North East Regional Information Sharing Protocol for Looked After Children

1   Darlington
2   Durham
3   Gateshead
4   Hartlepool
5   Middlesborough
6   Newcastle
7   North Tyneside
8   Northumberland
9   Redcar & Cleveland
10 South Tyneside
11 Stockton
12 Sunderland

And update produced by Gateshead to June 2011

DARLINGTON BOROUGH COUNCIL

Durham County Council

Gateshead Council

HARTLEPOOL BOROUGH COUNCIL

Middlesbrough moving forward

Newcastle City Council

NORTHUMBERLAND Northumberland County Council

REDCAR & CLEVELAND BOROUGH COUNCIL RC

South Tyneside Council

Stockton-on-Tees BOROUGH COUNCIL

Sunderland City Council

C4EO for the sector from the sector

Foreword

The North East Education Protects Network with support from C4EO have developed a regional information sharing protocol for Looked After Children. This clarifies the roles and responsibilities around education when looked after children move across local authority boundaries for the purpose of their care plan.

This protocol has been developed to be a 'live' working document designed to support the work of:

- Head Teachers
- Designated Teachers for Looked After Children
- Virtual School Heads
- Social Workers

At the time of the implementation of this protocol (September 1st 2011) it has the potential to apply to around 1300 looked after children living in the North East.

As a 'live' working document it will be available to download from the National College for school leadership and children's services website on the Virtual School Heads forum page. The forum administrator will take responsibility for amending/updating the document in a years time.
https://network.nationalcollege.org.uk/groups

Acknowledgements

Dr. Liz Hunter VSH Gateshead; Jane Pickthall VSH North Tyneside; Suzanne Triggs C4EO Sector Specialist

endorsement from DCS

Aim of this Protocol

This protocol aims to provide North East local authorities with the maximum assistance and information sharing necessary to ensure that the educational needs of Looked After Children and Young People (LACYP) who move across local authority boundaries are met.

Sharing information about our looked after children and young people in a timely, accurate and validated way will ensure that we are able to contribute to the care planning process in a role of support and challenge that will contribute to a reduction in the number of our young people not being in education, employment or training (NEET).

Objectives

This protocol aims to:

- Provide an agreed initial notification system between authorities when looked after children and young people move across LA boundaries (see appendix 1 and 3).

- Promote and embed the timely exchange of information to support improved outcomes for looked after children and young people.

- Promote clarification and agreement on the responsibilities of the respective Virtual School Head role when looked after children and young people are educated and/or live in another authority.

Status of this Protocol

This protocol has been agreed by the Directors of Children's Services from the 12 North East Local Authorities as a minimum standard of collaboration to comply with:

- Section 7, Local Government Social Services Act 1970

- DfES/DoH joint Guidance on the Education of Young People in Public Care 2000

- The recommendations of the Social Exclusion Unit report 2003

- The statutory requirements of the Children Act 2004, including Section 52 DfES Statutory Guidance 2005

- Care Matters 2004

- Care Planning, Placements and Case Review (England) Regulations 2010

- Schools White Paper 2011

Definitions

This protocol relates to all children and young people who are looked after by local authorities, whether they are on a care order, remanded by the courts to the care of the local authority, accommodated on a voluntary basis or unaccompanied asylum seekers who are looked after.

The Virtual School Head has a duty and responsibility to monitor the educational attainment and progress of all looked after children and young people attending any school or educational provision.

Figure 1 (on page 6) illustrates the levels of involvement of the Virtual School Heads against the various care, resident and education settings for looked after children and young people.

Working Principles

Local authorities working to this protocol agree to share information according to the following principles:

● To share information lawfully and fairly about children and young people, their care and education, when transferring across authorities for the benefit of the young person.

● To share education information each academic term on attendance, exclusions, Personal Education Plans and academic progression lawfully and fairly about looked after children and young people.

● To facilitate the transfer of information between partners of the protocol in order to track and monitor educational progress.

● To ensure accuracy and security of personal information

● To recognise the duty of confidentiality and the right to privacy in respect to the individual and personal information.

This protocol recognises that funding to provide direct intervention for other authority looked after children and young people varies greatly across authorities from no provision/resources to some element of provision/resource. The driving principle of this protocol is that the role of the Virtual School Head is to support the education of all looked after children and young people in their authority by tracking, monitoring and reporting on progress as a basic requirement.

Why do we need this Protocol?

