



Department
for Education

Revised guidance for Virtual School Heads and designated teachers

Government consultation response

February 2018

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Introduction

The consultation sought views on changes to two statutory guidance documents: *Promoting the education of looked-after children*; and *Roles and responsibilities of designated teachers for looked-after children* following the Children and Social Work Act 2017.

The Children and Social Work Act 2017 expanded the role of Virtual School Heads and designated teachers to include the provision of information and advice to certain previously looked-after children and their families. For many previously looked-after children the impact of their pre-care experiences can continue to act as a barrier to educational progress after leaving care. The changes to the Virtual School Head and designated teacher role are designed to help ensure previously looked-after children receive the support they need to achieve their full potential. Statutory guidance for Virtual School Heads and designated teachers needs to be updated to reflect the new duties.

The consultation was conducted online between 16 October and 27 November 2017. Prior to this, we sought views on an informal basis from the National Association of Virtual School Heads, the Association of Directors of Children's Services, and a number of other Virtual School Heads and designated teachers to help inform our initial redrafting of the guidance.

The key changes proposed to the statutory guidance were:

- an amended structure to clearly signpost information on the role of Virtual School Heads and designated teachers for previously looked-after children;
- addition of information on the new role of Virtual School Heads and designated teachers for previously looked-after children; and
- an increased emphasis on: mental health; training for Virtual School Heads, designated teachers and school staff; promoting schools' awareness of looked-after and previously looked-after children's needs; and proactively building interagency relationships.

Summary of responses received and the government's response

The consultation received 404 responses. The respondents fell into four main categories: designated teachers (136, 33.66%), head teachers (63; 15.59%), Virtual School Heads (VSH) (60; 14.85%) and 'other' (73; 18.07%). Annex A sets out further detail on respondents.

Main findings from the consultation

Responses to the consultation was broadly supportive, with high levels of positive response to both statutory guidance documents (at least a 69% positive response to all questions).

The key concerns raised by respondents were:

- feeling that both guidance documents needed to be clearer about what is expected of VSHs and designated teachers and more detail on how to do what is required;
- whilst supporting the increased focus on mental health, many respondents highlighted that mental health services for young people are under-resourced and the challenge of getting access to mental health support for young people; and
- concern over available funding and capacity to fulfil the new role for previously looked-after children.

The Government's response

We do not propose to make significant changes given the positive overall response to the draft guidance. We have, however, sought to give greater clarity where requested. Where possible we have clarified terms; provided greater clarity on particular issues identified by respondents; and have added case studies to illustrate what practice might look like. This has, however, been balanced against the need to allow professional judgement, and the fact that the needs of individual children, and local circumstances, will vary.

The government published a new financial burdens assessment for the Children and Social Work Bill, estimating the additional cost of extending Virtual School Head support to previously looked-after children at between £30,000 and £50,000 per local authority. It set out that savings from regionalisation of adoption, leading to efficiencies and further improvements in the timeliness of adoption, would offset this new burden. However, in response to respondents' significant concern about the lack of additional funding for the

extended role and when savings from regionalisation of adoption will be realised, the Department will now provide funding for the extended role until 2020.

The Department will revisit funding for this duty as part of the broader Spending Review in 2020.

Question analysis

Question 1

Does the statutory guidance clearly explain what is expected of local authorities and the Virtual School Head in discharging the duty to promote the educational attainment of children who were previously looked-after children?

The vast majority of respondents (81%) felt that the statutory guidance clearly set out what is expected of local authorities. However, respondents raised a number of concerns. Respondents' main concern was a need for greater clarity or detail in the guidance. This included clarifying:

- what is meant by particular terms, such as “information and advice”, “support” and “state care abroad”;
- the role of VSHs for those over 16 years old;
- that the VSH role is not that of a corporate parent for previously looked-after children; and
- the management of Pupil Premium Plus for previously looked-after children.

This request for additional clarity was echoed by requests for case studies or examples to help understand what is expected of VSHs in their role. Respondents' other main concern was the need for the funding and capacity/resources to be able to fulfil their new role for previously looked-after children. Lastly, a small number of respondents also wanted to strengthen the language in the guidance, for example making “should” into “must”.

