

Notice of Meeting

Education and Skills Board

**Date & time**

Tuesday, 19 April
2016 at 10.00 am

Place

Ashcombe, County
Hall, Penrhyn Road,
Kingston upon
Thames, KT1 2DN

Contact

Dominic Mackie
Room 122, County Hall
Tel 020 8213 2814
dominic.mackie@surreycc.gov.uk

Chief Executive

David McNulty



We're on Twitter:
@SCCdemocracy

If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call 020 8541 9122, write to Democratic Services, Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9009, or email dominic.mackie@surreycc.gov.uk.

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Dominic Mackie on 020 8213 2814.

Elected Members

Mrs Liz Bowes, Mr Mark Brett-Warburton (Chairman), Mr Ben Carasco, Mr Robert Evans, Mr Denis Fuller, Mr David Goodwin, Miss Marisa Heath, Mrs Margaret Hicks, Mr Colin Kemp, Mrs Marsha Moseley (Vice-Chairman), Mr Chris Norman and Mr Chris Townsend

Independent Representatives:

Peter Corns (Surrey Governors' Association), Derek Holbird (Diocesan Representative for the Anglican Church) and Simon Parr (Diocesan Representative for the Catholic Church)

TERMS OF REFERENCE

The Board is responsible for the following areas:

Performance, finance and risk monitoring for education services

Schools and Learning

Services for Young People (including Surrey Youth Support Service)

Special Education Needs and Disability

Further Education

Early Years Education

Services to improve achievements for those children in Surrey's care

Virtual school

School places

School transport

Participation of young people not currently in employment , education or training

Apprentices and skills for employment

Adult and Community Learning

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 MINUTES OF THE PREVIOUS MEETING:

(Pages 1
- 6)

To agree the minutes as a true record of the meeting.

3 DECLARATIONS OF INTEREST

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

Notes:

- In line with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, declarations may relate to the interest of the member, or the member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners and the member is aware they have the interest.
- Members need only disclose interests not currently listed on the Register of Disclosable Pecuniary Interests.
- Members must notify the Monitoring Officer of any interests disclosed at the meeting so they may be added to the Register.
- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.

4 QUESTIONS AND PETITIONS

To receive any questions or petitions.

Notes:

1. The deadline for Member's questions is 12.00pm four working days before the meeting (Wednesday 13 April 2016).
2. The deadline for public questions is seven days before the meeting (Tuesday 12 April 2016).
3. The deadline for petitions was 14 days before the meeting, and no petitions have been received.

5 RESPONSES FROM THE CABINET TO ISSUES REFERRED BY THE SCRUTINY BOARD

There are no responses to report.

6 RECOMMENDATION TRACKER AND FORWARD WORK PROGRAMME

(Pages 7
- 14)

The Board is asked to monitor progress on the implementation of recommendations from previous meetings, and to review its Forward Work Programme.

7 EDUCATIONAL ACHIEVEMENT OF CHILDREN IN CARE

(Pages
15 - 54)

To inform the Board of ongoing work aimed at improving the educational achievement of children in care in Surrey.

8 HENRIETTA PARKER TRUST UPDATE

(Pages
55 - 62)

To further update the Education and Skills Board on the progress of the recommendations made from its meeting of 22 October 2015 in response to the Henrietta Parker Trust internal audit report.

9 SEND TRANSPORT CONSULTATION REVIEW

(Pages
63 - 82)

To update the Education and Skills Board on the outcome of the consultation in regard to Special Education Needs and Disabilities (SEND) transport policies and provide recommendations

10 DATE OF NEXT MEETING

The next meeting of the Board will be held at County Hall on Wednesday 11 May 2016 at 10.00am.

David McNulty
Chief Executive

Published: 11 April 2016

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

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MINUTES of the meeting of the **EDUCATION AND SKILLS BOARD** held at 10.00 am on 24 March 2016 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Board at its meeting on Tuesday, 19 April 2016.

Elected Members:

- * Mrs Liz Bowes
- * Mr Mark Brett-Warburton (Chairman)
- * Mr Ben Carasco
- * Mr Robert Evans
- Mr Denis Fuller
- Mr David Goodwin
- * Miss Marisa Heath
- * Mrs Margaret Hicks
- * Mr Colin Kemp
- * Mrs Marsha Moseley (Vice-Chairman)
- * Mr Chris Norman
- Mr Chris Townsend

Ex officio Members:

Mrs Sally Ann B Marks, Chairman of the County Council
Mr Nick Skellett CBE, Vice-Chairman of the County Council

Co-opted Members:

- * Peter Corns, Surrey Governors' Association
- Derek Holbird, Diocesan Representative for the Anglican Church
- Simon Parr, Diocesan Representative for the Catholic Church

In attendance

Mrs Linda Kemeny, Cabinet Member for Schools, Skills and Educational Achievement, Schools.
Mrs Mary Lewis, Cabinet Associate for Children, Schools and Families Wellbeing.

15/16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies received from David Goodwin, Chris Townsend and Denis Fuller. There were no substitutions.

16/16 MINUTES OF THE PREVIOUS MEETING: 14 JANUARY 2016 [Item 2]

Correction to the minutes to be made; Mary Lewis was in attendance. The remainder of the minutes of the meeting on 14 January 2016 were agreed as an accurate record.

17/16 DECLARATIONS OF INTEREST [Item 3]

Robert Evans advised that he was a tutor at the Royal Holloway, University of London.

18/16 QUESTIONS AND PETITIONS [Item 4]

There were no questions or petitions.

19/16 RESPONSES FROM THE CABINET TO ISSUES REFERRED BY THE SCRUTINY BOARD [Item 5]

There were no items referred.

20/16 RECOMMENDATION TRACKER AND FORWARD WORK PROGRAMME [Item 6]

Witnesses:

Linda Kemeny, Cabinet Member for Schools, Skills and Educational Achievement

Key points raised during the discussions:

1. The Cabinet Member advised the Board that the Henrietta Park Trust had been re-constituted and would start dispensing funds. The Chairman added that there would be an item on this at a future meeting and that the Council Overview Board had created a Task & Finish Group to investigate trust funds more broadly and that he would feedback on the outcome to this Board.
2. The Chairman informed the Board that Martin Lock, a co-opted Member, had stepped down from the Board with immediate effect and that a new representative of the Parent Governor Association would be co-opted later in 2016.
3. The Chairman explained to the Board and members of the public present that the order of the meeting had been changed and that it would begin with the overview of finances.

21/16 SEND STRATEGY 2020 [Item 7]

Witnesses:

Julie Fisher, Deputy Chief Executive
Frank Offer, Head of Commissioning for Young People
Sue Roch, Area Education Officer (South East)

Linda Kemeny, Cabinet Member for Schools, Skills and Educational
Achievement
Mary Lewis, Cabinet Associate

Robert Evans left the meeting at 11:27

Key points raised during the discussions:

1. The Head of Commissioning for Young People introduced the item and outlined the context for the strategy. He advised the Board that the council faced a number of challenges; cultural issues, building a customer centred system, reshaping the local offer with partners and development of inclusive practice. The Board learned that the council faced SEND pressures that exceeded demographic growth for a number of reasons and an over reliance on the non-maintained independent school sector.
2. A needs analysis had been undertaken by the service to better understand the needs of Surrey children and they were using this information to model provision for future years. Officers were asked if they had also visited other authorities to learn from their practice. The Board were informed that officers had been to Hertfordshire to understand their low use of NMIs and Gloucestershire for the timeliness of their SEND assessment process.
3. The Board expressed strong concerns at the level of need in Surrey and how this compared with other authorities. The Head of Commissioning for Young People explained that other areas make greater use of alternatives to SEN statements such as support through Speech and Language Therapy and Child and Adolescent Mental Health services. The Deputy Chief Executive commented how this situation highlights the need for a well articulated early help offer which would impact how children are assessed in Surrey.
4. Witnesses were asked if the council understood where children with SEND lived and where they went to school to help develop a local offer. The Head of Commissioning for Young People confirmed that they do and that they have a software tool to aid the modelling of provision to meet need. This has, for example, led to a bid for a free school in the west of the county to meet a gap in provision there in relation Communication and Interaction Needs (COIN).
5. The Cabinet Member for Schools, Skills and Educational Achievement emphasised the significance of inclusion in meeting

needs of children with SEND. Promotion of inclusive practice was happening through a pilot in 53 schools, examples of good practice in Surrey Heath were referred to and how these needed to be scaled up across the county. Further to this, all of Surrey's special schools are rated 'good' or 'outstanding' by Ofsted and this should be more widely communicated to parents and carers. The Cabinet Member also commented that more could be done to meet need through the creation of free schools with support from the Regional Schools Commissioner.

6. A Board member stated that school governors, local MPs and councillors should be mobilised in support of this strategy. The Cabinet Member told Members that two meetings are held each term with governors and typically had 70 people in attendance and recently she had presented the SEND transformation agenda and that it had been positively received by governors.
7. The witnesses were asked what impact the strategy and the needs analysis would have on the Schools & Learning budget. The Head of Commissioning for Young People advised that some modelling was already included in budget projections. What needed more work was the impact of growth post-16 resulting from Children & Families Act, integrated working to develop local solutions and early help. The Deputy Chief Executive added that there were further savings in the Medium Term Financial Plan that have not been quantified as yet including the impact of using the Hertfordshire model of provision in Surrey.

Recommendations

None.

Actions/further information to be provided:

None.

Board next steps:

None.

22/16 SEND TRANSPORT [Item 8]

Witnesses:

Sue Roch, Area Education Officer (South East)

Linda Kemeny, Cabinet Member for Schools, Skills and Educational Achievement

Mary Lewis, Cabinet Associate

Key points raised during the discussions:

1. The Area Education Officer (South East) advised the Board that the number of pupils that used taxis and medical escorts had

decreased. The council was working with schools to make children comfortable with sharing routes with their peers. In the future they also hope that parents will make use of a travel allowance for their children.

2. A Member of the Board suggested that there should be further training for Members on transport appeals which the Area Education Officer agreed to take away. Officers were questioned about the low response rate to the consultation on transport policy and how this needed to be communicated clearly to avoid unnecessary appeals. The Board were reassured that the entitlement to transport would remain the same it is how that entitlement is met with more use of travel allowances than taxis though there was recognition that this won't be for every family.
3. The Chairman suggested that the response rate could have been improved. Perhaps cards could have been placed in taxis to allow for more responses. The Area Education Officer explained that past experience had informed the approach and that individual letters to parents on the East project had returned a similarly low response rate.
4. Members asked about the procurement of taxi services including the cost per mile increases in a period of cost suppression. The Area Education Officer (South East) explained that there was a high expectation placed upon drivers in these cases such as the need for Disclosure and Barring Service checks. The Cabinet Member highlighted that transport would be going out to tender and that there is a need to be able to break contracts and re-organise the services, however, there was an issue with the market response – with very few bids to the council's tenders.
5. The Board heard that parents consider their children to be entitled to a taxi service which is not the case. Assumptions need to be challenged in annual reviews of service packages. Parents needed to take more responsibility through schemes such as the travel allowance and independent travel training for children aged over 16. In this age group families had not, historically, been asked to contribute to costs but the new policy would seek to change that.

Peter Corns left the meeting at 12:25

Recommendations

1. The Board to invite procurement officers to a future meeting to discuss the procurement of taxi services for children with SEN.

Actions/further information to be provided:

None.

Board next steps:

None.

23/16 SEND FINANCES [Item 9]

Witnesses:

Paula Chowdhury, Strategic Finance Manager for Children, Schools and Families

Key points raised during the discussion:

1. The Chairman of the Board agreed for the item to be taken into Part 2 under Section 100(A) of the Local Government Act 1972, on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.
2. The officer gave Members a presentation on the Children, Schools and Families budgets under the Medium Term Financial Plan.

24/16 PERFORMANCE AND FINANCE SUB GROUP VERBAL REPORT [Item 10]

Witnesses:

Paula Chowdhury, Strategic Finance Manager for Children, Schools and Families

Key points raised during the discussion:

1. A summary of the content of the recent Performance and Finance Sub Group meeting was incorporated in the presentation for Item 9.

25/16 DATE OF NEXT MEETING [Item 11]

The date of the next meeting will be on Tuesday 19 April 2016 at 10.00am.

Meeting ended at 12:45

Chairman



Education and Skills Board

19 April 2016

Recommendation Tracker

1. The Board is asked to review its Recommendation Tracker and provide comment as necessary.
2. The Forward Work Plan is attached for the Board's reference.

Report contact:

Dominic Mackie, Scrutiny Officer, Democratic Services

Contact details: dominic.mackie@surreycc.gov.uk 020 8213 2814

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**EDUCATION AND SKILLS BOARD 2016/17
ACTIONS AND RECOMMENDATIONS TRACKER – 24 March 2016**

The recommendations tracker allows Board Members to monitor responses, actions and outcomes against their recommendations or requests for further action. The tracker is updated following each Board. Once an action has been achieved and reported to the Board it will be removed from the tracker.

