

**JOINT EDUCATION, YOUTH & CULTURE AND SOCIAL & HEALTH CARE
OVERVIEW AND SCRUTINY COMMITTEE**

Date of Meeting	Thursday, 30 th June 2022
Report Subject	Looked After Children in Flintshire
Cabinet Member	Leader of the Council and Cabinet Member for Education, Welsh Language, Culture and Leisure
Report Author	Chief Officer (Education & Youth)
Type of Report	Operational

EXECUTIVE SUMMARY

The report provides Members with an overview of the support provided for looked-after children during the academic year 2020/2021.

The Covid-19 pandemic has impacted on the ability to report meaningful outcome data in the report.

RECOMMENDATIONS

1.	For Members to actively engage as Cooperate Parents for looked after children, promoting awareness and challenging provision within Flintshire educational settings.
2.	For Members to actively encourage all educational staff to promote the educational welfare of looked after children within Flintshire establishments at a 'whole school level'.

REPORT DETAILS

1.00	EXPLAINING THE PROVISION FOR FLINTSHIRE LOOKED AFTER CHILDREN															
1.01	<p>The definition of looked-after children (children in care) is found in the Children Act 1989. A child is looked after by a local authority if a court has granted a care order to place a child in care, or a council's children's services department has cared for the child for more than 24 hours.</p>															
	<p>The lead responsibility for the educational support of looked after children within the Education & Youth Portfolio sits within the Inclusion & Progression Service which has oversight of children meeting the definition above and also previously looked after children as per the definition below:</p> <p><i>A previously looked after child is one who is no longer looked after in England and Wales because s/he is the subject of an adoption, special guardianship or child arrangements order which includes arrangements relating to with whom the child is to live, or when the child is to live with any person, or has been adopted from 'state care' outside England and Wales.</i></p>															
1.02	<p>The number of children who are looked after fluctuates month on month but stood at 258 (0-18 year olds) in October 2021, with 178 being of statutory school age. This compares with 259 (0-18 year olds) in October 2020 when 165 were of statutory school age.</p> <p>The following shows the breakdown of numbers across key stages, providing a comparison with the previous year.</p> <table border="1" data-bbox="347 1267 1390 1458"> <thead> <tr> <th>Key Stage</th> <th>2021-22</th> <th>2020-21</th> </tr> </thead> <tbody> <tr> <td>Foundation Phase</td> <td>35</td> <td>29</td> </tr> <tr> <td>Key Stage 2</td> <td>45</td> <td>54</td> </tr> <tr> <td>Key Stage 3</td> <td>54</td> <td>44</td> </tr> <tr> <td>Key Stage 4</td> <td>44</td> <td>38</td> </tr> </tbody> </table> <p>A significant number of the cohort have special education needs with 21% (36 individuals) having been issued with a Statement of Special Educational Need (SEN). This is significantly higher than the level across the general population where the expectation would be for approximately 3% of children to have a Statement.</p> <p>The Additional Learning Needs and Educational Tribunal (Wales) Act 2018 (ALNET) came into force in September 2021 and will replace the SEN legislation over time. ALNET includes additional responsibilities and duties for local authorities in response to the children they look after and uses the following definition of additional learning needs (ALN):</p> <ol style="list-style-type: none"> 1. A person has additional learning needs if he or she has a learning difficulty or disability (whether the learning difficulty or disability arises from a medical condition or otherwise) which calls for additional learning provision. 	Key Stage	2021-22	2020-21	Foundation Phase	35	29	Key Stage 2	45	54	Key Stage 3	54	44	Key Stage 4	44	38
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2. A child of compulsory school age or person over that age has a learning difficulty or disability if he or she:
 - a) has a significantly greater difficulty in learning than the majority of others of the same age, or
 - b) has a disability for the purposes of the Equality Act 2010 which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.
3. A child under compulsory school age has a learning difficulty or disability if he or she is, or would be if no additional learning provision were made, likely to be within subsection (2) when of compulsory school age.
4. A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home

The legislation calls for children who are identified as having ALN to have a document drawn up called an Individual Development Plan (IDP) to outline their needs and the additional learning provision (ALP) required to support them to access their education. This document will replace Statements of SEN going forward. For children who are looked after and living in Wales, the local authority responsible for the child is now responsible for making decisions about whether the child has ALN. Where it is agreed that the child has ALN, the LA is responsible for the development and the maintaining of an IDP for the individual. This differs from the process for children who are not looked after where these responsibilities may lie with a school.