	Total	Percent
Yes	328	81.19%
No	69	17.08%

Government response

In response to respondents' concerns, we have:

- clarified terms where possible;
- provided further clarity on the management of Pupil Premium Plus for previously looked-after children;
- provided further information on the VSH role for looked-after children aged over 16; and

- provided more information on “how” to meet the requirements in the guidance, for example, more on what providing “information and advice” regarding previously looked-after children and supporting mental health might look like in practice.

Regarding respondents’ concerns about funding and resources, we recognise the financial challenges local authorities face and have responded as outlined above.

Question 2

Does the structure of the guidance help clarify the duties which apply to looked-after and previously looked-after children?

The vast majority of respondents (84%) felt the structure of the guidance helps clarify which duties apply to looked-after and previously looked-after children.

Although the vast majority of respondents responded positively to this question, some felt that it wasn’t clear how duties differed, for example in relation to supporting mental health needs and special educational needs (SEND). Some respondents were also concerned about potential variation in local authority practice in meeting duties to support looked-after and previously looked-after children. Again, respondents expressed concerns about funding/resources for the expansion of the VSH and designated teacher role.

	Total	Percent
Yes	343	84.90%
No	50	12.38%

Government response

As just over 84% of respondents felt the proposed guidance provided clarity on which duties apply to looked-after and previously looked-after children, we have not significantly changed the structure of the VSH guidance. We have, however, sought to provide additional clarity on duties applying to looked-after and previously looked-after children regarding mental health and SEND by including a case study and links to further information.

Question 3

Is the information provided on positive characteristics of interventions in the Pupil Premium Plus section in *Promoting education of looked-after children* helpful in encouraging use of interventions supported by evidence?

The vast majority of respondents (82%) responded positively to this question. However, some felt the table of characteristics of effective interventions included was too vague

and at least 21 respondents wanted more specific information on effective interventions Pupil Premium Plus (PP+) should be spent on. This included wanting a more prominent link to Education Endowment Fund toolkit, more information on specific interventions and case studies or examples.

6 respondents expressed concern about top-slicing and some felt the grant should be ring-fenced for the child. 3 respondents also felt that there needs to be greater accountability about how PP+ is used. 5 adoptive parents expressed frustration that information on how PP+ has been/is being used to support their child is not available. 12 respondents also raised wanting a joined-up approach when deciding on interventions. Some adoptive parents/carers were frustrated at schools not engaging with them in deciding how to use PP+ to support their child’s needs and, in some cases, schools were unhappy with how VSHs decided to use PP+.

Again, respondents’ main concern was about funding and resources, and they wanted clarification or a greater level of detail.

	Total	Percent
Yes	333	82.43%
No	60	14.85%

Government response

As the vast majority of respondents agreed that the table included on positive characteristics of interventions was helpful, this will be included in the revised guidance. To respond to requests for more detail on how to use PP+ effectively we have provided a more prominent link within the section to the Education Endowment Fund toolkit and have included a case study on the use of Pupil Premium.

Some of the concerns expressed above are outside the scope of this guidance as they relate to the Pupil Premium Conditions of Grant, for example VSH top-slicing PP+ and ring-fencing the grant to individual children. However, in response to these concerns we have sought to place greater emphasis in the guidance documents on schools involving adoptive parents and carers in decisions about the use of PP+ for previously looked-after children and VSHs doing the same with schools.

With regards to accountability, the proposed revised guidance already specifies that the VSH should publish a clear policy on the use of PP+ including the amount and use of any top-sliced funding. Given the extremely strong support for this proposal (see below) this will remain in the revised guidance, to address the concerns about accountability for the use of pupil premium.

Question 4

Do you agree that Virtual School Heads should publish a clear policy on the use of Pupil Premium Plus, including any top-sliced funding?

Almost all respondents (95%) agreed that VSHs should publish a clear policy on the use of PP+. Respondents were clear that any such policy should include the use of top-sliced funding.