It is the intention of this protocol to make information sharing on behalf of looked after children and young people as straight forward and collaborative as possible. We need to work together to ensure our collective responsibility to improve the educational outcomes for looked after children and young people is embedded across the region.

To aid each Local Authority in fulfilling its statutory duty under section 52 Children Act 2004, improve clarity over roles, define clear communication routes, avoid duplication and prevent delays in transferring information and obtaining educational provision the following case study outlines good practice in cross border working. (see appendix 4)

Case Study - Cross border working

Dean is looked after by North Tyneside Council. He moved to a new foster placement in Gateshead which resulted in the need for him to change schools. Carers approached their local school and were told that no places were available. The social worker contacted school admissions at Gateshead Council, completed the appropriate paperwork and sent it in.

Gateshead admissions contacted the Gateshead VSH for further information, who then contacted North Tyneside VSH to gather information and background. Only then was the Gateshead VSH able to work with the admissions team and the Gateshead school to facilitate a place for a looked after child causing a significant delay.

Once moved to a new school the North Tyneside VSH contacts the Gateshead school directly on an individual basis for relevant progress data, attendance and SATs/GCSE results, along with all other VSHs with pupils at the same school.
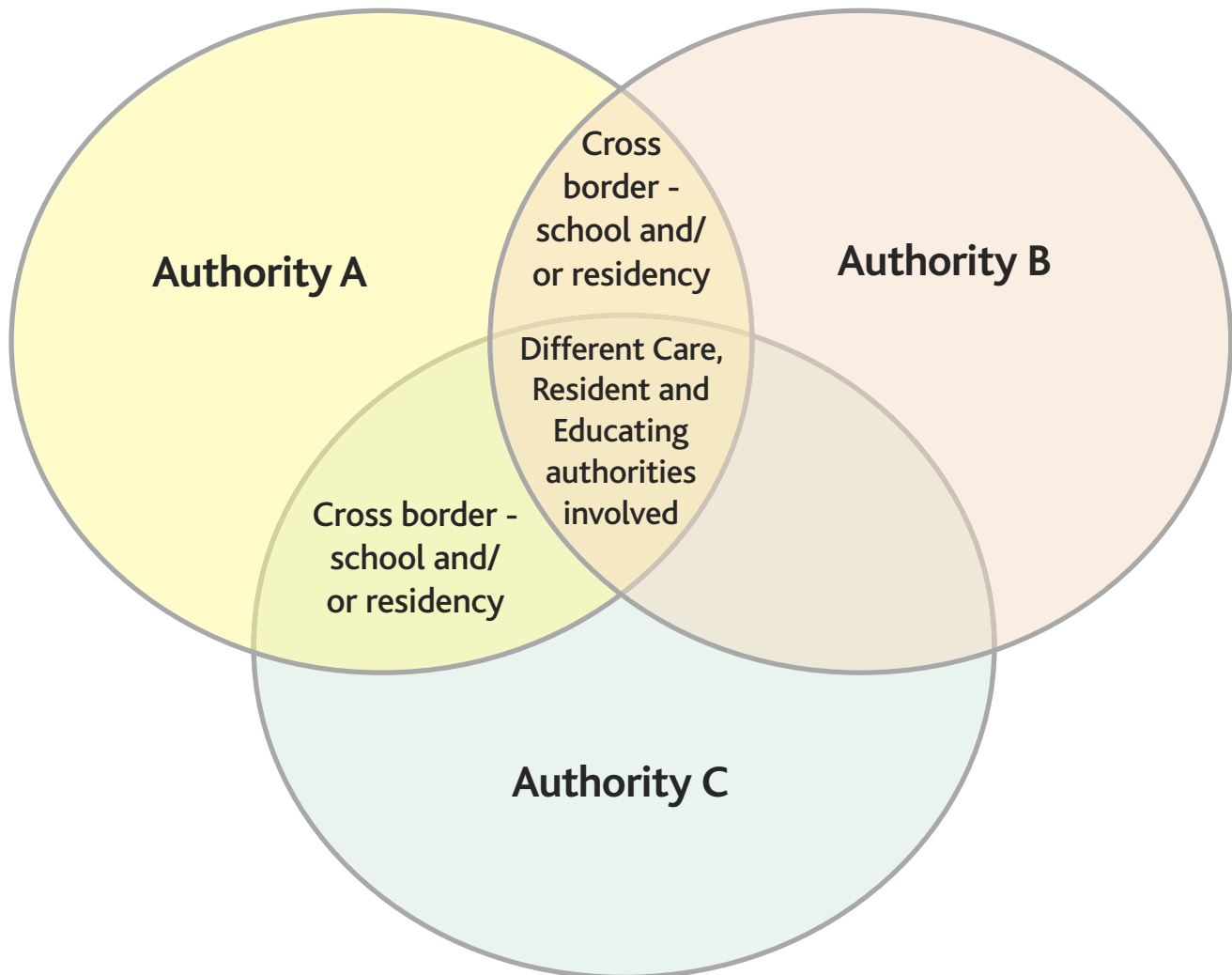
The protocol in action:

- Dean's social worker discusses the potential school transfer as part of the planned placement move with the North Tyneside VSH.