Date of meeting	Item	Ref:	Recommendations/Actions	Achieved/Outstanding?	Deadline/Progress Check	Responsible Cabinet Member/Member/Officer
22 October 2015	SEND Transport	N/a	That the Board nominates its Wellbeing and Social Care sub-group to undertake a three-monthly progress check on delivery of the SEND programme and that health and school partners in the SEND programme are invited to meet with the sub-group.	Outstanding	July 2016	This will be scheduled as part of the work of the Wellbeing & Social Care Sub Group
22 October 2015 Page 9	SEND Transport	N/a	That the Chairman of the Resident Experience Board engages with the Customer Experience work-stream of the SEND programme, and reports back to the Education and Skills Board on progress.	Outstanding Update 22/02/2016: The Customer Service Excellence workstream has just launched, an update will be provided in due course.	July 2016	The Chairman of the Resident Experience Board
17 September 2015	Funding Schools for Deprivation [Item 5]	N/a	That officers proactively explore options with schools about how to best develop a collaborative alternative mechanism for targeting deprivation.	Outstanding Update: The Demographics Sub Group will receive an update and report back to the Board in due course.	July 2016	Assistant Director for Schools and Learning
17 September 2015	Funding Schools for Deprivation [Item 5]	N/a	That officers develop a strategy with schools to encourage families to register children for Free School Meals where eligible, in order to ensure schools are receiving the appropriate level of Pupil Premium funding.	Outstanding Update: The Demographics Sub Group will receive an update and report back to the Board in due course.	July 2016	Assistant Director for Schools and Learning

Date of meeting	Item	Ref:	Recommendations/Actions	Achieved/Outstanding?	Deadline/Progress Check	Responsible Cabinet Member/Member/Officer
17 September 2015	Funding Schools for Deprivation [Item 5]	N/a	That officers support the Primary Phase Council in understanding the low response rate to the consultation, in order to develop a wider evidence base of how funding is used.	Outstanding Update: The Demographics Sub Group will receive an update and report back to the Board in due course.	July 2016	Assistant Director for Schools and Learning
14 January 2016 Page 10	The Impact On The Local Education Authority Of The Academy Agenda [Item 7]	ESB 01/2016	The Board requests a further report from the council's school commissioners, with input from schools, on the results and outcomes of the 'academisation' process. The Board recommends that Officers compile a comparison of school results against the types and profiles of institution (i.e. Local Authority Maintained School, Academy, part of a Multi-Academy Trust).	Outstanding Update: A report will be tabled as part of the Board's May meeting agenda.	May 2016	Nicholas Smith, Schools Commissioning Officer Julie Stockdale, Head of School Commissioning
14 January 2016	The Impact On The Local Education Authority Of The Academy Agenda [Item 7]	ESB 02/2016	The Board also recommends that it receive a report on the council's ongoing strategy to maintain proactive involvement with education in Surrey in light of the shift towards 'academisation', including business plans for the provision of services, development of good governance, and consideration of how to develop Teaching Schools to maintain supply of high quality teachers to Academies in Surrey.	Outstanding Update: A report will be tabled as part of the Board's May meeting agenda.	May 2016	Nicholas Smith, Schools Commissioning Officer Julie Stockdale, Head of School Commissioning

Date of meeting	Item	Ref:	Recommendations/Actions	Achieved/Outstanding?	Deadline/Progress Check	Responsible Cabinet Member/Member/Officer
14 January 2016	Henrietta Parker Trust Fund - Interim Report [Item 9]	ESB 03/2016	The Board recommends that Officers prepare a full report on the future management of the Henrietta Parker Trust for the Board meeting of 24 March 2016.	Achieved Update (24/03/2016): A report will be tabled as part of the Board's April meeting agenda.	April 2016	Paul Hoffman, Principal Community Learning and Skills
14 January 2016	Henrietta Parker Trust Fund - Interim Report [Item 9]	ESB 04/2016	The Board recommends to the Council Overview Board that it considers a request for Officers to: <ul style="list-style-type: none"> • Collect details of the various local Trusts operating in Surrey into a single register indicating the level of council involvement in each one • Provide the details of relevant Trusts by area to the Chairmen of the Local Committees. 	Outstanding	May 2016	The Council Overview Board
24 March 2016	SEND Transport [Item 8]	ESB 05/2016	Invite the procurement team to attend the May Board meeting to report on the procurement procedures and methods for SEND Transport contracts,	Achieved: Update: A report will be tabled as part of the Board's May meeting agenda.	May 2016	Sue Roch Liz Mills
24 March 2016	SEND Transport [Item 8]	ESB 06/2016	For officers to employ different methods of engagement with SEND transport core stakeholders to improve the response rate before the closure of the consultation	Achieved Update: A report will be tabled as part of the Board's April meeting agenda.	April 2016	Sue Roch Liz Mills

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Education and Skills Board Forward Work Programme 2016/17

19 April 2016

Ashcome

- Educational Achievement of Children in Care
- Henrietta Parker Trust Fund - Full Update
- SEND Transport Consultation Report

11 May 2016

Ashcombe

- Further Education Colleges in Surrey
- Surrey Academisation
- SEND Transport - Contact Procurement

07 July 2016

2pm

Ashcombe

Business Meeting

- Performance and Finance Sub Group Report (SEND Funding Model Consultation)
- Wellbeing and Social Care Sub Group Report
- Attainment and Outcomes Sub Group Report
- Work and Prosperity Sub Group Report
- Demographic Trends Sub Group Report

15 September 2016

Ashcombe

24 November 2016

Ashcombe

Future topics for scrutiny:

- Monitoring Babcock 4S about schools performance and value for money (audit reports)
- Recruitment of headteachers, specialised teachers and school governors
- School places – How does the County work out the provision?
- Vision for “Education in the future”
- Services for Young People
- SEND Social Impact Bond



Education and Skills Board
Tuesday 19 April 2016

The Educational Achievement of Children in Care

Purpose of the report: Policy Development and Review

To inform the Education and Skills Board of ongoing work aimed at improving the educational achievement of children in care in Surrey.

Introduction:

1. In December 2015 The Association of Directors of Children's Services, the National Consortium for Examination Results and The National Association of Virtual School Heads published their joint policy paper, 'The Educational Achievement of Children in Care' (**Annex 1**).

Educational Achievement of Children in Care:

2. 'The Educational Achievement of Children in Care' paper made a number of recommendations to the Department for Education, Ofsted, Local Authorities and schools, which if implemented would improve significantly the outcomes for children in care. Once considered by all partners the necessary resources will be identified and a detailed project plan prepared. It is anticipated that new systems will be in place by September 2016.
3. Surrey Virtual School responded to the paper's 18 recommendations (**Annex 2**) and presented them at the Corporate Parenting Board in January 2016. The Board welcomed the responses and recommended further endorsement from the Education and Skills Board.

Recommendations:

4. The Education and Skills Board is asked to:
 - 4.1 Note the content of the joint policy paper.
 - 4.2 Note Surrey Virtual School's responses to the paper's 18 recommendations.
 - 4.3 Further endorse Surrey Virtual School's responses.

Report contact: Maria O'Shaughnessy, Head of Surrey Virtual School,
Children, Schools and Families

Contact details: 020 8541 7761, maria.oshaughnessy@surreycc.gov.uk.



ADCS
Leading Children's Services



Joint Policy Paper
The Educational Achievement of Children in Care

December 2015

The Association of Directors of Children's Services

National Consortium for Examination Results

Page 17 The National Association of Virtual School Heads



The Educational Achievement of Children in Care

Improving the educational outcomes for children in care is a priority for national and local government. The evidence is clear – whatever else goes wrong in children's lives, their life chances are significantly improved when they achieve decent educational outcomes. Local authorities and their directors of children's services are the corporate parents for children in care, with moral and professional responsibilities to maximise their educational outcomes.

Building on evidence from recent research carried out by the Rees Centre at the University of Oxford and the University of Bristol, the Association of Directors of Children's Services (ADCS), working with the Virtual School Heads Network and the National Consortium for Examination Results, wants to stimulate a national debate about improving support and ambition for children in care, and, through that, to improve educational outcomes and life chances for all children in care.

The relationship between being in care and poor educational outcomes is explained, in part, by the trauma of pre-care experiences such as poverty, maltreatment and neglect. The research findings suggest that care generally provides a protective factor, with early admission to care being associated with consistently better educational outcomes. Care also benefits those admitted into the care system later, but it does not fully reverse the damage that has already been done.

In this paper ADCS and its partners make a number of recommendations to the Department for Education, Ofsted, local authorities, and schools. The recommendations are based on findings from the research as well as previous work. These recommendations, if implemented, will improve significantly the educational outcomes for children in care.

A central recommendation is for the development and implementation of a new national system for monitoring educational outcomes and progress for children in care, based on the findings from the research about the factors that impact on educational outcomes for this particularly vulnerable group of children.

In the past the information and analysis available to national and local government has been patchy and has been used inconsistently. The relevant Statistical First Releases have provided a useful starting point, but what is proposed here is a consistent national evidence-based system that enables national government, local authorities, schools and Ofsted to assess, monitor and report on the educational achievement and progress of children in care nationally, locally, at institutional level, and individually, with four key aims:

- To identify and disseminate effective practice
- To enable all parts of the system to be held properly to account



- To improve the educational provision and outcomes for children in care both in aggregate and individually
- To inform future research.

This paper urges a national debate on how we can best achieve a shared ambition to improve educational outcomes and progress for children in care. The paper analyses the issues, drawing on both academic research and existing work in local authorities and schools, and makes proposals for a national approach that will meet these four aims. The proposals have been developed with a view to minimising complexity and cost, while maximising the utility of the information and analyses.

Once this paper has been considered by all partners, the next step will be to identify the necessary resources, and to develop and implement a detailed project plan. We would hope to have the new systems in place for September 2016.

Debbie Barnes
Chair, ADCS Educational Achievement Policy Committee

Alan Clifton
On behalf of the Virtual School Heads Network

John Freeman CBE
Chair, NCER

December 2015



The Educational Achievement of Children in Care

Executive Summary

This paper is drawn from work carried out by the Association of Directors of Children's Services (ADCS), the Virtual School Heads Network and the National Consortium for Examination Results (NCER), supported by findings from research carried out jointly by The Rees Centre at the University of Oxford and the University of Bristol, supported by the Nuffield Foundation. The paper makes a number of recommendations for all parts of the system – the Department for Education (DfE), Ofsted, local authorities, virtual schools, and schools.

ADCS, as the leadership organisation for local authority children's services professionals, wants to stimulate a national debate on the evidence and the recommendations set out within the paper, and, through that, to improve educational outcomes and life chances for all children in care.

The starting point for much further work will be the development of a national information management and analysis system that will enable practitioners at all levels to be able to analyse and report on performance against the significant factors identified through research, and it is proposed that such a system be commissioned and implemented as soon as possible.

Key issues

- 1. While children in care typically achieve substantially less well than their peers on all educational measures, there is a strong association between the length of time in care and positive educational outcomes at age 16.** When the educational outcomes for children in care are compared with their peers with similar backgrounds, the achievement gap is very much smaller. Being in care is associated with improved educational outcomes when compared to children in need – those on the edge of care.
- 2. The cohort of children in care, while large nationally, is relatively small and heterogeneous locally.** Simplistic headline year-on-year metrics are not statistically valid when assessing performance at local authority or school level. The fluidity of the care population is another factor that makes year-on-year comparison difficult.
- 3. A number of factors have been identified through research and local practice that are closely linked to poorer educational outcomes.** Some of these factors are outside of the control of local authorities and schools, while other factors can be ameliorated through changing policy or practice. So, the damage to the brain associated with foetal alcohol syndrome cannot be changed, though the later effects can be reduced by appropriate support. Childhood trauma and neglect can cause both permanent and temporary effects. Attachment difficulties arising from childhood trauma significantly affect



learning [Reference 5]. The impact of all these difficulties can be mitigated by skilled practitioners.

An example of a variable factor would be the aggregate number of days missed from school for any reason.

Of course, statistical linkages are not necessarily causal, and continued systemic longitudinal research is needed to identify causal factors and to ensure that policy and practice are focused on minimising the detrimental impact of those factors identified as having the greatest impact.

4. Far too many children in care do not make 'expected progress' from the point they are taken into care. The national ambition must be for children in care to make better than expected progress, and to provide appropriate support to ensure that this ambition can be met. Too often there is an underlying assumption that simply being in care leads to poor outcomes. This assumption is strongly refuted by the research evidence. This incorrect assumption leads to educational targets being set too low, and not being sufficiently challenging. This can have the further consequence that appropriate remedial and support action is not taken, as it is not required to help children in care meet the unchallenging targets. Since children entering care have often had very poor experiences up to that point, the reality is that it is entirely appropriate that accelerated progress targets should be set on entry to, and during their journey through, care, accompanied by appropriate educational support.

5. The educational needs of individual children in care should be properly assessed by schools, with accelerated targets for educational progress, with the professional and care-based support needed to achieve those targets. For example, the benefits of schools actively contributing to the Strengths and Difficulties Questionnaire, and using Personal Education Plans to provide a framework for improving emotional wellbeing and resilience, should not be underestimated. Additional resources such as Pupil Premium Plus should be targeted precisely, in order to provide the appropriate support for individual children in order to help them achieve their accelerated targets. Additional resources should *not* be used generically, as the additional needs of children in care are individual, and vary greatly from child to child.

6. Local authorities and virtual schools should have access to all relevant information about all children in care educated locally, whatever their 'home' local authority, in order to provide integrated support and challenge for local schools. Virtual school heads have two roles – first, as corporate parents of all their local authority's children in care, wherever placed or educated; and second, to ensure that local schools, settings, and other services provide a good service for all children in care, wherever they are from. Virtual school heads need to collaborate when children in care have educational placements outside their 'home' local authority, however, the key responsibility remains with the Virtual School Head from the 'home' local authority.

7. Local authorities, virtual schools, and schools should all have ready access to easy-to-use information analysis to assess and improve both their own performance in respect of children in care overall, and of individual children in care.



The information management system should enable both retrospective analysis and analysis of current learning activity.

8. **An information management and analysis system is proposed that will enable educational tracking of children in care, reporting on performance at national, local and institutional level.** The system, working name '*Circe*', will, for economy, be built around the existing NCER data architecture, and will enable sophisticated analysis of the factors that impact on educational achievement, and will also provide a rich source for further longitudinal research to inform policy and practice improvement.



The Educational Achievement of Children in Care

1. Introduction

This paper has been prepared on behalf of:

- The Association of Directors of Children's Services (ADCS), the local authority leadership organisation for children's services professionals
- The Virtual School Heads Network, representing local authority virtual school provision specifically aimed at children in care. The Virtual School Heads Network is in the process of becoming a charitable trust, the National Association of Virtual School Heads
- The National Consortium for Examination Results (NCER), the not-for-profit community interest company mutually owned by all local authorities and which carries out national analysis of educational performance for local authorities and schools.

The proposals for action and recommendations are based on the work of the ADCS Educational Achievement Policy Committee, the Virtual School Heads Network, and the NCER, and are informed by The Rees Centre literature review, and the conclusions of the research jointly undertaken by The Rees Centre at the University of Oxford and the University of Bristol, supported by the Nuffield Foundation.

Local authorities have a duty under the Children Act 1989 to safeguard and promote the welfare and educational achievement of children in their care. Typically, children in care achieve at a significantly lower level than their peers and too often make less progress than would be expected for other children. As leaders responsible for ensuring that the local authority discharges its duty, directors of children's services and lead members for children's services must ensure that closing the attainment and progress gap between children in care and their peers is a priority for action. Local authorities must develop appropriate local policies and practices both to create a culture of high aspiration and to improve educational outcomes and life chances for children in care.