5 VSHs commented that they already publish a policy on the use of PP+ and a further two respondents highlighted that this is something many already do. A number of respondents felt that similarly rigorous reporting and accountability should apply to previously looked-after children. Some respondents raised the issue of ensuring consistency across local authorities and a small number suggested the need for a model policy or something similar to help provide consistency.

	Total	Percent
Yes	386	95.54%
No	12	2.97%

Government response

Given the very strong support for this proposal and respondents desire for stronger accountability regarding the use of Pupil Premium in question 3, the request that VSH publish a policy on their authorities use of PP+, including top sliced funding will remain part of the guidance.

Question 5

Does the new section on mental health give sufficient information to enable Virtual School Heads to help schools in supporting looked-after and previously looked-after children with mental health needs?

The majority of respondents (69%) felt that the section on mental health provides sufficient information to enable VSHs to help schools in supporting looked-after children's mental health. However, respondents did raise a number of issues; most notably, the scarcity of funding/resources to support this activity, the challenge they face accessing mental health support such as child and adolescent mental health services (CAMHS), and the importance of training being available for VSHs and schools on mental health.

More specifically on the guidance respondents raised the following concerns:

- the need to be clearer that we do not expect VSHs and designated teachers to be mental health experts and that the role for VSH and designated teacher should be about sign-posting to professional services;
- the need for greater clarity and detail on how to support schools and children regarding mental health and what is expected of VSHs once needs are identified;
- a small number felt the strengths and difficulties questionnaire (SDQ) should not be given so much prominence, and other assessment tools should be referenced; and
- a need for better links to resources like the Department for Education guidance on *Mental health and behaviour in schools*.

Lastly, there was a difference of opinion on the emphasis on attachment. Some respondents felt it needed to be emphasised even further whilst others wanted other conditions referenced to avoid schools focusing only on attachment and not correctly identifying where other issues may be the problem.

	Total	Percent
Yes	281	69.55%
No	116	28.71%

Government response

Respondents' concerns regarding the provision of mental health services is outside the scope of this guidance. However, in response to the other issues raised, we have:

- clarified that VSHs or designated teachers are not expected to be mental health experts and the VSH role is sign-posting to appropriate training and specialist services; and
- included a case study to help clarify what supporting mental health after identification might look like and added links to the Department for Education advice on *Mental health and behaviour in schools* and other resources.

There are two areas where we have not made significant changes based on respondent comments. We have not:

- reduced the current emphasis on attachment disorders; or
- made significant changes to the emphasis placed on the SDQ.

Based on feedback and other evidence we know attachment difficulties are a highly significant issue for looked-after and previously-looked children. However, we have made sure to reference other mental health issues to reduce the likelihood of this being viewed as the only issue affecting this cohorts' mental health. With regards to the SDQ,

until findings emerge from the pilots on assessing looked-after children’s mental health, this remains the most appropriate screening tool. However, we have clarified that professionals may wish to use other assessment tools and have provided a link in the guidance to a resource which includes case study examples.

Question 6

Do you agree with the emphasis in the school exclusion section on Virtual School Heads being proactive in building relationships with designated teachers to help ensure behavioural issues are resolved early?

The vast majority of respondents (89%) agreed with the approach taken in the guidance. Respondents’ two main concerns were: that the behaviour management approach taken by schools can be problematic for looked-after and previously looked-after children; and the need for more resources and support, such as training for teachers, to enable schools to deal with children who have behavioural issues. Respondents wanted greater emphasis on communication and collaboration between the VSH and relevant people, particularly school head teachers. It was also suggested that further clarity was required on what is expected of the VSH and school where a child is at risk of, or has been, excluded.

Lastly, a small number of respondents felt that all children should be treated the same, regardless of whether they are looked-after or not.

