

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 5 – WELFARE OF CHILDREN

Section 99: Promotion of educational achievement of children looked after by local authorities

417. Section 22 of the Children Act 1989 places a general duty on local authorities to safeguard and promote the welfare of the children they look after. Section 22(3A) places a particular duty on local authorities in England to promote the educational achievement of the children they look after, regardless of where they are placed. Many local authorities in England have an education lead to champion the needs of looked after children. They are often referred to as “Virtual School Heads” (VSH), because they monitor and track the educational progress of the children looked after by their authority as if they attended a single school.
418. This section amends section 22 by inserting new subsections (3B) and (3C). Subsection (3B) requires every local authority in England to appoint an officer employed by the authority to make sure the duty under section 22(3A) is properly discharged. Subsection (3C) requires that the person appointed under subsection (3B) is an officer employed by that local authority or another local authority in England.
419. The section makes explicit reference to permitting a local authority to appoint more than one officer to perform this role.
420. There is existing statutory guidance from the Department for Education, issued under section 7 of the Local Authority Social Services Act 1970, about how local authorities should discharge their duty to promote the education of their looked after children. This guidance will be revised to take account of this new provision. The revised guidance will also explain the relationship between the functions of the appointed officer carrying out the role of the Virtual School Head and the Director of Children’s Services (“DCS”). In effect, the DCS, who is appointed for the purposes of the authority’s social services functions relating to children, is responsible for promoting the educational achievement of the children looked after by the authority. The appointed officer or VSH and the service he or she manages will be responsible for how this is achieved.