National government and local authorities have been working in this direction for many years, for example through the creation of virtual schools. The most recent statutory guidance was published by the Department for Education in July 2014 [Reference 3], and Statistical First Releases on children in care have been published annually [Reference 4]. These documents have proved very helpful in promoting understanding of the issues and development of good practice. However, there has been a paucity of secure evidence both on linking practice to outcomes, and the factors that influence educational achievement for this particularly vulnerable group.

As a starting point, children in care must have access to a suitable range of high quality education placement options which will promote their educational achievement. Since the implementation of the Academies Act 2010, the education system has radically changed and we have seen, and continue to see, the development of an increasingly autonomous school system. In light of this, it is appropriate that the sector reviews the critical roles which local authorities, schools and academies, multi-academy trusts, academy chains,



regional school commissioners, and Ofsted play in closing the attainment and progress gap and their respective roles in creating a culture of high aspirations and ambitious targets for these learners.

In February 2015, improving the educational achievement of children in care was identified as a key issue as an area for investigation and action by the Association of Directors of Children's Services' Council of Reference. The challenge has been taken on by the Educational Achievement Policy Committee, which over recent months has worked with the Virtual School Heads Network, the National Consortium for Examination Results (NCER), and the Rees Centre for Research in Fostering and Education at Oxford University.

The Rees Centre and the University of Bristol have been undertaking research into educational achievement and progress of children in care, and researchers have visited two ADCS policy committee meetings in recent months to discuss the remit of this study and share an overview of their early findings. A literature review has been published [Reference 1], and the main research report was published on 30 November 2015 [Reference 2]. This paper incorporates the key findings from the research.

One important conclusion from the research is that simply being in care does not, of itself, lead to substantially worse educational outcomes. Of course, this is good news, but the research then identifies a number of important factors that impact negatively on educational outcomes and which are too often associated with being in the care system. The recommendations and proposals in this paper are designed to help minimise the negative factors and their effect, and to enable local authorities and schools to monitor and assess the impact of improvement measures both individually and in the aggregate, so that further evidence-based improvement measures can be implemented.

This paper proposes a standardised national and local authority information management and analysis system, and how this system should be designed in the light of the evidence. There is much innovative practice at local authority and school level, and one of the benefits of a national information management system will be that the outcomes of effective local practice will be more easily identified and disseminated. So, for example, the use of 'Pupil Premium Plus', the deployment of counsellors and educational psychologists, and the provision of training and support for foster carers and social workers, are all areas ripe for further evidence-based research. The paper notes a number of areas where further work on practice development could be taken forward.

As a general observation on the information management and analysis systems proposed, and indeed on virtual school practice more generally, the intention is absolutely *not* to explain away failure by identifying factors that lead to underachievement. Rather, the aim is to provide all concerned – particularly virtual school heads and designated teachers, foster carers and social workers, and of course children and young people themselves – with the information necessary both to set accelerated targets for progression and achievement, and, vitally, to provide the targeted support necessary to make these targets achievable. Finally, the aim is to provide information that will enable the whole system, at every level, to be held to account for its performance in improving outcomes for children in care, through a shared ambition to be aspirational.



National systems and processes are in place for assessing and reporting on the educational achievement of all children. However, these systems are continuing to evolve, and the analysis and proposals in this paper relating to the educational achievement of children in care will need to evolve in the light of the broader national changes. However, the proposed information management system builds on the architecture of the existing analytical system (Nexus) developed by NCER for local authorities; Nexus is already being developed to respond to these national changes.



2. The Present Position

The DfE focus on outcomes for children in care, reflected in the Ofsted Single Inspection Framework, is limited to the achievements of this cohort at the end of Key Stages (FSP and 1- 4). A focus on outcomes at Key Stage 4 is important and must be retained, as achievement at age 16 is a vital gateway to future learning and employment. However, the adoption of this single focus does not, by itself, provide the DfE, Ofsted, local authorities, schools, academies, multi-academy trusts, academy chains, and regional school commissioners with a comprehensive picture in order properly to assess their various impacts on educational progress of children in care. Even more importantly, a singular focus on outcomes at the end of Key Stage 4 does not enable a better understanding of those factors which impact, positively and negatively, upon progress and achievement.

Some children in the care of the local authority take longer to fulfil their educational potential than those not in care, especially those who enter the care system relatively late. Taking life-influencing public examinations at age 16 is just too soon for some young people, especially those who have been taken into care during Key Stage 4, and an assessment of their achievement at a later age may be more appropriate, especially in light of the raising of the participation age to 18 in September 2015 and the ongoing duties of local authorities towards care leavers.

While ADCS, the Virtual School Heads Network and NCER can develop and implement more sophisticated and helpful metrics and methodologies, it would be helpful if the national accountability framework was updated to take these developments into account.

An effective dataset and associated analyses would enable local authorities, schools, academies, multi-academy trusts, academy chains, and regional school commissioners to understand their own relative performance better. This, in turn, would help local authorities to take improvement action, and help them, as corporate parents, to make more informed choices about schooling for individual children in care.

The improved dataset would enable the Department for Education and Ofsted to develop accountability measures for local authorities and schools which integrate overall educational outcomes, educational progress, and relate these to the factors which are most likely to have a positive impact on the progress and achievement of children in care into a single narrative. This would also facilitate the identification and sharing of excellence.

Recommendation 1

ADCS, DfE and Ofsted should work together to develop a more comprehensive set of metrics and analyses to enable a better assessment of local authority and school performance, including the consideration of longer-term outcomes post-16, post-18 and post-25.

(Refer to Recommendation 18 for further details.)



3. Methodological Considerations

The issues surrounding the educational progress and achievement of children in care are complex, and oversimplification is not helpful, particularly when a wide range of factors are known to affect overall outcomes. Children in care are a heterogeneous group. In addition, the overall performance of local authorities, schools and other agencies has many dimensions.

While this paper argues for a more sophisticated and evidence-based dataset and associated analyses, this should not be taken as attempting to find factors to explain away – and therefore, implicitly, to accept – failure to support children in achieving the best possible outcomes. Rather, having a more complete view of the factors impacting on educational progress and achievement, and specifically on underachievement and lack of progress, will enable local authorities, schools and other agencies either to ameliorate or to reduce or remove negative factors, and for schools and virtual schools to set individual children realistic but challenging progress targets along with the provision of appropriate support.

There is strong research evidence that the following factors are associated with the educational achievement of children in care. The changing, child-centred, and inter-related nature of these factors is not conducive to simplistic analysis. It should be noted that while some of these factors are fixed, in that they have already occurred, others can be affected by policy and practice:

- Whether the child has additional learning needs and the nature of those needs if so, and in particular the nature of any developmental problems since conception
- The length of time the child has been in care
- The age of the child when they entered the care system
- The number of care placements the child has been in and when the changes took place, noting that changes can have positive effects – maintaining a unsuitable placement to avoid a change would, of course, be a perverse decision
- The number of school placements the child has had, and when these took place, again noting that changes can have positive effects
- Whether the child is or has been eligible for free school meals
- The type of school the child attends (in-area or out-of-area / mainstream or special / pupil referral unit)
- The Ofsted rating of school that the child attends
- The number and length of any exclusions
- The aggregate amount of school absence for any reason, whether through sickness, fixed-term exclusions, permanent exclusions, failure to secure a school place, or otherwise
- The number of social workers the child has had whilst in care.



4. Conclusions from Research Evidence and Practice Outcomes

Discussions between ADCS, virtual school heads and The Rees Centre researchers have led to some important general conclusions:

- While the overall population of children in care is statistically significant, at a local level, the relatively small numbers in each age cohort (perhaps only one child for a school, or fewer than 20 per cohort in a typical local authority) and the unique characteristics of each child lead to a high level of variation in the cohort from year to year. These variations include fluctuating percentages of pupils with a statement of special educational needs or an Education, Health and Care Plan (EHC Plan), the prevalence of English as an additional language, and free school meal eligibility. Whilst the whole school population is subject to some variability, this becomes much more pronounced in this very small and heterogeneous cohort.

Recommendation 2

Year-on-year cohort outcome analysis has no statistical validity at local authority or school level and should not be used to assess or compare local authority or school performance over time.

The DfE and Ofsted should end the use of year-on-year cohort outcome analysis.

(Refer to Recommendation 1 for further action.)

- The DfE methodology for assessing local authority performance on 'closing the attainment gap' at each key stage is based on performance of the whole cohort of children in care where they have been in care longer than 12 months, excluding certain groups of pupils from the measure, such as pupils who attend special schools. Pupils with an EHC Plan attending a special school, or an enhanced resource centres attached to a mainstream school, whose additional needs exclude them from access to the national curriculum should therefore be excluded from this indicator. Any analysis should be considered in the light of the cohort size, as above.

Recommendation 3

The DfE should review and update the methodology for aggregating and reporting on performance on 'closing the attainment gap' so that all comparisons are made on a like-for-like basis so as to avoid perverse comparisons, placements and incentives.

(Refer to Recommendation 1 for further action.)



- The most critical measure of impact is educational progress while in care. It is the progress a child makes whilst in the care of the local authority that most accurately reflects the impact of the school and the local authority, and this should form the basis of a national benchmark for effectiveness. Ensuring that achievement targets are based on accelerated progress, and then maximising progress by providing support to meet the challenging targets, must be the key strategy. So progress at all key stages, including from early years Key Stage 1, should be considered and assessed against the whole school cohort and also against the different factors influencing progress, such as eligibility for free school meals (FSM) / English as an additional language (EAL) / additional education needs (AEN). This would enable a greater understanding of the impact of social care interventions by enabling local authorities to take into account the child's starting point at entry into care and of the impact of teaching in achieving accelerated progress relative to their peers. This should be complemented with an assessment of the starting point and relative progress against pupils with otherwise similar characteristics who are not in care.

Recommendation 4

ADCS and the Virtual School Heads Network should develop measures to assess the progress of individual children in care, with reference to their starting point on entry to care, with a view to targets for progress being accelerated with reference to the population not in care, with explicit learning support provided to support the meeting of accelerated targets.

(Refer to Recommendation 1 for further action.)

- A related conclusion concerns the sometimes-limited levels of aspiration schools have for learners who are in care. There are two particular areas revealed by the research and practice reviews. First, there is evidence that some special schools, and in particular schools for emotional and behavioural difficulty, sometimes do not enter pupils for qualifications that they should be capable of attaining based on Key Stage 2 attainment and general progress in Key Stages 3 and 4, due to a lack of aspiration and the level of additional support required. Secondly, local authority analyses have shown that some schools consistently fail to set aspirational targets or predictions based on better-than-expected progress for this vulnerable cohort. There is evidence that some schools where these concerns have been raised have been judged 'outstanding' by Ofsted. If we are to have a national ambition, this must be consistently applied.

Recommendation 5

Secondary schools, alternative provision and other settings should always set appropriate targets for progress, and provide appropriate support, with a view to entering children in care for the qualifications that they are capable of attaining.



Virtual school heads should monitor and support schools and other providers through the mechanism of the Personal Education Plan (PEP).

Virtual school heads should support and challenge schools to set ambitious targets for every child immediately on entry to care, and to provide appropriate learning support, with clear escalation processes to the local authority for maintained schools, regional schools commissioners for academies, and Ofsted where problems persist.

Local authorities, Ofsted and regional schools commissioners should identify where pupils are not being entered for appropriate qualifications and where schools and other settings are failing to set appropriate targets for progress.

Those responsible for the PEP should work to agree what qualifications each child in care is 'capable of attaining', and support should be provided to ensure that a child has the opportunity to gain these qualifications.

Many children in care are educated by schools or other providers located in local authorities distant from their home. Conversely, many schools educate children in care from several different local authorities. In order to monitor and support schools, it is important that the 'local' Virtual School Head knows all the children in care being educated in a school, even though the 'corporate parent' responsibility remains with the 'home' local authority.

The Children and Families Act 2014 amends section 22 of the Children Act 1989 to require every local authority in England to "*appoint an officer employed by the authority, or another authority, to make sure that its duty to promote the educational achievement of its looked after children is properly discharged. For the purpose of this guidance that officer is hereafter referred to as the Virtual School Head*". In this context, local authorities may make arrangements to 'employ' virtual school heads to act on their behalf with respect to children in their care being educated in schools in other local authorities.

Recommendation 6

Virtual school heads should have access to all support plans and targets for children in their care, wherever they are educated. Where children in care are not being educated in the 'home' local authority, the 'home' virtual school head with corporate parenting responsibilities will need to liaise with the 'local' virtual school head who works with local schools.

ADCS should agree with the DfE a form of words that will enable such arrangements to operate.



Recommendation 7

Ofsted should consider making the failure to enter children in care for appropriate qualifications, to set accelerated and challenging targets, or to provide appropriate learning support, a limiting judgment in school inspections.

Recommendation 8

As representatives of corporate parents, ADCS should initiate a national conversation with the DfE, regional schools commissioners, Ofsted and other national partners to agree a nationally-agreed ambition for children in care.

The choice of school for children in care has been identified as a key issue, as has prompt admission to the chosen school. Local authorities and schools need to take steps to ensure that the Admissions Code is followed, and that social workers and foster carers are aware of their responsibilities and that ambitions for children in care are not muted. There is anecdotal evidence to the effect that statements have been made along these lines *"It wouldn't be fair to make XX unhappy by placing them in a school which will stretch them."* Along with improving school admissions, managing exclusions from school, both fixed term and permanent, is an important responsibility for schools, foster carers and social workers to avoid children in care missing education.

Recommendation 9

Children in care should, so far as possible, have unbroken educational placements in good or outstanding schools that meet their educational needs. To this end:

- **Local authorities and virtual school heads should work with foster carers and social workers to develop an understanding of the admissions and exclusions processes, and their responsibilities in these areas.**
- **Virtual school heads should agree any change in education placement except in an emergency, in which case the Virtual School Head should be notified without delay.**
- **Local authorities, through virtual school heads and, for academies, regional schools commissioners, should be able to direct any school to admit a child in care without delay.**
- **Regional schools commissioners should work with virtual school heads and take any necessary action to ensure that children in care are admitted promptly to academies.**



- **Virtual school heads, local authorities, schools, regional schools commissioners and academies should collaborate to reduce to a minimum both permanent and fixed-term exclusions.**

5. Wider Contextual Issues

The Rees Centre research clearly sets out the wider contextual issues which impact most significantly on the educational attainment and progress of children in care. These issues should be considered when determining a single standardised dataset in order to help social workers, teachers, mentors and foster carers to understand, and carry out effectively, their personal and professional roles and responsibilities in improving attainment and progress in learning. A dataset which combines accountability measures (as above) and wider contextual factors will help all concerned, at every level from the national to the individual child in care, to understand better what constitutes good practice.

