

## **Background Information- Children Looked After (CLA)**

A CLA is a child whose parents have relinquished the care of the child to the Local Authority. This can be through a voluntary arrangement, through a court order or through a police protection order.

The following terms crop up regularly in relation to CLA.

### **ADOPTION**

Adoption changes a child's legal relationships. When a child is adopted they become a member of their new adoptive family legally and they stop being legally related to their birth family. Adoption can only happen if a court orders it. Their name can be changed, so a child within a school, who is looked after then becomes adopted, may have a change of name. The adoptive parents have full parental rights.

An adopted child is not looked after, but if the parent has self-declared, then the child can access Pupil Premium Grant.

### **CARE PROCEEDINGS**

This is the name for the court process when Children's Services go to court because they are concerned that a child is not safe. In care proceedings, Children's Services can ask the court to make an order to protect the child, such as an Emergency Protection Order, an Interim Care Order or a Care Order. Children on such an order are termed 'children in care' or 'looked after'. Care proceedings take a number of weeks to conclude and can be a very unsettling time for children and their families.

### **CARE ORDER**

A care order (as listed above) will be a result of care proceedings. It is a court order which places a child in the care of Children's Services. If any of these orders are made, Children's Services share parental responsibility for the child with the parents. This means that they must find out parents' wishes about any decision concerning their child, but the local authority, will have a named designated person, usually the Assistant Director, who can make a final decision for a looked after child.

A child on a care order will be a looked after child and therefore, the child can access Pupil Premium Grant.

### **CHILD ARRANGEMENTS ORDER (RESIDENCE ORDER)**

An order regulating arrangements concerning with whom a child is to live, spend time or otherwise have contact and when a child is to live, spend time or otherwise have contact with any person.

Children on either of these orders are not 'looked after' and will not be eligible for Pupil Premium Grant.

### **FOSTER CARE**

When a child is looked after by the local authority, they may be placed in foster care with foster carers. Foster carers are paid by Children's Services to care for looked after children. They do not have parental responsibility for the child. They offer the child a place in their home and have responsibility for the daily care of the child.

Family members and friends can be assessed and approved by the local authority to become foster carers for a named child.

Foster carers do have some 'delegated authority' and although they do not have parental responsibility, they are able to agree to some or sign for some day to day functions for the child. These areas of responsibility may be discussed at the Personal Education Plan (PEP) meeting.

### **PARENTAL RESPONSIBILITY (PR)**

Parental responsibility is defined in law as "all the rights, duties, powers, responsibilities and authority, which by law a parent has in relation to the child and the administration of his/her property."

In practical terms, it means the responsibility to care for a child and the right to make important decisions about the child, for example agreeing to medical/dental treatment.

### **PLACEMENT ORDER**

A placement order allows Children's Services to place a child for adoption. Children's Services usually apply for a placement order during (or after) [care proceedings](#) if there is a plan for the child to be adopted. Parents can still contest this through the court processes until the adoption order is granted.

Children on a placement order are still looked after and can access Pupil Premium Grant.

### **PRIVATE FOSTERING**

The term 'private fostering' can be misleading; it is a private arrangement between the carer and the parents. If a child lives for more than 28 days with a person who is not a direct relative then this is a private fostering arrangement. The local authority has a duty to monitor this arrangement, so a social worker will visit the child, but this is not an arrangement made by the local authority. The carers for the child are not 'foster carers' as defined above.

Children in private fostering arrangements are not looked after and will not be eligible for Pupil Premium Grant.

### **SPECIAL GUARDIANSHIP ORDER**

A special guardian is someone who has been granted a Special Guardianship Order for a child by the court. This can be granted when a child is living permanently with someone other than their parents (such as relatives or long term foster carers).

A Special Guardian has parental responsibility for the child. They do not have to consult the parents or anyone else with parental responsibility about most decisions for the child. But there are some things they cannot do or decide without the permission of the parents/others with parental responsibility or the court, such as

- They cannot change a child's surname
- They cannot take the child abroad for more than 3 months
- They cannot agree to the child being placed for adoption.

Children on Special Guardianship Orders are not looked after, they may have been looked after up to the point that the order is granted, but lose looked after status once the order is granted.

Children on a special guardianship order can access the Pupil Premium Grant if the guardian self-declares.

### **SUPERVISION ORDER**

A court can ask Children's Services to "supervise" how the parent cares for their child under a supervision order. A social worker will agree a contract or supervision plan with the parent, which will set out what is expected of the parent and the help the social worker will give. Parental responsibility remains entirely with the parents.

A Supervision Order lasts for up to one year, and can be extended at most for two more years. The court can also make an Interim (temporary) Supervision Order, pending a final decision.

Children subject to this order are not looked after children and are not eligible for Pupil Premium Grant.

### **SUPERVISED CONTACT**

Sometimes a court or a social worker thinks it is best for a child if someone else is present when a child's has contact with someone (perhaps a parent they do not live with). This is to make sure the person having contact does not do anything that might harm or upset the child.

Children on supervised contact may or may not be looked after. Clarification can be sought from the Virtual School.