

Education Health and Care Plans for Looked after children

9.38 Local authorities should be particularly aware of the need to avoid any delays for looked after children and carry out the EHC needs assessment in the shortest possible timescale. Addressing a looked after child's special educational needs will be a crucial part of avoiding breakdown in their care placement.

10.1 Children who are being accommodated, or who have been taken into care, by a local authority (i.e. under Section 20, or Sections 31 or 38 of the Children Act 1989) are legally defined as being 'looked after' by the local authority. Around 70% of looked after children have some form of SEN, and it is likely that a significant proportion of them will have an Education, Health and Care (EHC) plan. Children and young people on remand to youth detention accommodation are treated as looked after by their designated local authority under the terms of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (section 104(1)). Further information is provided in paragraphs 10.142 to 10.145. (Revised January 2015)

10.2 Local authorities will have particular responsibilities for these children and will act as a 'corporate parent'. The local authority **must** safeguard and promote the welfare of all children they are looking after.

10.4 Local authorities **must** promote the educational achievement of the children they look after, regardless of where they are placed. The Children and Families Act 2014 requires every local authority to appoint an officer who is an employee of that or another authority to discharge that duty. This officer, often known as a Virtual School Head (VSH) will lead a virtual school team, which tracks the progress of children looked after by the authority as if they attended a single school. Special Educational Needs and Disabilities departments should work closely with the VSH as well as social workers to ensure that local authorities have effective and joined-up processes for meeting the SEN of looked after children.

10.6 This means that a considerable amount of planning will be done around the care, health and education needs of looked after children. They will have a Care Plan, which sets out how the local authority will meet the care needs of the child, addressing all important dimensions of a child's developmental needs. These include health, education, emotional and behavioural development, identity, family and social relationships, social presentation and self-care skills. The Care Plan will specifically include a Personal Education Plan (PEP) and a Health Plan (both are a statutory requirement) which will particularly assess and set out the child's education and health needs. It may be through making these assessments that a child's SEN will be identified.

10.7 Where a looked after child is being assessed for SEN it is vital to take account of information set out in the Care Plan. SEN professionals **must** work closely with other relevant professionals involved in the child's life as a consequence of his/her being looked after. These include the social worker, Designated Doctor or Nurse, Independent Reviewing Officer (IRO), VSH and Designated Teacher in school. This will ensure that the child's EHC plan works in harmony with his/her Care Plan and adds to,

but does not duplicate, information about how education, health and care needs will be met. It is essential to involve the child, their carers and, where appropriate, their parents in the planning process. When referencing information contained within the Care Plan only information relevant to meeting the child's SEN should be included in the EHC plan. If in any doubt SEN professionals should discuss this with the social worker and, where appropriate, the child and their carers.

10.8 A significant proportion of looked after children live with foster carers or in a children's home and attend schools in a different local authority area to the local authority that looks after them. Local authorities who place looked after children in another authority need to be aware of that authority's Local Offer if the child has SEN. Where an assessment for an EHC plan has been triggered, the authority that carries out the assessment is determined by section 24 of the Children and Families Act 2014. This means that the assessment **must** be carried out by the authority where the child lives (i.e. is ordinarily resident), which may not be the same as the authority that looks after the child. If a disagreement arises, the authority that looks after the child, will act as the 'corporate parent' in any disagreement resolution, as described in Chapter 11.