The research shows that the following factors have a significant impact on the educational attainment and progress of children in care:

- ***The research shows unequivocally that the emotional wellbeing and mental health of children in care has a significant impact on their learning.*** This is entirely unsurprising, so it should be universal and routine practice for schools and foster carers, as well as social workers, to undertake the Strengths and Difficulties Questionnaire (SDQ) with the child. The findings of this exercise should then feed into the Personal Education Plan (PEP). The PEP should set out how the school, working with foster carers, the local authority and others will put in place strategies which will positively impact on mental health and in turn learning outcomes. Research published earlier this year by the NSPCC reinforced the value of the SDQ and highlighted that not all authorities use this tool comprehensively, or in a small number of cases, at all. It should, however, be remembered that the SDQ is only an initial assessment of underlying issues, and the provision of appropriate support requires the underlying issues to be fully assessed. For example, NICE has published guidelines on attachment, with recommendations for the actions that schools should take to support children with attachment difficulties. [Reference 5]

Recommendation 10

ADCS and the Virtual School Heads Network should actively promote:

- **Understanding of attachment difficulties and trauma on learning**
- **Comprehensive and effective use of the SDQ**
- **The development of explicit strategies, recorded in PEPs, to address issues highlighted by SDQ scores.**



Ofsted and the DfE should include compliance with regard to completion of the SDQ by schools and foster carers in regulatory and inspection activities. Ofsted should sample SDQ quality as part of inspection.

- ***The evidence is that stability of education and social care placements are critical factors in achieving good outcomes.*** As discussed above, children in care should not be subject to delays in obtaining a school place and nor should they be excluded without a discussion with the local authority first taking place to ensure that there is suitable alternative provision immediately available. The evidence is that gaps between school placements set back progress, and can also cause safeguarding problems. It is common for schools to 'manage move' pupils rather than exclude them and this may be appropriate, though virtual school heads should be involved at all stages. These issues highlight that using permanent exclusions as a single metric is misleading. Fixed term exclusions or aggregate time out of school would provide more information. Every day away from learning has a detrimental effect on learning and social integration, and any delays in placement should be subject to external scrutiny and rapid action. There is some limited evidence that a small number of fixed term exclusions does not have a significant detrimental effect. Further work needs to be undertaken on this point, but the proposed metric of 'total time away from learning for any cause' seems a good starting point.
- ***The Personal Education Plan (PEP) is the most important tool to monitor, challenge, and support schools, and to track progress and effectiveness at pupil level.*** The PEP reflects the importance of a personalised approach to learning which secures good basic skills, stretches aspirations and builds life chances. The PEP is the joint responsibility of the local authority and the school. However, PEPs vary across the country, and consideration should be given to standardisation.

Both social care and education placement stability are important. However, some placement changes are well-thought-through and positive, and are designed to improve outcomes.

Recommendation 11

ADCS, with the Virtual School Heads Network, and in consultation with the DfE, should develop a standardised dataset for PEPs and the extension of the proposed tracking tool to incorporate PEPs.

(Refer to Recommendation 1 for further action.)



Recommendation 12

Ofsted should consider incorporating in the school inspection framework an assessment of:

- **The time it takes for a school to accept a child in care onto the school roll from the day the request for a placement is received from the local authority**
- **Fixed term exclusions for children in care, as well as total days spent out of school for any reason**
- **The completion and quality of Personal Education Plans.**

Recommendation 13

The DfE should, in consultation with ADCS and the Virtual School Heads Network:

- **Amend the national dataset to include measures of education progress and the stability of social care and education placements**
- **Update the stability indicator to remove the disincentive with regard to positive placement moves.**

(Refer to Recommendation 1 for further action.)

Special Educational Needs and Disabilities (SEND)

The evidence shows that children in care have disproportionately high levels of special educational needs, so it must be a priority to ensure that the recent SEND reforms have the most positive impact for this vulnerable group. ADCS and partners believe that the reforms will deliver improved services generally, but there remain a number of issues in terms of practice and process which would benefit from further consideration.

The joining-up of assessment processes, and the planning for and delivery of services, around social care needs, health needs and education needs through a single planning framework is the right approach. However, in practice, and in part due to the heavily regulated care planning requirements, several different regulatory frameworks apply to the development of EHCPs and reviews for children in care. In order to support children in care who have special educational needs more effectively, these assessment processes need to be better integrated and aligned. This paper does not make proposals in this respect, which is left as an area for further discussion.

A caring and supporting foster or residential placement is also critical to helping children learn. Placements which make learning a priority enable children to develop a sense of



belonging which makes it more likely that the placement will be stable and that the child will achieve. Foster carers and residential social workers should be supported in this respect, with appropriate training.

The educational placement itself, usually a school, needs to be attuned to the needs of children in care. For example, as noted previously, many children in care suffer from pre-existing attachment difficulties and this can cause them to exhibit difficult behaviours. The best schools are 'attachment friendly' and work explicitly to ensure that children with these difficulties, not just children in care, are well-supported and nurtured.

We need to develop an agreed 'education offer' for our children in care so they are aware of what they have a right to expect from schools, carers, health professionals and their corporate parents. Conversely, information about such an agreed 'education offer' will be of great value to schools, carers, health professionals and corporate parents as they develop their services.

Recommendation 14

ADCS should work with partners, including children in care councils, to develop an agreed 'education offer' for children in care so that they are aware of what they have a right to expect from schools, carers, health professionals and their corporate parents, and so that professionals and carers working with children in care know what is being expected of them.

Recommendation 15

The DfE should:

- **Work with ADCS to explore system re-design to achieve a more integrated approach to assessing, planning, delivering and monitoring the education, health and care needs of children in care**
- **Consider requiring local authorities to provide training and support on education issues to foster carers and residential social workers**
- **Issue the NICE guidance on attachment [Reference 5] to all schools, with particular, but not exclusive, reference to supporting children in care.**

Data returns

At present, the DfE uses data returned directly from schools in official statistics, and does not check returns with local authorities or virtual schools. The accuracy and reliability of school returns is of significant concern to virtual school heads. The quality of data returns to the DfE could be improved by requiring virtual school heads to check relevant school



data returns before they are sent to the DfE, in order to ensure they are accurate and up to date, or alternatively to submit the relevant data directly, on behalf of all schools.

The Virtual School Heads Network is in the process of developing a set of agreed standards for use across the country. This would provide all schools with a practice framework against which to self-assess, and which would enable all schools to be ready to work positively from the start with a new child in care, minimising delay in placement and any negative impacts of a placement move.

Recommendation 16

The DfE should work with ADCS and the Virtual School Heads Network to deliver an improved set of data returns with appropriate quality assurance.



6. Driving Improvement

As well as setting out the case for alternative measures including accountability measures and influencing measures, this paper highlights the need for a greater understanding of which interventions are effective. Pupil premium research confirms that there needs to be a relentless focus on the quality of teaching and learning, and the match of intervention strategies to pupils' needs, with evaluation embedded at all points. However, there remains a dearth of evidence on what strategies and approaches work best for children in care.

Further research is clearly needed, as indicated by the research recommendations. The proposed information management and analysis tools (see below) will provide a rich resource for longitudinal research.

In addition to implementing the proposed information management and analysis systems, and considering the recommendations above, there are a number of other areas which would benefit from a national discussion across the sector, and with the DfE and Ofsted. These areas are outlined below:

- **The role teaching schools could play** in driving improvement for the educational attainment and progress of children in care and the potential role for virtual schools in this area, one possibility being that the Virtual School Heads Network be allocated Teaching School resources to operate peer review and challenge
- **Minimising placement moves, especially at Key Stage 4** during examination courses, by, for example, requiring that the Director of Children's Services should formally approve a placement move during critical Key Stage 4 level studies
- **A nationally-funded training programme to help foster carers** better understand and deliver their role in supporting learners and improving educational outcomes, noting that the Rees Centre research indicates carers can be a strong positive influence
- **More research on how foster carers and residential social workers can best work to improve educational outcomes**, as well as the impact of specific interventions
- **Assessing the effectiveness of virtual schools** through a peer review mechanism building on the emerging sector-led models being introduced into the education sector
- **A significant number of children in care already attend good or outstanding schools, yet this is not reflected in the results achieved by individual learners.** This suggests that there may be a disconnect between Ofsted education and social care frameworks which would merit further consideration



- Given the disproportionate numbers of **children in care with special educational needs**, a statement of educational need or an EHC Plan it is important that:
 - the **different regulatory frameworks are better integrated and aligned**
 - the **framework for the new SEND inspections** pays particular attention to children in care.

Recommendation 17

The DfE, ADCS, Ofsted and the Virtual School Heads Network should work to stimulate a national discussion on areas of activity, other than those considered in detail by this paper, that would support improved educational outcomes for children in care.



7. Proposal for a National Information Management System for the Education of Children in Care – working title 'Circe'

The national dataset and data management and analysis processes should focus on the child's whole journey in education – their progress and their outcomes – not just the period in care, and, equally, not simply the outcomes at the end of schooling.

Considering progress and outcomes over a longer period of time will provide a more sophisticated and helpful view of the impact of care and educational support. Using the Rees Centre research, and based on good practice from the Virtual School Heads Network, a national data management framework should be developed which would enable the key information to be collected in order to:

- Support virtual schools in their work with schools in setting accelerated targets, and implementing support, for children in care
- Support directors of children's services and regional schools commissioners in holding all schools and academies, including virtual schools, to account
- Provide comparative information and analysis, both to promote effective practice and peer support and to improve outcomes for individuals directly
- Provide metrics for every part of the system from DfE, Ofsted, local authorities, virtual schools and schools to enable proper accountability systems.

The creation of a national data management and analysis system will enable individual schools to raise expectations and will encourage policy shifts that will improve outcomes.

The required information is largely held in the National Pupil Database although this may need to be supplemented by other national data and local authority data that is not collected nationally. Another benefit of such a national system would be that local authorities would be able to identify both their own children in care, wherever they are educated, and also all children in care being educated in their local area. As part of their normal operations, virtual school heads will need to ensure that the data for children in care educated in schools outside their home local authority is maintained accurately.

Any information relating to children in care is, inevitably, very sensitive. NCER systems already have security features in place to avoid potential misuse of personal information. These security features will need to be reviewed and extended as necessary to ensure that only properly authorised access to sensitive data is possible.

DfE support will be needed to access the necessary sensitive information on an ongoing basis. The National Pupil Database is updated termly.

There are two separate aspects to the analyses that could be made available, reporting and tracking. Reporting essentially looks back at performance over time, while tracking will



enable also such features as target-setting. The 'background' data processing is not discussed here but there will be significant overlap between these two functions.

It is vital to note that children in care are a highly heterogeneous group, and that age cohort analysis at local authority and school level requires careful analysis against a number of factors. When considered as a whole population however, the research indicates that there are enough children in care overall and within each grouping to draw at least tentative conclusions. All conclusions from statistical analysis must be considered tentative until appropriate scrutiny and mediation has been undertaken. And conclusions about individual children in care need to be considered locally by virtual school heads and schools.

The general proposals below for the information management and analysis systems have been developed under the working title 'Circe'.

Reporting

Nexus, the existing NCER reporting tool, could be extended to enable authorised users to filter on any of these factors, or any combination of these factors, as well as existing factors used within Nexus such as gender and term of birth. This would enable a wide range of analyses for the local authority, schools and individual children, and would enable virtual school heads and school designated teachers and others to assess performance at every level in the system, particularly with a view to identifying local or national factors that have particularly negative effects, and which therefore require specific interventions.

The primary users will be local authorities (virtual school heads) and schools (designated teachers), and each would only have access to the information and analyses required by that user. So, for example, designated teachers in schools would be able to compare their school and their children in care with other schools in the local authority and nationally, but only to access individual pupil data as it relates to their school. By contrast, virtual school heads would have access to all the data, including pupil-level data, for their local authority, but only be able to compare their local authority with other aggregate local authorities and national figures against specific factors, singly or in combination.

Subject to discussion with DfE and Ofsted, and with academic researchers, and appropriate arrangements for secure data access in accordance with DfE data access agreements where the data derives from DfE sources, access to aggregate and anonymised data could, in principle, be made available beyond local authorities and individual schools.

A number of factors that impact specifically on the achievement of children in care have been identified through research. These are listed below, alongside an analysis of whether they are 'fixed' or relate to decisions made within the education system. There is an overlap with some factors, such as additional needs.

Further work needs to be undertaken to identify the precise definitions of each of the factors, so that the maximum useful information can be extracted from the analyses, and



so that the analyses can be carried out without unnecessary and time-consuming further data collection.

Factor	Primary data source	Fixed/variable
Time in care	NPD	Fixed
Key Stage at start of care	NPD	Fixed
Number of placements	LA	Variable (minimise)
Number of school changes	NPD	Variable (minimise)
Additional Needs	NPD / LA	Hybrid
Free School Meals	NPD	Fixed
School type	NPD	Variable
Exclusions	NPD	Variable (minimise)
Attendance	NPD	Hybrid (maximise)
Ofsted rating of school	Ofsted	Hybrid
Number of social workers	LA	Variable
Language where not English	NPD	Fixed
Prior performance	NPD	Fixed
End of Key Stage performance	NPD	Fixed
Destination at ages 16 and 18	LA	Hybrid
SDQ score	NPD	Fixed
Type of placement	LA	Variable

Tracking

In addition to the analyses that could be generated above based on previous data, it is vital that virtual school heads have access to a consistent national online tracking tool. This will enable virtual school heads to identify future educational targets and to assess these targets for aspiration and ambition, and for achievability. So, for example, virtual school heads could identify children (with or without additional needs) whose school is not targeting ambitious levels of improvement, leading to a conversation about the individual child with the school; or children whose attendance pattern is poor, leading to a conversation with the school and foster carers.