	Total	Percent
Yes	360	89.11%
No	35	8.66%

Government response

Given respondents’ strong support, this section will continue to emphasise the need for VSHs to be proactive in building relationships with designated teachers to resolve behavioural issues early. However, in response to respondents’ views, we have:

- included references to building relationships with school head teachers;
- clarified that the VSH role is to support schools to identify how they can support pupils to improve their behaviour so that exclusion can be avoided;
- made clear that the past experiences of looked-after and previously looked-after children can impact on their behaviour and the need to remember this when considering how best to support the child and the design and application of school behaviour policies;

- made clear that head teachers should, as far as possible, avoid excluding looked-after children under Department for Education guidance on exclusions.

Question 7

Does the statutory guidance clearly explain what is expected of schools and the designated teacher in discharging the duty to promote the educational attainment of certain previously looked-after children?

The vast majority of respondents (80%) felt that the statutory guidance set this out clearly. However, some respondents felt there needed to be greater clarity over certain issues. These included:

- what the requirements of designated teachers would be in supporting previously looked-after children;
- what training they would receive;
- whether the designated teacher for looked-after and previously looked-after children would be the same person;
- whether the designated teacher for previously looked-after children has to be a qualified teacher; and
- identifying those eligible for support as previously looked-after children and who held which responsibilities legally.

Respondents' other concerns again included resources, particularly with regard to the designated teacher's time and capacity to fulfil their role and complete additional training; governance arrangements for new duties towards previously looked-after children; and whether VSHs and other parties had sufficient levers to achieve improved support for previously looked-after children.

With regards to the structure of the guidance, some suggested having separate paragraphs for looked-after, previously looked-after and where duties applied to both.

	Total	Percent
Yes	324	80.20%
No	68	16.83%

Government response

Given most respondents felt that the guidance clearly set out what is expected of schools in supporting previously looked-after children we have not made significant changes to this section of the guidance. This is deliberate given the significant similarities in designated teacher's role in supporting looked-after and previously looked-after children.

This contrasts with VSH where there are significant differences in their role. However, we have sought to clarify what is expected of designated teachers by:

- providing case studies on the use of Pupil Premium Plus and supporting looked-after and previously looked-after children’s mental health;
- clarifying expectations in respect of exclusions; and
- adding a section on using the voice of the child.

Question 8

Does the structure of the guidance help clarify the duties which apply to looked-after and previously looked-after children?

The vast majority of respondents (85%) felt the structure of the guidance helped clarify which duties apply to looked-after and previously looked-after children.

Respondents' main concern was the funding and resources for the expansion of the roles. Some were also concerned that it is not clear how duties differ for looked-after and previously looked-after children, for example in relation to issues like mental health and SEND. Lastly, some respondents raised concerns over variation in how local authorities apply/will apply their responsibility to promote the education of looked-after and, in particular, previously looked-after children.

	Total	Percent
Yes	347	85.89%
No	45	11.14%

Government response

Given respondents’ strong support, as referenced in response to Question 7, we have not made significant changes to the structure of the guidance. However, we have sought to clarify expectations of designated teachers by including case studies regarding use of Pupil Premium Plus and supporting mental health.

We acknowledge respondents’ concerns about variation in local practice, however the proposed guidance for VSH sets out clear expectations of VSHs and local authorities will be accountable for their practice, as they are currently, through inspection.

Question 9

Do you agree with the increased emphasis on looked-after and previously looked-after children’s mental health in the *Special educational needs and mental health* section?

Almost all respondents (92%) agreed with the increased emphasis on looked-after and previously looked-after children’s mental health. However, respondents felt more investment is needed in mental health services for young people so they have the capacity needed to support young people. As with the section on mental health in the guidance for VSHs, respondents wanted more information on how to support looked-after and previously looked-after children’s mental health. Respondents also expressed concerns about designated teachers’ capacity, highlighting that they would need more training and that many wouldn’t have enough time.

A small number of respondents also felt that mental health and special educational needs should be separate sections rather than one combined section.

	Total	Percent
Yes	373	92.33%
No	24	5.94%

Government response

Concerns regarding the funding and capacity of Child and Adolescent Mental Health Services are outside the scope of this consultation. In response to respondents’ other concerns, the section on special educational needs and mental health has been separated in to two separate sections. We have added a case study and links to the Department for Education’s advice on mental health and behaviour in schools, the NICE guidelines on *Children’s Attachment: Attachment in children who are adopted from care, in care or at high risk of going in to care* and other resources to provide more detail on how to support this cohort’s mental health once issues are identified.

