems which support safeguarding which should be explained as part of their induction. This should include:

- Child protection policy
- Behaviour policy
- Staff behaviour policy or code of conduct
- Safeguarding response to children who go missing from education
- Role of the designated safeguarding lead

Governing Bodies must ensure they comply with their duties under legislation, ensuring that policies, procedures and training in their schools or colleges are effective and comply with the law at all times. There should also be a nominated governor who can take lead responsibility for safeguarding arrangements. The role of the safeguarding governor is key to understanding the effectiveness of safeguarding for everyone in the school. The link governor should understand the requirements of safeguarding guidance and legislation, and are 'confident in their challenge to executive leaders on strategies for monitoring and improving the behaviour and safety of pupils.' (Competency Framework for Governance (DfE 2017))

**Key aspects of the Safeguarding Governor's role include:**

- Understand the safeguarding requirements
- Support the work of the Designated Safeguarding Lead
- Report back to the Governing Body about how effective safeguarding is
- Check that the school is compliant with statutory guidance
- Check out whether there is a consistency in safeguarding across the whole school
- Make sure that there are effective systems in place to keep vulnerable children safe

The role of the governor safeguarding lead is to help ensure that safeguarding is effective and not to carry out the work of the Designated Safeguarding Lead. This means that it is not appropriate that decisions about individual cases should be reviewed by the safeguarding governor.

All school staff must complete safeguarding training. Headteachers and the Designated Safeguarding Lead (DSL) must be trained to level 3. Compliance with safeguarding ultimately lies with the Governing Body of a school. Ofsted's inspection of early years, schools and post 16 provision will always report on whether or not arrangements for safeguarding are effective. The Independent Schools Inspectorate (ISI) is also approved to inspect certain independent schools and will also report on safeguarding arrangements.

A critical responsibility of Governing Bodies is to prevent people who pose a risk of harm from working with children. This requires that checks are carried out and proportionate decisions are taken on whether to ask for checks beyond what is required and ensuring volunteers are properly supervised. The School Staffing Regulations 2009 require governing bodies of maintained schools to ensure that at least one of the persons who conducts an interview has completed safer recruitment training.

Schools and colleges must maintain a single central record of pre-appointment checks. In the case of academies, the Multi Academy Trust will maintain the record for checks carried out in each academy that is part of the Trust.

The Designated Safeguarding Lead (DSL) in schools should have the appropriate status and authority within the school to carry out the duties of the post. They should be given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters, to take part in strategy discussions and inter-agency meetings, and/or to support other staff to do so, and to contribute to the assessment of children. They will:

- refer cases of suspected abuse to the local authority children's social care as required
- support staff who make referrals to local authority children's social care
- refer cases to the Channel programme where there is a radicalisation concern as required
- support staff who make referrals to the Channel programme

The other key requirement is to work with others and:

- act as a point of contact with the three safeguarding partners
- liaise with the headteacher or principal to inform him or her of issues, especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations
- as required, liaise with the “case manager” and the designated officer(s) at the local authority for child protection concerns in cases which involve a staff member;
- liaise with staff (especially pastoral support staff, school nurses, IT Technicians, and SENCOs, or the named person with oversight for SEN in a college and Senior Mental Health Leads) on matters of safety and safeguarding (including online and digital safety) and when deciding whether to make a referral by liaising with relevant agencies
- act as a source of support, advice and expertise for all staff.

Education professionals in the local authority will work alongside schools to ensure they are both supported and compliant with all aspects of safeguarding. This will usually include the provision of model policies, training for school staff and governors and maintaining an annual check of this, and the coordination of the Section 175 Audit each year.

## **Role of SENCO in Schools**

Governing Bodies of maintained schools must ensure that there is a qualified teacher designated as SENCO for the school. The SENCO's role is to ensure that children with special educational needs and disabilities within a school receive the support they need. Gradually over the years, the status and importance of the role has developed with successive guidance validating and substantiating the role. The Code of Practice clearly states that the SENCO must be a qualified teacher and a newly appointed SENCO must achieve a national award in Special Educational Needs Coordination within three years of appointment.