The tracking system will provide a datafeed to the reporting system, and will be used only by virtual school heads and their staff. In order to support children in care educated out of their 'home' local authority, and to be able to monitor schools' performance with all children in care, virtual school heads will:

- Have access to, and updating rights for, *all* children placed in care from their local authority, *wherever educated*
- Have access to, but *not* updating rights for, *all* children in care placed in educational provision located in their local authority by another local authority.



Process for moving forward with this work

Discussions need to be held with the DfE and Ofsted to secure their general support for the approach being proposed. The analysis set out above needs to be agreed and finalised and constructed into a project definition. This work should be undertaken by a group that includes representation from ADCS, the Virtual School Heads Network, The Rees Centre, and NCER (and possibly DfE and Ofsted).

The detailed analysis in this paper should be reviewed against The Rees Centre research report to ensure that the reporting and tracking factors are securely based in research evidence.

NCER should then be commissioned to specify and cost the development work, and to scope any data collection that does not derive from standard data sources. The cost should then be discussed with the DfE and ADCS, with a view to funding development as a one-off cost and ongoing delivery as part of NCER packages.

Once funding has been agreed, the project will need detailed project planning and governance arrangements that meet the needs of both ADCS and DfE. Access to Nexus, perhaps in a limited form, could in principle be made available to DfE (and Ofsted, and other national and local partners) though this has not been the practice to date.

A reasonable timetable would be that new systems could be developed during the remainder of the present academic year, with some national testing in advance of 'going live' in September 2016.

Recommendation 18

ADCS, supported by the Virtual School Heads Network and the DfE, should commission from NCER a national evidence-based data management and analysis tool to improve the tracking and reporting of the educational achievement of children in care from birth through to age 25, and to enable all parts of the education system to be held to account for the effectiveness of their support for children in care.

ADCS should convene a steering group with ADCS, DfE, the Virtual School Heads Network and NCER representation.

ADCS and the DfE should identify the resources needed to implement the national data management and analysis tool.



8. References

1. Literature review

What is the relationship between being in care and the educational outcomes of children? An international systematic review (September 2015)
Aoife O'Higgins, Judy Sebba and Nikki Luke
The Rees Centre, University of Oxford

http://reescentre.education.ox.ac.uk/wordpress/wp-content/uploads/2015/09/ReesCentreReview_EducationalOutcomes.pdf

2. Cohort study

The Educational Progress of Looked After Children in England – Final Report (November 2015)
Judy Sebba¹, David Berridge², Nikki Luke¹, John Fletcher¹, Karen Bell², Steve Strand¹, Sally Thomas², Ian Sinclair¹, Aoife O'Higgins¹
The Rees Centre, University of Oxford (1), University of Bristol (2)

<http://reescentre.education.ox.ac.uk/research/educational-progress-of-looked-after-children/>

3. Statutory guidance

Promoting the education of looked after children – Statutory guidance for local authorities (July 2014)
Department for Education

<https://www.gov.uk/government/publications/promoting-the-education-of-looked-after-children>

4. Statistical First Releases

Children looked after in England (including adoption and care leavers) year ending 31 March 2015 (October 2015) (example)
Department for Education / National Statistics

<https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014-to-2015>

5. NICE Guidelines on Attachment

Attachment difficulties in children and young people overview (November 2015)
National Institute for Health and Care Excellence

<http://www.nice.org.uk/guidance/ng26>



ADCS
Leading Children's Services



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The Association of Directors of Children's Services

National Consortium for Examination Results

The National Association of Virtual School Heads

Response by Surrey Virtual School to:

‘The Educational Achievement of Children in Care’ – December 2015

This is a joint paper prepared by the Association of Directors of Children’s Services, the National Consortium for Examination Results and the National Association of Virtual School Heads

This paper makes a number of recommendations to the DfE, Ofsted, Local Authorities and schools, which if implemented will improve significantly the outcomes for children in care. Once considered by all partners the necessary resources will be identified and a detailed project plan prepared. It is anticipated that new systems will be in place by September 2016.

We as an authority must be prepared for these changes and as a starting point this response illustrates our position with regard to the recommendations in the paper.

Recommendation 1

ADCS, DfE and Ofsted should work together to develop a more comprehensive set of metrics and analyses to enable a better assessment of local authority and school performance, including the consideration of longer-term outcomes post-16, post-18 and post-25.

Surrey Virtual School has worked hard to ensure that we both collect and analyse data on the performance and progress of children in care. We would benefit greatly from a national dataset which gave information and analysis on the performance of children in care in more ways than just a measure at the end of Key Stage 4. We are pleased that there is a recognition that for many children, especially those taken into care in Key Stage 4, 16 is too soon to assess their achievement as many will get GCSE grades later when they are more able to catch up and settle into education again.

We have focused on improving our service to those who are post 16 so we can start to collect more information about what support is needed to help children in care achieve more. There are also clear links here to the role of Local Authorities in supporting care leavers and the Virtual School is working with our Care Leavers’ Service to appoint an education support link to specifically focus on reducing the number of care leavers who are not in education employment or training [NEET]. This will enable our Post 16 coordinator to focus on the performance of children in care and ensure they are achieving accelerated targets. Colleges are beginning to realise that they are required to have Personal Education Plans [PEPs] reviewed 3 times a year for all children in care and that Ofsted will ask to see them. There are, however, many colleges who are resisting this and not setting high enough expectations. We welcome the support of Ofsted in changing these attitudes.

Recommendation 2

Year-on-year cohort outcome analysis has no statistical validity at Local Authority or school level and should not be used to assess or compare local authority or school performance over time. The DfE and Ofsted should end the use of year-on-year cohort outcome analysis.

The Virtual School is pleased that the year on year comparison of the performance of children in care is recognised as invalid due to the small and heterogeneous nature of the cohort. To this end we have involved our performance team in presenting to the Virtual School Management Board the number of ways in which we analyse the performance of children in care and what this tells us. This was missed by a number of board members due to other commitments and we will repeat this at future meetings so that all understand the unique nature of each cohort and how it affects their overall performance.

Performance is significantly affected by members of the cohort who have an ECHP plan and are excluded from access to the national curriculum due to their additional needs. This paper recommends they are no longer included in the closing the gap indicator.

The Virtual School looks forward to having a more complete view of the factors affecting the performance and achievement of children in care which are not clouded by statistical anomalies.

Recommendation 3

The DfE should review and update the methodology for aggregating and reporting on performance on 'closing the attainment gap' so that all comparisons are made on a like-for-like basis so as to avoid perverse comparisons, placements and incentives.

The Virtual School is aware that children in care often have a number of additional factors affecting their performance such as additional educational needs or English as an additional language and it would be helpful for their performance to be compared with children who are in similar positions and not in care rather than individuals who do not have these additional factors affecting their lives. We do this on an individual basis where possible but it is at present difficult for us to access this information as we have to rely on an individual school to release information about their children who are not in care. National comparative data where the only difference is whether the child is in care would really strengthen our understanding of the support we need to offer. ADCS and the Virtual School Heads Network should develop measures to assess the progress of individual children in care, with reference to their starting point on entry to care, with a view to targets for progress being accelerated with reference to the population not in care, with explicit learning support provided to support the meeting of accelerated targets.

Recommendation 4

ADCS and the Virtual School Heads Network should develop measures to assess the progress of individual children in care, with reference to their starting point on entry to care, with a view to targets for progress being accelerated with reference to the population not in care, with explicit learning support provided to support the meeting of accelerated targets.

This is a very important point that the Virtual School has recognised for some time. The PEP records the starting point for the child and we push for ambitious targets to enable the child to catch up any missed learning as quickly as possible. Many schools fail to recognise the potential achievement of children in care and need pushing to ensure children are entered for qualifications which represent potential and ability not current circumstances.

Recommendation 5

Secondary schools, alternative provision and other settings should always set appropriate targets for progress, and provide appropriate support, with a view to entering children in care for the qualifications that they are capable of attaining.

Virtual School Heads should monitor and support schools and other providers through the mechanism of the Personal Education Plan (PEP).

Virtual School Heads should support and challenge schools to set ambitious targets for every child immediately on entry to care, and to provide appropriate learning support, with clear escalation processes to the Local Authority for maintained schools, regional schools commissioners for academies, and Ofsted where problems persist.

Local Authorities, Ofsted and regional schools commissioners should identify where pupils are not being entered for appropriate qualifications and where schools and other settings are failing to set appropriate targets for progress.

Surrey Virtual School has always worked on the basis of potential when setting educational targets and worked hard to train social workers and designated teachers so they understand that targets must reflect capacity to achieve regardless of the current situation. Schools that are reluctant to do this are reported to area education officers for investigation. This works for Surrey children even if in another authority but currently Virtual School Heads do not have access to information about looked after children from other authorities in Surrey schools.

Recommendation 6

Virtual School Heads should have access to all support plans and targets for children in their care, wherever they are educated. Where children in care are not being educated in the 'home' Local Authority, the 'home' Virtual School Head with corporate parenting responsibilities will need to liaise with the 'local' Virtual School Head who works with local schools.

ADCS should agree with the DfE a form of words that will enable such arrangements to operate.

The electronic PEP introduced by Surrey Virtual School is making this process much more efficient, whether the child is educated in Surrey or not.

Recommendation 7

Ofsted should consider making the failure to enter children in care for appropriate qualifications, to set accelerated and challenging targets, or to provide appropriate learning support, a limiting judgment in school inspections.

This would significantly help the Virtual School in its task to raise expectations of children in care and we would thoroughly support this change. Safe-guarding processes received significantly greater attention in schools when they were made limiting judgements.

Recommendation 8

As representatives of corporate parents, ADCS should initiate a national conversation with the DfE, regional schools commissioners, Ofsted and other national partners to agree a nationally-agreed ambition for children in care.

The specific admissions post for children in care appointed in Surrey has made a significant difference to the effective educational placement of children in care in Surrey as there is a clear understanding of the need for a child in care to attend at least a good school and that placement needs to be swift. There are more delays in Authorities where there is no specific link. There are also more suggestions that children in care should not be pushed into academic environments particularly where grammar schools remain. The Virtual School in Surrey will always push for the school which will encourage the highest achievement for a child in care.

Recommendation 9

Children in care should, so far as possible, have unbroken educational placements in good or outstanding schools that meet their educational needs. To this end:

- **Local Authorities and Virtual School Heads should work with foster carers and social workers to develop an understanding of the admissions and exclusions processes and their responsibilities in these areas.**

- **Virtual School Heads should agree any change in education placement except in an emergency, in which case the Virtual School Head should be notified without delay.**
- **Local Authorities, through Virtual School Heads and, for academies, regional schools commissioners, should be able to direct any school to admit a child in care without delay.**
- **Regional schools commissioners should work with Virtual School Heads and take any necessary action to ensure that children in care are admitted promptly to academies.**
- **Virtual School Heads, Local Authorities, schools, regional schools commissioners and academies should collaborate to reduce to a minimum both permanent and fixed-term exclusions.**

The shortage of quality carers has significantly affected the frequency with which some children change residential placement and hence often their educational placement too. The Virtual School has worked hard with social workers to improve communication when a change of placement is likely so educational planning can begin. There are still too many occasions when children are placed in areas where educational provision is poor or inappropriate for the child. This creates delays and further moves which should be avoided. Children not on roll due to changes in residential placement are the biggest cause of poor attendance at school for children in care.

There are still some delays in notification of a change in residential placement to the Virtual School but we are working on this with social care.

Sometimes changes in residential placement have transport implications which can result in avoidable changes in school. The Virtual School is working with transport at the moment to reach a better understanding of why children in care will need special arrangements to maintain their school provision where possible and appropriate.

There are significant delays in placement for those requiring SEN provision. This is extended when there is no ECHP in place. The virtual school is working with Surrey SEN to improve processes for children in care.

The Virtual School is informed immediately about any fixed term exclusions through Welfare Call, who supply an electronic system which also monitors attendance and has worked with us to develop our electronic PEP. We will then do our best to ensure that this is kept to an absolute minimum and avoided with alternative sanctions if at all possible. We are also training our designated teachers to inform us of any likely exclusion scenarios before they happen so that alternatives can be recommended. Fixed term exclusions are a very small part of the total causes of absence for our children in care in Surrey. There have been no permanent exclusions of children in care in Surrey for several years.

There have been occasions when schools have had to be reminded that we will direct them to take a child in care if necessary. This is usually enough to persuade the Headteacher to admit the child, but there have been some very difficult conversations with some Heads who view children in care as a

liability. Area Education Officers are aware of these schools where their support has been necessary. We do have concerns about the actual experience of the child in the school when this has happened.

Recommendation 10

ADCS and the Virtual School Heads Network should actively promote:

- **Understanding of attachment difficulties and trauma on learning**
- **Comprehensive and effective use of the SDQ**
- **The development of explicit strategies, recorded in PEPs, to address issues highlighted by SDQ scores.**

Ofsted and the DfE should include compliance with regard to completion of the SDQ by schools and foster carers in regulatory and inspection activities. Ofsted should sample SDQ quality as part of inspection.

Research unequivocally shows that the emotional wellbeing and mental health of children has a significant impact on their learning which is why the Virtual School has maintained that it must be aware of the rates of completion of SDQs and their outcomes for all children in care. We would welcome the involvement of Ofsted and the DfE in ensuring compliance with regard to SDQ completion and quality. The Virtual School in Surrey has offered training on attachment from experts in the field to relevant partners and will continue to do so as part of group training and at conferences.

Recommendation 11

ADCS, with the Virtual School Heads Network, and in consultation with the DfE, should develop a standardised dataset for PEPs and the extension of the proposed tracking tool to incorporate PEPs.

Surrey Virtual School feels that while this would require some consultation across the country a standard PEP would be helpful and would certainly ease the burden on large establishments where children in care from different Authorities are using different documentation. We feel that a standardised e PEP would be the way forward although not every Authority has invested in this approach.

Recommendation 12

Ofsted should consider incorporating in the school inspection framework an assessment of:

- **The time it takes for a school to accept a child in care onto the school roll from the day the request for a placement is received from the Local Authority**
- **Fixed term exclusions for children in care, as well as total days spent out of school for any reason**
- **The completion and quality of Personal Education Plans.**

Surrey Virtual School would support the inclusion of each of these points into inspection frameworks as where they have been queried it has prompted schools to take action.