- North Tyneside VSH contacts Gateshead VSH to discuss school options in relation to Dean's educational needs.

- Social worker completes all necessary transfer request documents.

- Gateshead VSH contacts named school to facilitate school move.

- Gateshead VSH liaises with school admissions team to ensure a speedy transfer.

- North Tyneside VSH completes cross boarder contacts proforma.

- Gateshead VSH places Dean on VS population.

- Progress data is collected by Gateshead VSH, as part of VS progress monitoring of pupils.

- Gateshead VSH sends monitoring reports to North Tyneside VSH securely via S2S or as hard copy.

Figure 1: The Virtual School Head is responsible for:

A) Those children and young people cared for by their authority (home) and educated in their home schools.

B) Those children and young people cared for by the home authority and educated in another authority's school.

C) Those children and young people cared for by another authority but educated in the Virtual Heads home authority.

Authority A

Authority B

Authority C

Cross border - school and/ or residency

Different Care, Resident and Educating authorities involved

Cross border - school and/ or residency

The Venn Diagram above illustrates the various scenarios where a looked after child or young person would require information to be shared between Virtual Heads. If a child resides or attends a school in a different authority to the one he or she is in the care of then the Virtual Head in these authorities will need to be notified. There is a proforma included in the appendix of this protocol to support this process.

For example, a child looked after by Authority A but living and attending school in Authority B will require information sharing between the Virtual Heads in Authority A and B only.

A child looked after by Authority A but living in B and attending school in C would require information sharing between the Virtual Heads in Authority A, B & C.

Take Authority A as your own authority and B and C any other authorities within the region (or beyond) where you have a looked after child either living or being educated in.

Appendix 2 shows the responsibilities of the Virtual School Head in tabular form.
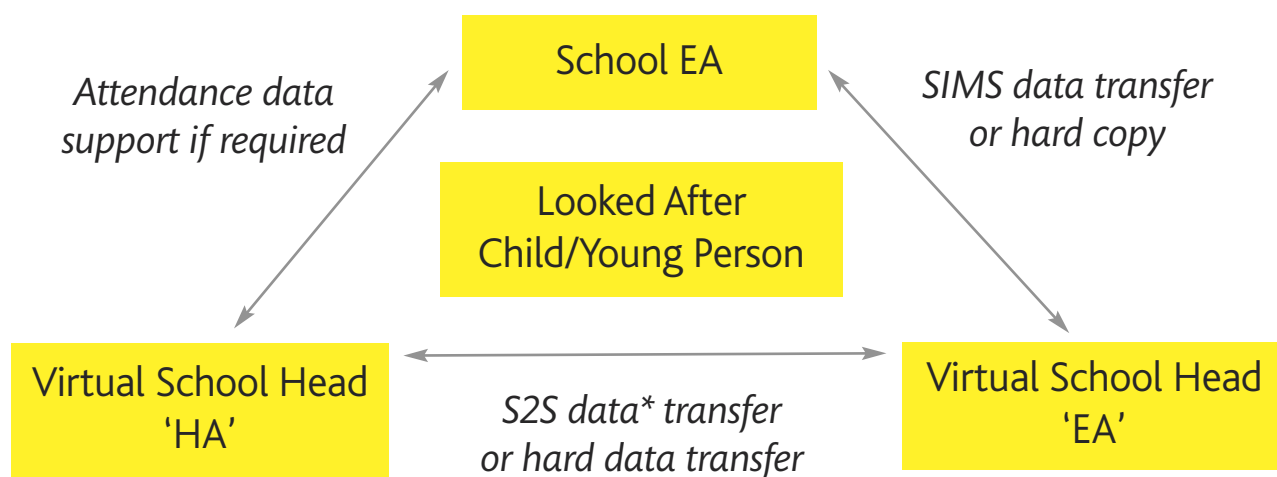
The Role of the Virtual School Head

The Virtual School Head will:

- Act as a contact in the event of difficulty and try to resolve any concerns reported about the education offered to looked after children and young people.