Question 10

Do you agree with the emphasis on designated teachers being proactive in building relationships with professionals beyond the school?

Almost all respondents (90%) agreed with the emphasis on designated teachers being proactive in building relationships with professionals beyond the school. Many schools felt they were already proactive in building these relationships. However, respondents stressed that building relationships needs to be a two-way process and not only the responsibility of the designated teacher. They felt it can be problematic getting other

professionals' engagement, making it difficult to build professional relationships, and that information sharing is often poor.

Respondents' main concerns were again focused on funding and resources.

Respondents felt that there is a lack of training opportunities for schools and teaching staff due to funding and time constraints. They also highlighted that support from Child and Adolescent Mental Health Services can be inconsistent and that early family support should be a priority.

	Total	Percent
Yes	364	90.10%
No	28	6.93%

Government response

Given respondents' strong support we have not made significant changes to this section. We acknowledge concern that building relationships outside of the school needs to be a two-way process, but placing responsibilities on other agencies is outside the scope of this consultation and guidance. However, we have sought to address this where possible within the scope of the consultation by emphasising the need for VSH to work with designated teachers and build professional relationships with them and head teachers in the guidance on *Promoting the education of looked-after children*.

Question 11

Do you agree with the emphasis in the school exclusion section on designated teachers working with Virtual School Heads to help ensure behavioural issues are dealt as soon as possible to help minimise the need for exclusion?

The vast majority of respondents (89%) agreed with the approach taken in the school exclusion section.

Respondents' main concerns were around lack of funding and resources, particularly designated teachers' time. Respondents also highlighted in many instances the decision to exclude was taken without prior involvement of the designated teacher or VSH. There was also concern around the lack of understanding of children's needs, the reason for their behaviour, and how to deal with it. Therefore, respondents felt that training was imperative and some thought that it should be compulsory. Another significant concern raised was the need to clarify the role of the VSH to avoid them being seen as "the solver" and unduly raising expectations. Respondents also felt that early help and the involvement of other agencies should play a key role and be highlighted.

	Total	Percent
Yes	360	89.11%
No	29	7.18%

Government response

Given respondents' strong support we have not made significant changes to this section. However, we have sought to address respondents' concerns about decisions being taken without the knowledge of the designated teacher or VSH by highlighting head teachers' responsibility not to exclude looked-after children if at all possible and the need for VSH to build relationships with head teachers and governing bodies regarding dealing with behavioural issues and exclusions. We have also provided further clarity on the role of the VSH in supporting the school to determine the best way to help support pupils to improve their behaviour so exclusion does not become necessary.

Next steps

Following this consultation, both *Promoting the education of looked-after children* and *Roles and responsibilities of the designated teacher* have been revised as outlined above. The revised documents will be published in February 2018 and VSH and designated teachers' new responsibilities towards previously looked-after children will come into force from September 2018, in line with the academic year.

Annex A: List of organisations that responded to the consultation

	Total #	Percent
Designated Teacher	136	33.66%
Other ¹	73	18.07%
Head teacher	63	15.59%
Virtual School Head	60	14.85%
Other local authority role (Please specify)	28	6.93%
Other school role (Please specify)	23	5.69%
School Governor	10	2.48%
Social Worker	5	1.24%
Teaching assistant or other school support role	5	1.24%
Director for Children's Services	1	0.25%

Among organisations responding were:

- Association of Directors of Children's Services
- British Association of Social Workers
- Catholic Education Service
- Local Government Association
- Migrant & Refugee Children's Legal Unit
- National Association of Head Teachers (NAHT)
- National Association of Virtual School Heads
- Prospects - Careers information, advice and guidance provider
- Royal College of Speech and Language Therapists
- South West Virtual Heads Regional Group

¹ This included: adoptive parents; academic researchers; independent trainers and consultants; educational/clinical psychologists; Ofsted HMI.



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