Recommendation 13

The DfE should, in consultation with ADCS and the Virtual School Heads Network:

- **Amend the national dataset to include measures of education progress and the stability of social care and education placements**
- **Update the stability indicator to remove the disincentive with regard to positive placement moves.**

The link between stability of placement and educational progress is clear and should be measured. Any disincentive should be removed as positive placement moves will be reflected in better progress in any case.

Recommendation 14

ADCS should work with partners, including children in care councils, to develop an agreed 'education offer' for children in care so that they are aware of what they have a right to expect from schools, carers, health professionals and their corporate parents, and so that professionals and carers working with children in care know what is being expected of them.

This would help to recognise the needs associated with the experience of being in care as opposed to those due to additional special needs.

Recommendation 15

The DfE should:

- **Work with ADCS to explore system re-design to achieve a more integrated approach to assessing, planning, delivering and monitoring the education, health and care needs of children in care**
- **Consider requiring Local Authorities to provide training and support on education issues to foster carers and residential social workers**
- **Issue the NICE guidance on attachment to all schools, with particular, but not exclusive, reference to supporting children in care.**

It has long been recognised that the understanding of education issues and processes by foster carers and social workers is weak and this is why Surrey Virtual School has spent much time and money on training to build better partnerships and integration between social care and education

workers. This will continue including our involvement with the social care academy. We will be developing our work with foster carers in this matter. Our biggest challenge is the low uptake of training in some areas.

Recommendation 16

The DfE should work with ADCS and the Virtual School Heads Network to deliver an improved set of data returns with appropriate quality assurance.

Surrey Virtual School already spends much time and money on finding out the results of looked after children from schools and checking information. We would welcome more involvement with the collection and accuracy of data returns.

Recommendation 17

The DfE, ADCS, Ofsted and the Virtual School Heads Network should work to stimulate a national discussion on areas of activity, other than those considered in detail by this paper, that would support improved educational outcomes for children in care.

Surrey Virtual School supports the development of discussion opportunities to share what we know about improving educational outcomes for children in care.

Recommendation 18

ADCS, supported by the Virtual School Heads Network and the DfE, should commission from NCER a national evidence-based data management and analysis tool to improve the tracking and reporting of the educational achievement of children in care from birth through to age 25, and to enable all parts of the education system to be held to account for the effectiveness of their support for children in care.

ADCS should convene a steering group with ADCS, DfE, the Virtual School Heads Network and NCER representation.

ADCS and the DfE should identify the resources needed to implement the national data management and analysis tool.

It is in many ways unbelievable that this tool does not already exist and it is often expected that virtual schools can produce the same kind of data as other schools when national and local data as it stands at the moment is released. We can and do work hard to assemble and analyse data for our looked after children in Surrey in as much detail as we can regardless of what is known nationally. This tool would enable us to see much more clearly how our children are doing compared to those in care in other parts of the country and compared to those not in care but in similar circumstances with regard to additional needs and social environments.

We strongly welcome a tool that would allow a better understanding across the country of the needs of children in care and what our priorities must be. We can no longer accept that home placement issues drive the educational future of these children. Coming into care must be the start of something better for these children and education is the core of that life chance improvement. Those priorities that are currently standing in the way must be dealt with before more generations

of children in care navigate life with limited prospects and disappointing outcomes. All children in care have a right to the best support and help they can get and if that means getting them better parenting then that is what we must do

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The Education and Skills Board
19 April 2016

Henrietta Parker Trust Update

Purpose of the report: To further update the Education and Skills Board on the progress of the recommendations made from its meeting of 22 October 2015 in response to the Henrietta Parker Trust internal audit report.

1.0 Introduction:

- 1.1 This report follows on from the interim report to the Education and Skills Board of 14 January 2016.

2.0 Steps Taken:

The service has taken the following steps in response to the recommendations from the Education and Skills Board:-

- 2.1 The management board of the Henrietta Parker Trust met for the first time on Thursday 3 March 2016. In attendance were Linda Kemeny, Cabinet Member for Schools, Skills, and Educational Achievement; Mary Lewis, Cabinet Associate Member; Ian Burrows Elmbridge Borough Council; Cheryl Poole, Community Partnerships and Committee Officer, Elmbridge; Peter Milton, Head of Cultural Services; and Paul Hoffman, Principal Surrey Adult Learning.
- 2.2 The management board reviewed and agreed the Terms of Reference for the Board – refer appendix 1.
- 2.3 The four options, previously summarised in the previous report to the Education and Skills Board were considered – detailed in Appendix 2. There emerged a clear preference for Option 1; that a more robust and accountable variation on the current position, strengthened by the new governance arrangements, should be given two full academic years commencing in September 2016 to prove its effectiveness. This option will maximise the funds available to be utilised in line of the donor's original intentions and the 1984 Scheme agreed by the Charity Commission.
- 2.4 There was enthusiasm about how the Henrietta Parker Trust could make a difference to peoples' lives under the right management, governance

and local engagement strategies. There was a strong interest in exploring how the donor's intentions could be met within a wider geographical context in Elmbridge. The management board was also mindful that if after a two year period the delivery goals were not being met then other options would need to be considered again.

	Advantages	Disadvantages
Option 1: A more robust and accountable variation on the current position	Provide maximum funds toward the charitable goals of the Trust. Provide the opportunity for SCC, Elmbridge Borough and local voluntary organisations to build a strong coherent programme. Flexibility, can move to another solution if option fails to deliver.	Most demanding option in terms of ongoing SCC officer time.
Option 2: Establish an independent charitable trust	Would require no further input from SCC once Trust was established.	Set up cost of the Legal framework. Reduced funds for the charitable goals as income would be required to fund the administration of the Trust. Likely resistance from Charity Commission due to concerns about: long term sustainability of the fund; and capacity to deliver on equalities
Option 3: Establish a Flow-through Fund with the Community Foundation for Surrey	Provide flexible, professional support toward delivering the charitable goals. Can be a part solution in tandem with Option 1. Flexibility, can move to another solution if option fails to deliver.	A 10% charge payable to the Community Foundation for Surrey on any funds allocated. Some potential loss of control in the use of the funds compared to Option 1.
Option 4: Establish a permanent and bespoke community fund with the Community Foundation for Surrey	The administrative overhead of administering the fund would be placed with a specialist professional Surrey based organisation. A solution likely to find support with the Charity Commission if SCC wished to give up the role. SCC would still set the framework for the use of the charitable funds through appointments to the Fund Panel.	A one way solution, once the fund was established. Cost of establishing the community fund £30,000 Annual administrative charges of £9,000-12,000.

- 2.5 The management board agreed to explore a relationship with the Surrey Community Foundation as effective and efficient means of enabling the Trust reach and support aligned local initiatives. Elements of Option 3 may be pursued during the 2 year evaluation period.
- 2.6 The Board will look to gain a greater understanding of the investment performance of the Trust to help shape its view on the matter at its next meeting.
- 2.7 The Board will plan to meet on a twice annual basis commencing May 2016.

3.0 Next Steps:

- 3.1 The HPT Management Board plans to:
 - a) Meet in May 2016 when it will consider a plan for use of the Trust funds in the 2016-17 Academic Year.
 - b) Consider the potential involvement of the Surrey Community Foundation in supporting the delivery of the Trusts goals.
 - c) Gain an understanding of the investment strategies and performance of investments pertaining to the Trust.

4.0 Conclusion & Recommendation:

- 4.0 There continues to be good progress since the Education and Skills Board meeting of 22 October 2015. There is an ambition in the Management Board to make effective use of Trust for residents and in keeping with the donor's intentions.
- 4.1 An annual report to be submitted to the Education and Skills Board at the conclusion of each academic year to enable scrutiny of the performance of the Trust on a regular basis.

Report contact: Paul Hoffman, Principal, Community Learning Skills Service
Contact details: Paul.Hoffman@surreycc.gov.uk 01483 519460
Sources/background papers: Henrietta Parker Trust SCC Internal Audit Report 2015;

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Henrietta Trust Fund Management Board

Terms of Reference

To enable Surrey County Council to fulfil its role as Charity Trustee for the Henrietta Parker Trust as follows:

1. To review the annual investment performance of the Trust for the previous academic year.
2. To establish the income available for activities supported by the Trust for the next academic year.
3. To agree a forward delivery plan, in accordance with the Charity's objects, for the use of the Funds for each academic year to include any major expenditure proposals for the use of any accumulated reserves of the Fund.
4. To review actual expenditure against the forward delivery plan on a twice annual basis.
5. To consider and agree the methodology and process for supporting activities by the Trust not directly managed by the Surrey Adult Learning Service.
6. To agree an annual report to the Charity Commission prepared by SCC Finance and Surrey Adult Learning.
7. To agree an annual report prepared by Surrey Adult Learning to the designated SCC scrutiny board, currently the Education and Skills Board.

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Options Paper: Henrietta Trust Fund February 2016

In considering the future management arrangements for the Henrietta Trust Fund, there are two matters that should be central to our assessment:

1934 - Henrietta Parker dies – her last Will and Testament bequeathed for the funding in Molesey of a “School or Institution for technical and manual instruction in Cookery, Laundry Work and Hygiene... people would be admitted either without payment on specified terms so that no preference is given to any person or class of person.”

1984 - Charity Commission Scheme – states SCC is sole trustee and is responsible for its management and administration. The Object of the Charity “shall be the promotion of the education of the public by the provision of technical and manual instruction in the domestic sciences and allied subject, either free of charge or upon payment of such reasonable fees as the Trustee from time to time thinks fit.”

Future Options

Four possible options in terms of the future management of the Henrietta Parker Trust have been considered. These proposals include 2 possible options for working in partnership with the Community Foundation for Surrey. The aim of the paper is to explore potential options for the Henrietta Parker Trust to ensure the following:

- **Donor’s original intentions** - Henrietta Parker’s original intentions as the donor are maintained and applicable to meet changing community needs;
- **Community Outreach** - The Fund is able to support local community projects and initiatives that can add value to the utilisation of the Fund and provide progression pathways the delivery of classes and adult education within the centre;
- **Improve access to learning** – The majority of classes delivered from the Henrietta Parker Centre are funded by the County Council’s contract with the Skills Funding Agency. However, the programme is not accessible to some adults due to a number of factors, including course fees, childcare, and transport costs. In addition the cost of maintaining the standard of equipment in the Centre is sometimes in excess of the Centre’s core budget.
- **Future sustainability** – the future sustainability of the Fund is secured;
- **Legal / financial compliance** – the legal and financial requirements of managing a charitable Trust are met, including ensuring the income generated each year is spent in line with the donor’s wishes.

1.Current position - A more robust and accountable variation on the current position – with the charitable trust being held within the County Council with a Management Board established to agree and review the planned use of the charitable funds.

This will require on-going legal and financial compliance to meet charitable trust requirements and ensuring the income generated is used to meet the objects of the Trust. The current position may continue to struggle to meet the aims of ensuring some of the income supports local community and voluntary projects in the wider community and connecting these projects to the Henrietta Parker Centre.

Benefits: This option will optimise the amount of funding available for the intentions of the Charity, as administrative and overhead costs would continue to be absorbed by the County Council.

2. Separate Charitable Trust – establish a separate charitable trust. This will incur costs in terms of setting up the legal framework and on-going costs in terms of administration and the legal and financial compliance in running a charitable trust. Building the expertise in managing and running a charity, grant making and financial management will also be required.

A contractual arrangement between the new Trust and the County Council would need to be agreed about future entitlement (if any) on the Trust's use of the learning centre in West Molesey.

In addition the Charities Commission is likely to take some convincing that a small newly formed Charity would manage the use of the funds more effectively, both in the short term and on a sustainable basis than the County Council with its resource base. The Commission would also need to be convinced how equalities would be addressed under such an arrangement.

Benefits: The Trust would be divorced from the County Council, thus not incurring current levels of officers and Councillors time in administering and managing the resource.

There are also two options for working with the *Community Foundation for Surrey*:

3. Establish a Flow-through Fund – The Trust remains within the County Council but a Community Fund is established within the Community Foundation using a proportion of the income generated to support an outreach and community programme for local projects in Molesey. The remaining funds continue to support the work at the centre, such as equipment purchases, providing crèche facilities for people attending English and maths classes, and subsidising access to high cost courses for disadvantaged adults not fundable through other means. The Management Board determined by the Council would continue to agree and review the planned use of the funds, and the proportion being directed at community based projects vis-a-vis those being utilised through the centre.

Benefits: This ensures that an active programme of grant awards to the local community are delivered and that the full income generated is used to meet the Trust's charitable objectives within the existing legal and financial structure. County Council Officers would be involved in the grant award decisions but with the additional information and connections through the Community Foundation.

There would be a charge of 10% of each donation made to the fund on entry.

4. Trust Transfer – transfer the charitable trust to the Community Foundation to establish a permanent and bespoke community fund in Henrietta Parker's name with the specific criteria that reflects her original intentions. The funds would be invested and the income generated to support both the needs of the Henrietta Parker Centre and an outreach programme supporting local community projects. The Management Board determined by the Council would still agree a high level plan and review use of the fund.

Benefits: This provides a permanent and sustainable solution, meets the legal and financial requirements of the Charity Commission whilst ensuring County Council Members and Officers continue to make the grant award decisions.

There would be annual charge of 1% of the Endowment Funds, plus a one-off set-up fee of 3% to cover the initial cost of establishing the endowment fund.



Education and Skills Board
Tuesday 19 April 2016

Special Educational Needs and Disabilities Transport Consultation

Purpose of the report: To update the Education and Skills Board on the outcome of the consultation in regard to Special Education Needs and Disabilities (SEND) transport policies and provide recommendations.

Introduction

1. This report updates the Education and Skills Board in regard to the outcomes of the Pre and Post 16 SEND travel policy consultation and seeks the Board's endorsement to the proposed next steps following the closure of consultation.
2. The local authority consulted on two key changes to existing policy:
 - 2.1 A change to equalise the post 16 policy through introduction of a contribution payment from families for young people with an Education, Health and Care Plan (EHCP) or statement who attend school 6th forms.
 - 2.2 A proposal to amend the way we currently pay parents who take their children to school and claim reimbursement.

Vision

3. The SEND Partnership Board has committed to the vision below in line with the Children Schools and Families improvement programme:

"Children and young people will be happy, healthy, safe and confident in their future".