- Ensure that, wherever a looked after child or young person from the home authority is about to move or has moved into or out of a different local authority, the Virtual School Head of the receiving authority is notified with information on Attendance, PEPs, progress and SEN status within 20 working days.

- Ensure that systems are in place to receive such notifications from other home authorities in order to enable negotiations between authorities about how best the educational needs of the looked after children and young people can be met. Examples of electronic notifications could be:
  - SIMS - a management information system for schools
  - S2S - a secure data transfer system

- Ensure that local arrangements are in place to monitor the implementation and use of this protocol within home authority and the educating authority.

- Share monitoring information about the educational arrangements made for looked after children and young people living outside of the home authority with senior officers in their own authority, with regional Looked After Children networks and with other professional forums.

- Ensure that in the case of school transfers, in and out of the home authority, the Pupil Premium follows the child/young person and is regularly monitored.

Good practice: All Virtual School Heads to share information on Pupil Premium when it involves monies going across education authority borders.

Cross Border Education - The Communication Network

Attendance data support if required

School EA

SIMS data transfer or hard copy

Looked After Child/Young Person

Virtual School Head 'HA'

S2S data transfer or hard data transfer*

Virtual School Head 'EA'

HA - Represents the home (care) authority
EA - Represents the educating authority

* We are working towards electronic data transfers, but until that time hard copy data will suffice.

School 2 School (S2S)

Personal data must not be sent by insecure means such as open e mails. An item or group of items of data are regarded as "personal" if it is possible to identify an individual from the information. The UPN (Unique Pupil Number) is regarded as an item of personal information.

It is essential that local authorities are able to fulfil their overall responsibility in relation to children and young people's well being and safeguarding and as such the local authority needs certain individual level data to monitor outcomes for looked after children and young people.

Each local authority S2S Database administrator can set up a Virtual School as a new establishment on S2S. This allows for a secure messaging system and the transfer of personal data between local authorities using S2S with encryption (see appendix 3). S2S is accessed via the TeacherNet website. **www.teachernet.gov.uk**

Principles of Negotiation

Statutory guidance firmly established the principle that children should not be placed out-of-authority without ensuring that their care, health and education needs will all be met in the new placement. It is the responsibility of local authorities to undertake appropriate educational assessments of need and to make appropriate educational provision for looked after children and young people who move to live in that authority. The Government expects local authorities to set a maximum time limit of twenty school days within which they must secure an education placement for any looked after child or young person. That placement should be full time in a local mainstream school unless the circumstances of the child make this provision unsuitable.

Where there is a delay in the provision of education arising from differing interpretations of policy between authorities, the Virtual School Heads in the care and educating authorities will negotiate directly in order to achieve a speedy resolution.

Monitoring Arrangements

Virtual School Heads working to this protocol will ensure that accurate records are maintained which detail:

● The children/young people for whom their authority is responsible but who are resident elsewhere.

● The children/young people for whom their authority is acting as a receiving authority.

● That information is shared within 20 days of moving placement.

Virtual School Heads will collaborate and participate in all effectiveness reviews of this protocol through:

● Education Protects network meetings

● National College website.

On behalf of the Local Authority, I have considered and agree the content of the North East Regional Protocol for Looked After Children.

Darlington Borough Council

Signed:………………………………………… Designation:……………………………………………

Durham County Council

Signed:………………………………………… Designation:……………………………………………

Gateshead Borough Council

Signed:………………………………………… Designation:……………………………………………

Hartlepool Borough Council

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Middlesbrough Borough Council

Signed:………………………………………… Designation:……………………………………………

Newcastle upon Tyne City Council

Signed:………………………………………… Designation:……………………………………………

North Tyneside Council

Signed:………………………………………… Designation:……………………………………………

Northumberland County Council

Signed:………………………………………… Designation:……………………………………………

Redcar & Cleveland Borough Council

Signed:………………………………………… Designation:……………………………………………

South Tyneside Borough Council

Signed:………………………………………… Designation:……………………………………………

Stockton-on-Tees Borough Council

Signed:………………………………………… Designation:……………………………………………

Sunderland City Council

Signed:………………………………………… Designation:……………………………………………

Appendix 1

Cross Border Involvement Contacts

Name of Child / Young Person	
DOB	National Curriculum Year
School/Designated Teacher Name and Contact Details	
Social Worker Name and Contact Details	
Carer Name and Contact Details	
Is the child/young person subject to the SEN Code of Practice? Yes ☐ No ☐	Status
Date of PEP	

Virtual Head Names and Contact

	Name of Authority	Name and contact details of Virtual Head or equivalent.
Care Authority		
Resident Authority		
Educating Authority		

Please send a copy of this to each Virtual Head involved.

