

# Durham Virtual School

*Procedures, protocols and practice for in-year school transfers for looked after children*

## Statutory Guidance

Looked after children and previously looked after children as defined in the DfE statutory guidance, [Promoting the education of looked-after children and previously looked-after children 2018](#) must have the highest priority for admission to school.

Durham Virtual School (DVS) adheres to this statutory guidance which states (para 16/17):

*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. The admission requirements for looked-after and previously looked-after children are set out in the School Admissions 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 (See paragraph 3.12 of the School Admissions Code);*
- *admission authorities 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 (see 2.15(b) of the School Admissions Code); and*
- *the local authority, as a corporate parent, does not tolerate drift and delay where children the authority looks after are without an education placement that is appropriate to their assessed needs. This includes using their powers of direction in a timely way rather than delay issuing a direction as a result of protracted negotiation.*

Paragraph 3.12 of the [School Admissions Code 2014](#) states that the Fair Access Protocol does not apply to a “looked after child, a previously looked after child or a child with a statement of special educational needs or Education, Health and Care Plan naming the school in question, as these children **must** be admitted.”

## Durham Virtual School Expectations

DVS promotes educational stability for looked after children and seeks to avoid a change of school except at the usual age of transfer if at all possible. Where there is a change to care provision for children and young people in year 6 and 11, every effort will be made to maintain their school place until the end of the year to avoid disruption to their education at this crucial time. This is likely to involve provision of transport to their current school and additional support as needed.

Where a change of care placement is required for a child looked after by Durham Local Authority which necessitates a change in school or where a school move is in the best interests of the child, social workers will work with the virtual school to identify the best provision and submit an application in good time to minimise interruption to a child or young person's schooling.

If a child or young person has a statement of special educational needs/education health and care plan then the SEND, Looked After Children and Vulnerable Groups Team (SLACVG) will facilitate the change of placement.

Usually, the most appropriate school for a looked after child will be the local school, with priority given to those that have been judged good or better by Ofsted and which can best meet the child or young person's needs. Consideration will be given to placing a child in a school judged to be requiring improvement where there is evidence that the school provides *"high quality support to its vulnerable pupils, and will enable a looked-after child to make maximum progress ....."*. In line with the guidance we will not place a looked after child in a school judged to be inadequate by Ofsted *"unless there are exceptional evidence-based reasons"*.

[Promoting the education of looked-after children and previously looked-after children 2018](#) para 12.

County Durham schools and academies have high numbers of non-Durham looked after children on their roll. Durham Virtual School will work with social workers and virtual schools to ensure that children in the care of other local authorities are:

- placed in a school best able to meet their needs;
- supported appropriately by the identified school and home virtual school;
- identified and known to Durham Virtual School.

## Procedures and Practice

Once the decision has been taken that a child or young person needs to move school outside the normal transition period, the following processes and timescales should be adhered to:

### Durham looked after child seeking an in-year school transfer

#### Initial decision

Any decision by the social worker/ parent to change education provision must be informed by advice from DVS through the identified caseworker from the SLACVG team. Other than in an emergency unplanned move of placement, these discussions should be made in good time to ensure no disruption to education. If this is a move within County Durham, the caseworkers will liaise with the schools to facilitate the move. Where this involves a move to another authority, the caseworker will contact the virtual school and schools in the area to identify appropriate provisions. Initial discussions with the school should take place.

#### Day1

An application is made by the social worker to the admissions team of the local authority in which the school is located.

The Admissions Team in Durham will fast track any requests for places for looked after children.

#### By Day 10

If the admission authority (school or local authority) refuse to admit, or if there has been no response, DVS must be informed and will contact the school to discuss any concerns and seek solutions. Short term access to education using tutors and/or e-learning will be arranged if needed. The PEP for a child new to care must be initiated by day 10.

#### By Day 15

The Virtual School team will contact the school or admission authority and, for out of county places, the Virtual Headteacher to discuss the issues. In some circumstances, other provision will be explored if that is appropriate, but this should not be a long term solution. Everything will be done to resolve any concerns through negotiation.

#### By Day 18

If there is a refusal to admit, lack of response or no agreement over appropriate provision, DVS will provide information to inform the school or local authority of the decision to formally consult prior to direction. For academies, DVS will ask the Secretary of State to intervene.

#### By Day 20

If the child is still out of school, the maximum time for this will have been exceeded.

## Moving to direct

If there is no resolution within a further 7 days, Durham will instigate the statutory guidance to direct paragraph 3.19-3.21 and 3.22 for academies. [School Admissions Code 2014](#)

## For admission of a non- Durham looked after child into a Durham provision

Durham County Council will support other local authorities to ensure that a looked after child placed in the county has access to appropriate education provision with the minimum of delay.

We ask that all local authorities and Independent Fostering Agencies placing young people in Durham contact the Virtual School Deputy Head preferably before the child is placed to discuss their education provision.

Email: [durhamvirtuelschoollac@durham.gov.uk](mailto:durhamvirtuelschoollac@durham.gov.uk)

Telephone: 03000 267800

### Process

1. Home local authority / virtual school contacts Durham VSDH who will advise on appropriate school placement, ofsted judgements, support for specific needs etc.
2. Home local authority / virtual school contacts school for initial discussion including additional support which could be made available.
3. Home local authority completes transfer request, signed by adult who holds parental responsibility for the child.
4. Applications for looked after children fast tracked by School Admissions and inform social worker / carer of offer.
5. Admissions team confirm with DVS and update synergy.
6. If a school does not have a place available or does not offer a place, DVS will liaise with the home local authority to ascertain the extent of additional funding / resources available to support the admission.
7. If this cannot be resolved, the home local authority will follow the statutory guidance to direct a school to admit the child.
8. For children with SEND, the SLACVG team will facilitate by requesting the EHCP for consultation with schools and following the agreed process.

## Flowchart Process