We are in a period of conversion between the SEN and ALN systems and children have been allocated to mandated years for the purposes of conversion. For children who have not previously been identified as having SEN but are now demonstrating a level of need, the ALNET process has been followed since September 2021. For those with SEN already identified, conversion to the new system commences in line with the Welsh Government timescales. Within the current cohort of children who are looked after, 2 have been considered where they had no prior SEN, 1 of which to date has been allocated an IDP, the other is still in consideration. Of the 60 identified with SEN, 19 are within the mandated years for conversion and 4 of these have been issued with an IDP. All of the 19 children would have been either at School Action or School Action Plus as the conversion process for children with Statements commences in September 2022. Where a decision has been taken that no IDP is required, it will have been determined that the child's needs could be met through the school's universal provision and that ALP was not required.

To support the Council to meet its responsibilities under ALNET, an additional officer has been appointed to the ALN Team with specific responsibilities for children who are looked after to ensure that we are compliant with the regulations. Regular monitoring is underway to ensure that we are aware of the changing needs of this cohort and

	strong operational links are in place between Education and Social Services to support this.
1.03	<p>The Covid pandemic continued to impact significantly on schools in 2020-21 with schools having to continue to move to periods of remote learning, with restrictions regarding pupil movement remaining in place. Children who were looked after at the time, continued to be supported to ensure they had access to the necessary technology, advice and guidance to access their learning. Additional support was also offered to carers to support engagement.</p> <p>The majority of Flintshire children who are looked after attend Flintshire mainstream primary or secondary schools with 48% of primary schools and 91% of secondary schools having pupils who are looked after on roll. Some children access their education in mainstream schools in other authorities, whilst a small percentage require more specialist provision accessing this via the LAs specialist schools, pupil referral unit or highly specialist independent providers. The Council's procedures with regards to access to specialist placements where required, continued to function during 2020-21 to ensure provision was identified and made available to those who needed it.</p>
1.04	<p>The fact that the cohort of children who are looked after is small and one that fluctuates regularly, impacts on the ability to provide meaningful comparative data. Data collection has been further interrupted in response to Covid-19 and as a result, data that would ordinarily have been produced has not been available. Attendance data taken for the cohort in October 2021 indicated an average attendance of 88% as compared with 87% in October 2020. Attendance rates are down generally across schools as a result of the increased level of illness in response to the pandemic.</p> <p>Year 11 pupils were subject to Centre Assessed Grades during 2020-21. Destination data for the 16 pupils indicate that 5 enrolled for a college course, 3 enrolled for sixth form provision, 2 continued into specialist provision, 1 joined the armed forces and 5 were NEET, i.e. not engaged in education, employment or training. Where an individual was identified as NEET, engagement has continued to try and engage the young person with a desirable outcome and ensure access to appropriate support services.</p>
1.05	<p>Training and awareness raising has continued during the pandemic. Training and support has been offered to school-based staff with regards to Trauma Informed Practice, Attachment Theory and Boxall Profiling amongst others. Education officer contact details were also shared with foster carers and also included on the Fostering Facebook page to facilitate access to support during this challenging time. Education staff have also regularly attended meetings with a range of Social Services teams to ensure a shared understanding of strategies and developments in each sector.</p>
1.06	<p>Funding continues to be available to support children who are looked after via the Pupil Development Grant (PDG). This is allocated from</p>