Appendix 2

Involvement Chart

Examples	Care	Resident	School	Virtual Heads Involved		
Child 1	A	A	A	A		
Child 2	B	B	B		B	
Child 3	C	C	C			C
Child 4	A	A	B	A	B	
Child 5	A	B	A	A	B	
Child 6	B	A	A	A	B	
Child 7	A	B	B	A	B	
Child 8	B	A	B	A	B	
Child 9	B	B	A	A	B	
Child 10	A	A	C	A		C
Child 11	A	C	A	A		C
Child 12	A	C	C	A		C
Child 13	C	A	A	A		C
Child 14	C	A	C	A		C
Child 15	C	C	A	A		C
Child 16	B	B	C		B	C
Child 17	B	C	C		B	C
Child 18	B	C	C		B	C
Child 19	C	B	B		B	C
Child 20	C	B	C		B	C
Child 21	C	C	B		B	C
Child 22	A	B	C	A	B	C
Child 23	A	C	B	A	B	C
Child 24	B	A	C	A	B	C
Child 25	B	C	A	A	B	C
Child 26	C	A	B	A	B	C
Child 27	C	B	A	A	B	C

Examples:

- Child 7 is Dean who is looked after by North Tyneside (A) but lives with foster carers in Gateshead (B) and attends a school in Gateshead (B).

- Child 22 is Charlotte who is looked after by North Tyneside (A), lives with foster carers in Gateshead (B) and attends a school in Northumberland (C).

Appendix 3

Sending a Generic File to Other Schools using S2S

To send a generic file (report, Word document, Excel spreadsheet etc) to another school it must be named in the format shown below. This ensures that only the intended recipient schools will see this on S2S and be able to import it.

Files should be named

- Your establishment number, **eg 3921234**
- Underscore __
- The destination school's establishment number, **eg 3924321**
- Underscore __
- Up to 15 characters free text, **eg Y6 Transfers** or **J Smith Pupil Passport** as appropriate.

Uploading the file to S2S

- Log in to the Secure Data Transfer System (S2S website) as you would when sending a CTF.
- Click **Upload**
- Safe transference of data
  - CTF files are secure.
  - Generic files, e.g. word, excel etc. require encryption.

Appendix 4

Information Sharing

Information to be shared will include individual child details, their academic data (including national results, predictive data such as Fischer Family Trust, and teacher assessments of progress), attendance data and relevant Personal Education Plan documents.

To discharge their duty effectively under section 52 of the Education Act 2004, in the context of effective sharing of information local authorities should:

> *"93.2 establish and maintain a protocol for sharing relevant information about care placements and education throughout the Children's Trust partnership and through inter-authority arrangements."*

This protocol has been written in response, specifically with regard to education data and information on individual children and young people under section 93.2.5 to set out:

> *"how relevant information about individual children is passed promptly between authorities, departments and schools when young people move. Relevant information includes the PEP which, as part of the looked after child's educational record, should be transferred with him/her to the new school."*
> **Promoting the Educational Achievement of Looked After Children - Statutory Guidance for Local Authorities, section 93 (Children Act 2004 DCFS)**

For more information and guidance on information sharing go to:
http://www.education.gov.uk/childrenandyoungpeople/strategy/integratedworking/a0072915/information-sharing

A new statutory code of practice designed to help businesses and public sector bodies share people's personal information appropriately was published on May 11 2011 by the Information Commissioner's Office (ICO). The Information Commissioner has prepared and published this code under section 52 of the Data Protection Act. It is a statutory code.

The data sharing code of practice is available on the ICO website here:
http://www.ico.gov.uk/~/media/documents/library/Data_Protection/Detailed_specialist_guides/data_sharing_code_of_practice.pdf

The summary checklist is available on the ICO website here:
http://www.ico.gov.uk/~/media/documents/library/Data_Protection/Practical_application/data_sharing_checklists.pdf

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Good practice examples:

- Include a question on a Personal Education Plan that allows for consent from the child/young person to share their educational information should they move schools.

- Include a question on the Pathway Plan that allows for the young person to give consent for their legal status (in care) and educational data to be shared with FE Colleges and training providers.
  This will help support their access to the education bursary which is replacing EMA.