The SENCO has 'an important role to play with the headteacher and governing body in determining the strategic development of SEN policy and provision and will be most effective if they are part of the school leadership team' (Code of Practice). The main responsibilities of the SENCO are:

- Overseeing the day-to-day operation of the school's SEN policy
- Supporting the identification of children with special educational needs
- Co-ordinating provision for children with SEN
- Liaising with parents of children with SEN
- Liaising with other providers, outside agencies, educational psychologists and external agencies
- Ensuring that the school keeps the records of all pupils with SEN up to date

Schools need to ensure that the SENCO has sufficient time and resources to carry out these functions.

## **Mental Health and Schools**

Even before the outbreak of Covid and the closure of schools, the numbers of children and young people experiencing mental health problems was increasing. In March 2015, the ‘Future in Mind’ report highlighted the need to tackle the growing problem of children and young people experiencing mental health issues. The SCIE (Social Care Institute for Excellence) also highlighted in their report in November 2017, ‘Improving mental health support for young people in care’ that young people in care are not able to access services when they need them or that they do not meet mental care thresholds. They identified 11 key drivers for change and stressed the need for assessment and services to be flexible because the type of support that children in care need can change. Mental health is a continuum and cannot be seen as a one-off diagnosis. To support this, they recommended that the SDQ (Strengths and Difficulties Questionnaire) should be supported by a broader set of measures which would trigger a more comprehensive mental health assessment.

More recently in January 2021, the Children’s Commissioner (Anne Longfield) published a report which calls for the Government to raise its ambition significantly to deliver a wholesale change in the way in which children’s mental health services are provided. She argues the work that has been undertaken over the past five years paves the way and in particular, the creation of Mental Health Support Teams which provide a model of integrated mental health care across schools and the NHS. One positive development from the Covid-19 crisis is that it has shown that some of these services can be provided digitally. The Children’s Commissioner has

also repeated her call for an NHS-funded counsellor for every school as quickly as possible. The full report entitled 'The State of Children's Mental Health Services 2020/21' sets out the full findings.

Schools themselves were provided with guidance in November 2018 setting out how they can support the mental health and wellbeing of their pupils. All schools are under a statutory duty to promote the welfare of their pupils which includes preventing impairment of their health or development and taking action to enable all children to have the best outcomes. Specifically, their responsibilities are:

- Prevention – creating a safe and calm environment for the whole school population, teaching pupils about mental wellbeing through the curriculum and reinforcing this teaching through school activities and ethos
- Identification – recognising emerging issues as early and as accurately as possible
- Early support – helping pupils to access evidence based early support and interventions
- Access to specialist support – working effectively with external agencies to provide swift access or referrals to specialist support and treatment

Where a pupil has a mental health problem that amounts to a disability, and this adversely affects behaviour, the school must make reasonable adjustments to its policies, the physical environment and the support it offers. Published behaviour policies should be consistent with the legal requirement that treating all pupils the same may be unlawful where a disability affects behaviour.

Schools are under a duty to use their 'best endeavours' to identify and support pupils with SEN. As part of this duty, schools are expected to use some of their SEN resources to provide support for pupils with mental health difficulties that amount to special educational needs. Pupil Premium for those pupils who attract this, should also be used where there are assessed mental health needs.

# Resources:

Gov.UK:

- Promoting the education of looked after children and previously looked after children (Updated 2018)
- Keeping Children Safe in Education 2015 (Updated 2018)
- SEND Code of Practice:0 to 25 years (July 2014)
- Mental Health and Behaviour in Schools (November 2018)

‘The State of Children’s Mental Health Services 20/21’ Report of the Children’s Commissioner (January 2021)

‘Future in Mind; promoting, protecting and improving our children and young people’s mental health and wellbeing’ (March 2015)

‘Improving mental health support for children in care’ Report by the Social Care Institute for Excellence (November 2017)