

CHILDREN AND YOUNG PERSONS ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 - Functions in Relation to Children and Young Persons

Education and training

Section 20: Designated member of staff at school for pupils looked after by a local authority

93. *Section 20* requires the governing body of a maintained school in England and Wales to designate a member of staff as having responsibility for promoting the educational achievement of looked after children who are registered pupils at the school (the “designated person”). In this context, “maintained school” includes community schools; foundation schools; voluntary including both voluntary aided and voluntary controlled schools; community special schools; foundation special schools; and maintained nursery schools. “Registered pupil” means a person who is registered as a pupil at a school (see further section 434 of the Education Act 1996).
94. The responsibilities of the designated person include both pupils who are looked after by a local authority and those who are “relevant children” or “former relevant children” within the meaning of section 23A or 23C of the 1989 Act (in summary, persons who are no longer looked after but have been at some point since the age of 16). The designated person is also responsible for promoting the educational achievement of children and young persons at the school who have equivalent legal status under the law of Scotland or Northern Ireland.
95. *Subsection (3)* enables the appropriate national authority by regulations to specify the qualifications and/or experience which are necessary to perform the role of the designated person effectively. The intention is to use this power to require governing bodies to appoint a qualified teacher to perform this role. Under *subsection (4)* the appropriate national authority may give guidance to school governing bodies about the performance of their functions under this provision. The intention is to update guidance issued in England in May 2000 entitled “*The Education of Children and Young People in Public Care*” and to use this power to put the guidance on a statutory footing. Similar guidance was issued in relation to Wales in 2001.