Context

4. There are currently two policies in place for SEND transport, a pre 16 and post 16 policy.

5. There is a statutory requirement to have a post 16 policy in place for SEND transport by 31 May 2016 which provides equity for all young people.
6. The current policy does not support this fully; there are different charging arrangements for young people requiring transport who have a Learning Development Plan and are at college and those who have a statement or who are transferring to Education, Health and Care Plans (EHCP) in school.
7. The proposal made is that all young people and their families are treated equally in this policy and that all post 16 will be asked to contribute to transport costs. The contribution would be capped to ensure sustainability for families.
8. The local authority spends over £25 million annually on providing transport to children and young people who require transport as a provision for their individual needs. The demand is growing year on year and represents an unsustainable position.
9. The local authority is looking to explore alternative ways to support families to get their children and young people to school, creating supported environments for children and young people, and flexibility for families whilst ensuring value for money for the local authority. One of the current options is to offer parents mileage payments to take their children to school.
10. It was proposed through the SEND travel group, (made up of local authority officers and in consultation with members of Family Voice, the official family parent carer forum for Surrey), that in order to change the culture of the way transport is currently delivered and to encourage more take up of the scheme rather than use taxis, that the parental mileage scheme be reviewed.
11. The current payment method is for families to claim after they have made the journey, similar to the way in which expenses would be claimed in an organisation. The proposal made is to pay families a monthly amount based on mileage from their homes to the school and an 80% attendance rate. This would also have the benefit internally of being a more efficient system as it would be a set amount each month and would therefore not need re entering each month.
12. It was also proposed to rebrand the scheme as a “travel allowance system”.
13. Both the proposed change to the policy and the change to the reimbursement of parental mileage were consulted on in January to March.

SEND Transport Consultation

14. A full overview analysis of the consultation is attached in Annex A.

15. The consultation ran from 04 January 2016 until 28 March 2016 through Surrey County Council's online consultation portal "Surrey Says". The consultation page was amended on the 24 February 2016 following feedback through the consultation, there were no changes to existing questions but further questions were added to provide further clarification.
16. The consultation was communicated to parents, carers, schools and charities through various schools and charity networks, family forums and using various media; including newsletters and social media (full details are available in Annex A.)
17. Whilst the distribution channels reach was wide there were a limited number of responses, 44, to the consultation and a further consultation meeting with members of the Deaf Society and member of Family Voice Surrey at a conference on 20 January 2016. Whilst these numbers would not be classed as statistically significant they have provided themes for the local authority to consider.
18. The Education and Skills Board provided scrutiny of the consultation on the 24 March 2016 and made recommendations to how the consultation response could be increase. The scrutiny occurred the week before Easter and consultation closed on the 28 March so unfortunately there was not enough time to implement these recommendations.
19. It has been identified through the consultation that families did not like / understand the travel allowance/ parental mileage scheme. The scrutiny process identified that the parental mileage section of the policy was not in keeping with the remainder of the policy. They commented that this section would be suited to further work and separate recommendations on service provision.
20. The questions asked regarding contributions to travel for post 16 were:
 - 20.1 "The proposed change would remove the inequity of the current arrangements, where learners who attend colleges are required to pay and learners who attend schools are not. Do you agree?"

60% of respondents agreed that the proposed change removes the inequity of the current arrangements
40% disagreed that the proposed change removes the inequity of the current arrangements
 - 20.2 "Surrey County Council is proposing to continue using a daily charge, currently fixed at £3.66 / day of travel. Is the current system a fair way of charging?"

40% of respondents said that this was a fair way of charging
60% said that this was not a fair way of charging
 - 20.3 The consultation has not provided enough responses to be statistically robust.

Summary

21. The local authority has a statutory obligation to publish a Post 16 SEND transport policy by 31 May 2016 and that this is subject to an Equality Impact Assessment.
22. By amending the Post 16 so that contributions toward travel are made by families who have young people with an EHCP or statement and are at school will provide equality in the system and mean the Local authority meets its statutory obligation.
23. There was a consistent theme in the responses that policies need to be clear and written in plain English.
24. The local authority must consider using different methods of engagement for future consultation.
25. The parental mileage scheme should be looked at but the consultation framework used was not the best means to do this through.

Recommendations:

1. It is recommended that the Education and Skills Board support the change to the post 16 policy to ensure equity in the policy.
2. It is recommended that further work is done with families about the way the local authority delivers provision through workshops and engagement events. This work should be targeted at co-designing sustainable, transformational solutions in keeping with the principles of public value.

Report contact:

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and;

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Travel assistance policy for children and young people with an education, health and care plan (EHCP) consultation report

A. Background information

Surrey County Council (SCC) is updating its travel assistance policy for children and young people with an education, health and care plan (EHCP) or an existing special educational needs SEN (special educational needs) statement.

To be informed by as wide a range of views and evidence as possible, the council ran a public online consultation and received feedback from stakeholders.

The council consulted on the basis of two draft policy documents

- Draft pre 16 travel assistance policy document
- Draft 16 – 25 travel assistance policy document

For both age groups, the council received comments about document accessibility, and issues to do with the application of guidance.

Two significant policy changes were introduced in the draft policy documentation and the council also received specific comments about:

1. A proposed “travel allowance system” – the draft policy documents proposed that this would replace the existing system of “parental mileage”
2. The proposal to ask for a contribution for the travel of post-16 students with an EHCP / SSEN who attend schools (as things stand, post-16 students who attend college are asked to contribute and those who attend school are not)

Consultation sample size:

Approximately 50 directly affected stakeholders (i.e. parents / carers of children or young person with an EHCP / children young people with an EHCP) engaged in the issues presented in this consultation: 25 through the written consultation, and approximately 25 through events.

There are approximately 2,900 children or young people with an EHCP in Surrey.

By way of a sample size, we can estimate that the views of approximately 1.5% of affected families are cited in this report.

Though the sample size is small, we certainly see key themes emerge in terms of qualitative data. The data cited though is not sufficient to be able to do a formal statistical analysis about.

B. Consultation and engagement summary

1. Surrey Says consultation

Surrey County Council ran an online survey from 4 January 2016 to 28 March, 2016. This used the council’s online consultation portal “Surrey Says”.

The council received 44 responses.

Respondent type	Total	Total %
Parent	23	52%
Carer	1	2.5%
Teacher	5	11%
Officer	2	5%
Student	1	2.5%
Other	11	26%

Two of these responses were received by email and the rest were submitted through the Surrey Says portal.

Awareness raising

Surrey County Council publicised the consultation to stakeholders, using a number of different channels.

In line with statutory guidance, an email note with a link to the online consultation was sent to Surrey’s school phase councils (primary, secondary and special), officers from neighbouring local authorities, colleges, transport companies and authorities operating in the locality. The council also used internal channels to publicise the consultation to council staff.

The council also used a number of websites, bulletins, newsletters and social media channels to raise awareness of the consultation to external stakeholders. In particular the council sought the feedback of parents and carers of children and young people with an EHCP or a SSEN.

The table below outlines the various channels that were used to publicise the consultation. Where these channels were going to audiences that were likely to interact with the families of children and young people with SEND, it was requested that they share the link appropriately.

Channel	Audience	Description	How as the consultation presented?	Timings
Surrey Matters – newsletter	Surrey residents	Monthly subscription publication that goes to Surrey residents.	Short article with a link to the survey	February edition
SEND 2020 LinkedIn Page	Surrey families of children and young people with SEND	Monthly newsletter with updates on the SEND 2020 programme	Short article with a link to the survey	4 March 22 March
Issues Monitor	Surrey residents	Weekly subscription publication that goes to Surrey residents	Short article with a link to the survey	Week beginning - 4 January 15 February 22 February
Schools Bulletin	Surrey headteachers	Weekly publication that goes to all headteachers in Surrey.	Article with a link to the survey	Week beginning - 4 January 11 January 15 February 22 February 29 February
Parents Pages e-bulletin	Early years parents	Monthly subscription e-bulletin that goes to parents, grandparents and carers of 5 to 19 year olds (up to 25 years old for young people with a disability or special educational need).	Article with a link to the survey	February edition
Way Ahead	Weekly	Early years practitioners, playworkers, home-based childcarers and Sure Start Children's Centres staff in Surrey.	Article with a link to the survey	Week beginning 7 March
Family Voice Surrey social media, newsletter	Families of children and young people with SEND	Family Voice Surrey is the parent carer forum which represents parent views concerning implementation	Short post on Facebook with link Article in the newsletter with link	At consultation launch and consultation close

		of SEND reforms.		
Surrey County Council website and district and borough websites	Surrey residents	Council websites	Article on websites with consultation link	Upon launch
Surrey Downs CCG website	Health professionals	CCG website	Article on website with consultation link	Upon launch
Surrey Heath Facebook Page	Health professionals	Facebook Feed	Post on Facebook with consultation link	Upon launch
Healthwatch Surrey website	Surrey residents and health professionals	This is a forum for health and social care leaders in Surrey.	Article on websites with consultation link	Upon launch
Short Breaks Facebook	Families of children and young people with a disability	This is a Facebook account set up for children and young people with disabilities and their families.	Post on Facebook with consultation link	Upon launch
Communicate ebuletin	Elected members	This is a weekly newsletter that goes to all of Surrey's elected members.	Short article with a link to the survey	Week beginning – 4 January 29 February
Local offer website	Families of children and young people with SEND	This is an online portal for the families of children and young people with SEND	Short article with a link to the survey	Upon launch
Surrey Community Action	Families of children and young people with SEND	Surrey Community Action is a countywide independent charity, which provides a range of services to help voluntary and community groups to help others.	Short article with a link to the survey	Upon launch

Upon launch of the consultation and re-launch, we also sent a communications pack about this consultation to both the Family Support Network in Spelthorne and the Special Needs Jungle, both local groups that work with local families on issues of SEND. We asked that they promote to their members and associates.

Consultation re-launch

On 24 February, as a result of some of the feedback that had been received to date, the Surrey Says consultation page was re-launched. A link to the survey and supporting text was re-sent to the various channels that were used to raise awareness of the consultation.

The aim of the re-launch was to make the consultation more accessible to parents and carers: none of the existing questions were changed but new questions were added and, to give a better overview of what the proposed travel allowance scheme would mean for parents in practice, a factsheet was uploaded. This gave two case studies which enabled respondents to see how the introduction of a travel allowance scheme would affect families financially.

Response rate

34 responses were received before the re-launch of the survey, and 8 responses were received after the re-launch.

Response rates for council surveys vary significantly; surveys that are technical in nature can have very low take up. However, other surveys to do with SEND services that the council has run in the past and used the same channels to promote have received significantly many more responses than this one. In all likelihood, the low response rate was a consequence of the technical nature of the survey and the requirement that, before submitting a survey response, respondents read two lengthy policy documents.

2. Parent carer forum

Family Voice Surrey is the council's recognised parent-carer forum. It was appointed by the Department for Education to represent the families of children and young people with SEND; and it receives funding from Surrey County Council in return for assistance in the implementation of SEND reforms.

In the preparatory stages of the consultation, Family Voice Surrey was involved in the drafting of the consultation documents and the design of the Surrey Says survey.

Family Voice passed on a response that came directly to them by email – though this has not been submitted through the Surrey Says portal, this was used as part of this consultation report.

Position statement

In response to the consultation, Family Voice Surrey provided the council with the following position statement:

1. Post 16 Changes to Charging Policy

This proposed change is one which appears fair at first reading. It is clear that there is an inequity in the current treatment of travel arrangements for young people with SEND where charging has been dependent solely on their educational setting. There are two potential ways in which the council could address this inequity: one is to extend charging for transport to all young people, whether they are based at a school with a sixth form or at a college or alternative provision, and the other is to extend free transport provision to all those who would be unable to get to school or college independently because of their Special Educational Needs/Disabilities. We feel that the consultation would have been more transparent, if the need to make savings where possible had been explicitly acknowledged as a goal and if the relative cost implications for both the council and for individual families of both possible courses of action had been set out clearly.

If members do opt to endorse the proposal to extend charging to all, it will be all the more important to explain clearly the impact of the proposed change for those young people with SEND who meet eligibility criteria for support with home to school transport to access their educational setting:

- Those most obviously affected will be those young people who are placed at schools with a sixth form, who until now have not asked to contribute to their travel costs. Their families will now face additional annual costs of up to £713.70 (based on a capped daily rate of £3.66 and a 39 week school year)*
- For those young people transitioning from school to college or alternative provision, this will also introduce a new additional cost (although the impact may be less for some as the college offer is often 3 or 4 days rather than the 5 days offered at schools with sixth form provision)*
- For those young people already in college or alternative provision and already impacted by the additional travel costs, there will be no change other than to raise awareness that they should be entitled to the same mitigation of their costs as other young people in school settings*

The Local Authority will need to make clear to families any proposals to mitigate the impact on young people with disabilities and their carers:

- the fact that any contribution will be capped at an agreed daily rate and how this daily rate has been set*
- the subsidies that will be made available to families with low income (whether the charge will be waived altogether or reduced and if reduced, how that rate will be set) and how 'low income' will be defined*

- *whether there will be any phasing in of any new charge whether there will be any recognition of the potentially greater costs faced by families of young people with SEND who make take longer to complete their education than their peers without SEND*

2. Parental Mileage

The proposed changes to the way that parental mileage is to be reimbursed should make the process much easier to manage for both families and for the LA. The amount owed will be worked out for the year in advance and paid straight into the parent's bank account without needing to make retrospective claims every month. Light touch monitoring will involve checking with the school that the child's attendance remains above 80%.

The appendix to the consultation includes two case studies which illustrate scenarios where families would be better off financially as a result of the proposed changes. Unfortunately the examples chosen do not make it clear that some families (those with journeys to school of longer than 10 miles and with relatively high attendance rate) will be worse off under the new proposal. It would be useful to know more detail of how many families would be worse off and the extent of the extra costs they would face as a result of the proposed changes.

We would also want to highlight that the proposal to pay for 2 single journeys at 45p per mile (previously described as 4 single journeys at 22.5 pence per mile) remains a point of contention. The rate of 45p per mile is only paid for the 2 legs of the journey where the child is in the car whereas the parent has to make two round trips – i.e. 4 single journeys – per day to take their child to school and bring them back home. Parents are therefore essentially being offered half the standard business mileage rate of 45p which may not cover their full costs (depending on the fuel efficiency of their car and other running costs).