	<p>Welsh Government (WG) to GwE, the regional school improvement service to support improved outcomes for learners. The allocation for Flintshire children who are looked after for the financial year 2021/22 was £188,500 and is based on actual number of pupils. As with last year, the terms and conditions around this grant require schools to collaborate and develop a cluster approach to intervention with £151,200 of the grant being allocated to this function. A further £23k was designated to support pupils' education outside of Wales and £14,300 was provided to the LA to provide local interventions.</p> <p>The following are examples of how the cluster funding has been utilised:</p> <ul style="list-style-type: none"> • Delivery of sessions by Emotionally literate Support Assistants (ELSAs) • Individual counselling sessions • Teaching assistant to support effective transition between primary and secondary school • Trauma Informed Training • Lego therapy • Unearthing boxes • Forest School intervention • Family Liaison worker <p>The funding allocated to the Council for local interventions has been used to support the purchase of a data tool to further inform areas of need to facilitate targeted intervention. Funding has also been allocated to provide training on the Positive Power of Play, Adoption UK membership for schools, training on the use of Unearthing Boxes and a Garden Project.</p> <p>A Steering Group has been established with representation from schools and Social Services to ensure that the decision made with regards to training and interventions resonate with the needs of both staff and pupils. Meetings for school coordinators with responsibility for children who are looked after have also taken place to ensure full awareness regarding the funding available and also discussions with regards to effective practice and intervention.</p>
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2.00	RESOURCE IMPLICATIONS
2.01	Additional funding has been allocated to the ALN Team budget to support the appointment of the ALN Learning Adviser with responsibility for children who are looked after as referenced above. This role is essential in supporting the Council to meet its statutory duties in response to ALNET.
2.02	The Welsh Government is reviewing strategies to improve the outcomes for children who are looked after following the publication of the report 'An integrated approach to improving educational outcomes for looked after children in Wales' by Sir Alisdair Macdonald. The report recommends a Welsh Virtual School model in which each authority would appoint a Virtual School Headteacher with responsibility for the Virtual School of all children who are looked after. Alongside the headteacher, there is an expectation

	of additional staff to support the Virtual Head to discharge their responsibilities. LAs were offered the opportunity to bid for additional funding to start trialling this model. Flintshire presented a case for this but unfortunately was unsuccessful in this round of funding. Additional funding to support such a system in the future may be a requirement for the LA.
2.03	As outlined above, a number of children who are looked after require specialist provision which is often only available through the specialist independent sector. The increasingly complex needs exhibited by some individuals and the increasing costs of provision does impact on the Out of County budget. Both the Education and Social Services Portfolios are continuing to explore and develop ways to reduce the expenditure in this area including the expansion of in house provision and alternative forms of intervention, e.g. the investment in the building of a new pupil referral unit, Plas Derwen.
2.04	The PDG is the main source of additional funding to support children who are looked after. Officers continue to work closely with schools to promote and support the submission of cluster bids to ensure the funding is accessed and goes to those who need it most.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None required.

4.00	RISK MANAGEMENT
4.01	Risk monitoring is a regular feature of Portfolio Senior Management meetings to ensure senior officers are sighted in relation to these.
4.02	Expenditure on specialist non-maintained 'Out of County' provision constitutes an ongoing financial risk to the both the Education & Youth and Social Services Portfolios. This is monitored on a monthly basis and the findings reported to relevant members of the Council's Senior Leadership Team.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Jeanette Rock, Senior Manager – Inclusion & Progression Telephone: 01352 704017 E-mail: jeanette.rock@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
	<p>Pupil Development Grant – Welsh Government funding to improve outcomes for learners eligible for free school meals (eFSM) and Looked After Children (LAC). It is intended to overcome the additional barriers that prevent learners from disadvantaged backgrounds achieving their full potential.</p> <p>GwE: Regional school improvement service.</p> <p>Out of County provision: Specialist education/residential provision which is not maintained by Flintshire County Council. This could include mainstream provision maintained by an alternative authority or specialist independent provision.</p> <p>Additional Learning Needs and Education Tribunal Act (Wales) 2018: New Welsh legislative system relating to the support given to children and young people aged 0 to 25 who have additional learning needs and are receiving education and/or training.</p>