



**Lord Hill of Oareford**

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Lord Avebury  
House of Lords  
London  
SW1A 0PW

25<sup>th</sup> • August 2011

Dear Lord Avebury,

## **EDUCATION BILL: LOCAL AUTHORITIES PROMOTING THE EDUCATION OF VULNERABLE CHILDREN**

In advance of the Committee debate on amendment 123, which requires the Secretary of State to issue guidance on how local authorities can promote and improve the education of vulnerable children, I thought it would be helpful to provide details of the existing statutory framework and the range of measures in place to support this group of children, in particular those with special educational needs and disabilities, looked after children and children who are 'in need'.

### **Special educational needs (SEN)**

Local authorities are under a duty in the Education Act 1996 to have regard to the need for ensuring that special educational provision is made for children with SEN. There is also statutory guidance in place, the SEN Code of Practice, which details efforts that should be made to secure appropriate education for children with SEN. Local authorities, schools and others must have regard to the Code.

In our recent Green Paper, *Support and aspiration: a new approach to special educational needs and disability*, we proposed to reform the system for identifying SEN, including through the introduction of a new single assessment process and plan, the Education, Health and Care plan. This would replace the statutory SEN assessment and statement for children with complex needs, and the Learning Difficulty Assessment for those aged 16-25. Under these proposals, services, including those commissioned by a local authority, will work together with the family to agree a plan for providing education, health and social care

support. As part of improving choice and control for families, local authorities and other services will set out a “local offer” of what that they provide to support children and young people who are disabled, or who have SEN, and their families. This easy-to-understand information for parents will detail what is normally available in schools and colleges to help children with lower-level SEN, as well as the help for families who need additional support for more complex needs.

We are proposing the option of a personal budget by 2014 for all families with an Education, Health and Care plan. We will seek to increase the number of key workers available to families who take up the option of a personal budget to advise them and help them navigate the range of support available. We have invited local authorities and their partners to express an interest in trialling the use of the single plan and personal budgets, through pathfinders.

### **Looked After Children**

One of the Department’s impact indicators is to narrow the gap between the educational attainment for looked after and other children, reflecting the priority we attach to this particular group of vulnerable children. To help to achieve this aim we have:

- introduced a revised legal framework for looked after children, clarifying the duties of local authorities and their partners towards the welfare of these children and, in particular, the importance of high-quality care planning to improve stability, education and health outcomes;
- ensured that school-age children (aged 5-16) who are looked after for 6 months or more are entitled to the Pupil Premium (£430 per child this year). In addition, looked after children and care leavers are eligible for the 16-19 bursary at the highest rate of £1,200; and
- we will also continue to ensure that looked after children have priority in school admission arrangements.

To assist local authorities in their more strategic role of raising the educational outcomes for the children they look after, we have also published a new data pack that contains detailed analysis of attainment outcomes. There is also specific statutory guidance to local authorities on *Promoting the Educational Achievement of Looked After Children*<sup>1</sup>.

### **Children in need**

There is also a wider group of children who are vulnerable and should be supported by local authorities, schools and other services. Local authorities already have a general duty under the Children Act 1989, to support “children in need” and their families, providing them with appropriate services. Children in need are children whose vulnerability is such that they are unlikely to achieve or maintain a reasonable standard of health or development, or whose health and development will be significantly impaired without the provision of services by the

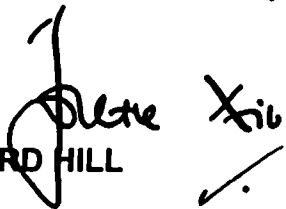
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<sup>1</sup> Available at: <https://www.education.gov.uk/publications/standard/publicationdetail/page1/DCSF-00342-2010>

local authority. The definition includes children who are disabled. There is a range of statutory guidance supporting local authorities in carrying out their duties under the Act.

I hope this provides reassurance that there are existing statutory frameworks in place, and associated guidance, which make clear the importance of local authorities and others improving the educational outcomes of vulnerable children.

I am copying this letter to Baroness Whitaker.

Yours sincerely,  
  
LORD HILL