In most cases it is much cheaper for the Local Authority to reimburse parental mileage than to pay a third party to transport the child to school by minibus or taxi. The option to take up parental mileage is more likely to become appealing to families, if they were reimbursed at a higher rate and if there was a financial incentive to compensate for the time involved in transporting children who live at some distance from their nearest suitable school. We would recommend that the Local Authority carry out some financial modelling to establish whether a more attractive offer to parents which still undercuts the payments made to taxi companies would lead to savings overall.

3. Clarity of the Policies

There are a number of issues within the current transport policies which may make them less accessible to young people and their families:

- *the length of the policies and degree of legalistic detail*

- *the apparent greater focus on restrictions and barriers to accessing the service rather than on ways to enable vulnerable young people to travel safely to school or college in order to access education*
- *potential ambiguity in some of the language used*
- *some apparent inconsistency with policy guidelines from central government*

There is also the need for clarity and consistency across the LA's policies and processes for transport to respite settings and transport to education settings.

The SEND Travel Review Group's proposal to produce an easy-read guide giving a top-level summary of eligibility criteria and processes should make it easier to understand what help is available but it will also be important to make sure that the more detailed policy documents are written as unambiguously and precisely as possible, as these will be the points of reference in deciding or pre-empting any disputes.

Conclusion and recommendations

We would recommend that the Local Authority continue to review the transport policy and commissioning and delivery of provision specific to young people with SEND. There is a tension which needs to be acknowledged between the scale of the savings which the council needs to make in response to cuts in funding from central government and the responsibility to provide appropriate services to the most vulnerable young people in the education and care system. However the need for radical change also creates an opportunity to design and commission services in a new way which is more responsive to users' needs and seeks out their engagement from the beginning of the process. By working together with young people and their families in this way, the challenges of delivering cost savings whilst also improving choice and quality of service become shared challenges, and there is a greater chance of success in creating a consistent and equitable service county-wide.

Local authorities may ask learners and their parents for a contribution to transport costs. We would expect local authorities to exercise their discretion in determining in what circumstances it is appropriate to ask for a contribution, but in exercising their discretion they should:

- ensure that any contribution is affordable for learners and their parents
- ensure that there are arrangements in place to support those families on low income
- take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups. For example, as young people with learning difficulties and/or disabilities are more likely to remain in education or training longer than their peers, any contribution sought from the families of young people with learning difficulties and/or disabilities would need to allow for the fact they may have to make a contribution over a longer period than the families of those with children who do not have a learning difficulty and/or disability.

List of concerns

Separate to the statement, Family Voice Surrey also drew up a list of concerns about the policies proposed in the consultation and they forwards these to the council – see below -

We would like to highlight the following concerns about the proposed policies for pre- and post-16 home-school/college transport for children and young people with SEND:

- *that the proposed policies do not appear to be compatible with the statutory guidance or with case law, particularly where they appear to disregard specified maximum travel times (see this info on the IPSEA website: <https://www.ipsea.org.uk/what-you-need-to-know/frequently-asked-questions-by-topic/home-to-school-or-college-transport-faqs/>)/
Also <http://www.ipsea.org.uk/file-manager/SENlaw/transport-guidance.pdf>*
- *that making allowance for transport provision for children with SEND who do not meet the distance criteria for all children is considered as making an exceptional arrangement, when it is likely to be the norm that a child with needs severe enough to warrant an EHC Plan or statement will need additional provision to get to school, regardless of distance*
- *that the description of the eligibility criteria is not sufficiently clear*
- *that the number of restrictions and caveats in the transport provision described will lead to a decreased offer for disabled children and young people*
- *that these changes should be consulted upon more widely to assess their likely effect on a vulnerable group as part of an equalities impact assessment*
- *that the tone of the policy documents is not very family-friendly*
- *that more significant savings could be made if a review of transport provision were made as a result of engagement with the relevant families, particularly if the use of personal budgets was explored in a more imaginative way.*

Family Voice workshop

On 20 January, Family Voice held a workshop which the families of children and young people with SEND in Surrey were invited to. The workshop was split in to two sessions, one in the morning and one in the evening; and there was a stand dedicated to the subject of SEND transport at each. 48 parents attended the event, and about half of them engaged on the subject of transport. Family Voice made notes of what was talked about. As many of the issues raised bear upon the consultation, Family Voice forwarded the council these notes, which have been inserted below.

The stand was attended by two council officers: Paul Downton (Platform Manager) and Tracey Coventry (Transport Co-Ordination Team Manager).

- *As a parent (2 kids with transport) it's not obvious who I should contact at the LA if there's a problem. Searching the CC website isn't clear... I've got lost many times.*

- *Pupils and students in SLD schools are being judged by distance criteria inappropriately when qualifying for transport. They are all children in need according to the law and qualify for the home school transport!*
- *Thank you, Tracy, for the information*
- *Notification lead times are too long! (x2)*
- *One company per school please!*
- *Different measures of success are needed for driver contracts.*
- *Linden Bridge – Driver training in the school setting.*
- *Who do I contact?*
- *Travel training. School and social group based training sessions? More social, less formal, cost effective!*
- *What if child is on reduced/flexible timetable?*
- *Unsuitable escorts, unable to deal with challenging behaviour. Complaints from driver. Allowing my child to undress (completely) in the taxi. Too long journey – dropping off at others on route – worse behaviour.*
- *When I have had an issue previously, I seemed to be pushed between case worker and transport team – not clear on who is responsible. Also had one lady who really helped (Anita!) compassion!*
- *Hughes transport is brilliant – especially Courtney! Can trust them completely.*
- *Warning RT? new drivers*
- *Make sure drivers know the route. They asked my child where to go on occasion, or not believed him when he's told them they are going the wrong way. Sat Nav's are NOT reliable for some post codes.*
- *Advice and guidance for travel assistance beyond school need.*

3. Meetings

To engage different stakeholders about the subject, the subject of home to school transport was discussed at a number of different meetings.

Education and Skills Board

SEND Transport Group

Consultation meeting, at the request of the Surrey Deaf Forum

Surrey Deaf Forum (SDF), an Independent Forum of deaf residents and workers in Surrey, requested a meeting with Surrey County Council to discuss the issue of home to school transport.

A meeting took place on 21 March 2016. Unfortunately no Surrey officer was able to be present who had a technical understanding of the two policy documents. Pamela Todd, who is leading a review in to the council's accessibility policies, attended the meeting on behalf of the council. She made a note of the meeting which gave a broad outline of what had been discussed.

There was one representative from children's services at Sight for Surrey, one member of the Deaf Forum and seven parents (all of students with visual impairment (VI) and / or hearing impairments (HI)).

Because this group of parents have children with sensory and / or physical needs the choice of where they can attend for school or college is restricted (as they need to be sure that the setting can meet needs) and so they sometimes have further to travel than a peer who can go to the nearest provider.

Could see a flexible benefit of the travel allowance system - Sept 16 start so for some young people this will be a new college, new environment, new journey etc. Once settled in and are confident could start to do some of journey home etc. If child/YP needs more support initially and this then reduced assume the new system with the equal payments over the year allows for this flexibility. Also flexibility for a young person who will need transport in the dark winter months because of visual condition, but be able to be more independent with travel when it is light.

Pamela also made note of questions about the consultation that the group wanted answers to. The group also requested an extension to the consultation deadline.

Sue Roch, Area Education Officer, came back with responses to the questions that had been asked. She agreed that they could have until 1 April to write a response.

C. Response analysis

Analysis is divided in to three themes:

1. Document accessibility
2. Travel allowance system
3. Charging post 16 year olds and removing the inequity of the current arrangement
4. Stastical significance of consultation

1. Document accessibility / content

Quantitative summary

From the Surrey Says portal, the council received the following quantitative data.

Pre -16:

57% of respondents agreed or strongly agreed that the pre-16 policy document was easy to understand

40% of respondents disagreed or strongly disagreed that the pre-16 policy document was easy to understand

3% did not answer

Post-16

54% of respondents agreed or strongly agreed that the post-16 policy document was easy to understand

35% of respondents disagreed or strongly disagreed that the post-16 policy document was easy to understand

11% did not answer

Qualitative summary

Significant numbers of respondents did not agree that the documents were easy to understand. In many instances respondents cite 'clarity and language used' as a concern.

One respondent commented:

"I have read the policy and whilst I find it relatively easy to digest and understand I do not feel that this would be the same for all parents. The use of acronyms and the their explanatory term is an improvement but I feel it also needs to be explained further. Perhaps using a key at the bottom of the document. i.e. TCC - Transport Co-ordination Centre, What is this, how do I contact them, where are they based etc etc. ASNM - Who is this, what relevance are they to me, how can they help etc etc - I know and understand these terms well and they do not phase me, but if I were a parent who was new to the system then I would potentially be completely baffled. I

feel statutory guidance should be laid out as a separate paragraph and not included within the body of the document - it would provide much more clarity. I also feel there needs to be more explanation of the 'transport Personal Budget' and the expectations around this."

It is also evident from some of the responses that parents and carers have misunderstood bits of the policy documents. This will be discussed further in the section on the proposed travel allowance system.

Some respondents commented that the documents were too broad in their scope: it was not easy to work out what the new guidelines meant in practice. As one respondent put it:

"It isn't easy to completely work out what is being said as covers too many variants discussing able young people with EHCP's / statements and then those who are not very able and not able to travel on public transport."

Some respondents cited apparent inconsistencies in the documents. For example, one respondent pointed out:

"There is a point in the Pre 16 policy 5.5 where the second bullet directly contradicts the statement in the 16-25 policy. I assume this is a typo but it needs to be highlighted. I believe it would be highly inappropriate to withdraw transport from a pupil who is refusing to get on it due to their complex autism and anxiety. It is suggested that transport would only be provided between home and school, and there is an implication that this would mean the transport would not take children to short break / respite care. This would have a massive impact upon parents who receive this service or hope to in the future. I am not sure respite would feel like respite if one had to drive for 2 hour round trips at rush hour times in the evening and morning!"

Three lengthy responses were received that gave a great deal of technical feedback about the policy documents in the context of statutory guidance. Two of these were received from council officers and one from the head of a school. All these respondents felt that significant work was needed to bring the documents in line with statutory guidance.

2.Travel allowance system

Quantitative summary

From the Surrey Says portal, the council received the following quantitative data.

26% agreed that travel allowance system offers greater flexibility
60% disagreed that travel allowance system offers greater flexibility
14% did not answer.

Summary

Though the travel allowance system is designed to afford greater flexibility to families, only a minority of families agree that it would in practice.

Many respondents were concerned that the introduction of a travel allowance system will put the costs of transport out of their reach. Often it appears that that this concern is what stops respondents from thinking about the system in the context of the “flexibility” that it might provide.

For example, to the question “what barriers would prevent you from adopting the travel allowance system?”, one respondent wrote:

“If the cost was too high it would be difficult - my daughter's school is at present a journey of 1 hour 35 minutes and she would need a taxi.”

Many respondents were concerned that the policy documents did not include detailed guidance about the cost of the scheme.

Some respondents do acknowledge that, as long as the scheme was financially viable for families, it might have advantages over the existing system:

“If it was financially viable for us, then it may improve the journey time for my daughter - at present she is definitely not taken the most direct route to school as there are 3 other children picked up after her and the taxi actually travels in the opposite direction to school for a few miles.”

“Without a knowing what the alternative scheme would allow financially for the years travel it is very hard to comment. It sounds better to be able to agree up front the travel costs and therefore not have to keep the records but it may reduce the amount paid for all we know so far.”

One respondent put the policy in to the context of independence of children and young people with an EHCP / SSEN:

“The students gain a level of independence from being partly responsible for their transport i.e. being at the right place to catch the transport to school and organising themselves to get there transport after school. For SEN student this is a life lesson. It is also a very social time for our young people and allows them to talk to a range of students not just those in their group and again for SEN students this helps them develop confidence and communicate in a different setting.”

Several other concerns about the proposed system were cited:

“The shortest route that you base your calculations on is not always the quickest.”

“The current system exactly accounts for journeys undertaken. The proposed system seems to estimate. I can see no reason for this in terms of advantages to parents,

but it may be administratively easier for the LA. It may also fail to reflect the actual situation if it is an estimate, with further administration (+ costs) later to update based on actual journeys and mileage.”

“Scrap the lot. The ridiculous amount paid on non mainstream travel is bleeding the education budget dry. Often parents pay for a private analysis to get their child into the school they want, rather than a local one, then want SCC to pay for the travel. School SENCO's then find no issues but are burdened with allocating help and one to one tutoring for a fictitious educational need.”

3.Charging post 16 students who attend school

Quantitative summary

From the Surrey Says portal, the council received the following quantitative data.

The first question to do with the proposal to charge post 16 students who attend schools was framed around the notion of “equity” –

“The proposed change would remove the inequity of the current arrangements, where learners who attend colleges are required to pay and learners who attend schools are not. Do you agree?”.

60% of respondents agreed that the proposed change removes the inequity of the current arrangements

40% disagreed that the proposed change removes the inequity of the current arrangements

Respondents were also asked –

“Surrey County Council is proposing to continue using a daily charge, currently fixed at £3.66 / day of travel. Is the current system a fair way of charging?”

40% of respondents said that this was a fair way of charging

60% said that this was not a fair way of charging

Qualitative summary

The majority of respondents agree with the premise of the question: charging both school students and college students is more equitable than the current arrangement. One respondent commented: “It's only fair all contribute”.

However, many respondents also say that neither school students not college students should be asked to make a contribution. A respondent commented: “Neither set should be required to pay as without transport education is not accessible for sending children.”

There is significant concern about the policy and often this comes in the context of the difficulties that many post 16 students face in using public transport. It is clear

from the responses that there is demand for some post-16 students to be taken to school using a taxi.

Many respondents demanded a rationale for charging the sum of £3.66 / day. There was concern that this was a significant cost that might stop post 16 students from going to school at all. There were also suggestions that families should be “means tested” and that certain families should be exempt from having to contribute at all.

It is clear from some of the responses that there are misunderstandings to do with the policy and exactly what is being proposed. For example, one respondent wrote:

“I am concerned that for some of this group the amount per day will not cover the cost and will create an issue that they will still have to subsidise the cost themselves.”