



Briefing Report on the New Statutory Duties for Governing Bodies Sept 2018

The new Children and Social Work act April 2017 identified new statutory duties for local authorities and schools with regard to promoting positive education outcomes for children previously looked after.

The new legislation states:

A local authority in England must make advice and information available in accordance with this section for the purpose of promoting the educational achievement of each relevant child educated in their area.

The advice and information must be made available to—

- .(a) any person who has parental responsibility for the child,
- .(b) the member of staff at the child's school designated under section 20A of the Children and Young Persons Act 2008 or by virtue of section 2E of the Academies Act 2010, and
- .(c) any other person that the local authority consider appropriate.

A local authority in England may do anything else that they consider appropriate with a view to promoting the educational achievement of relevant children educated in their area.

A local authority in England must appoint at least one person for the purpose of discharging the duty imposed by subsection (1).The person appointed for that purpose must be an officer employed by the authority or another local authority in England.

The legislation identifies the following children to which this new statutory duty applies:

Any child who was looked after by the local authority or another local authority in England or Wales but ceased to be so looked after as a result of—

- *a 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,*
- *a special guardianship order, or*
- *an adoption order within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002, or*
- *a child who appears to the local authority to have been in state care in a place outside England and Wales because he or she would not otherwise have*

been cared for adequately, and to have ceased to be in that state care as a result of being adopted.

For the purposes of this section a child is educated in a local authority's area if:

- the child is receiving early years provision secured by the local authority under section 7(1) of the Childcare Act 2006,
- the child is of compulsory school age and the child attends a school in the local authority's area,
- if the child does not attend school, the child receives all or most of his or her education in the local authority's area.

The act also widens the duties for schools. Each governing body or academy proprietor must:

- designate a member of the staff at the school (the "designated person") as having responsibility for promoting the educational achievement of relevant pupils
- ensure that the designated person undertakes appropriate training and has regard to any guidance issued by the Secretary of State.
- In exercising these duties have regard to any guidance issued by the Secretary of State.

The Secretary of State may by regulations require the governing body of a maintained school in England or proprietor of an academy to ensure that the designated person has qualifications or experience (or both) prescribed by the regulations.

The DfE have now published its statutory guidance with regard to the new duties. These can be found at <https://www.gov.uk/government/publications/promoting-the-education-of-looked-after-children>

Implications for Governing Bodies

- Governing bodies should be aware of the cohort of children in their school this will affect.
- Ensure the designated teacher has the resources including time to fulfil the duty to a high standard.
- Ensure reports on the outcomes for Lac and Post Lac, including impact of pupil premium funding are built into the governing body schedule of meetings.
- Ensure the needs of Looked after children are considered when reviewing whole school policies and procedures.