



# Children and Social Work Act 2017

## 2017 CHAPTER 16

### PART 1

#### CHILDREN

### CHAPTER 1

#### LOOKED AFTER CHILDREN

#### *Educational achievement in England*

#### **4 Duty of local authority in relation to previously looked after children**

Before section 23ZA of the Children Act 1989 (and the italic heading before it) insert—

*“Educational achievement of previously looked after children*

#### **23ZZA Information and advice for promoting educational achievement**

- (1) A local authority in England must make advice and information available in accordance with this section for the purpose of promoting the educational achievement of each relevant child educated in their area.
- (2) The advice and information must be made available to—
  - (a) any person who has parental responsibility for the child,
  - (b) the member of staff at the child's school designated under section 20A of the Children and Young Persons Act 2008 or by virtue of section 2E of the Academies Act 2010, and
  - (c) any other person that the local authority consider appropriate.

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**Changes to legislation:** There are currently no known outstanding effects for the Children and Social Work Act 2017, Cross Heading: Educational achievement in England. (See end of Document for details)

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- (3) A local authority in England may do anything else that they consider appropriate with a view to promoting the educational achievement of relevant children educated in their area.
- (4) A local authority in England must appoint at least one person for the purpose of discharging the duty imposed by subsection (1).
- (5) The person appointed for that purpose must be an officer employed by the authority or another local authority in England.
- (6) In this section—
- “relevant child” means—
- (a) a child who was looked after by the local authority or another local authority in England or Wales but ceased to be so looked after as a result of—
- (i) a child arrangements order which includes arrangements relating to with whom the child is to live, or when the child is to live with any person,
  - (ii) a special guardianship order, or
  - (iii) an adoption order within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002, or
- (b) a child who appears to the local authority—
- (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
  - (ii) to have ceased to be in that state care as a result of being adopted.
- (7) For the purposes of this section a child is educated in a local authority's area if—
- (a) the child is receiving early years provision secured by the local authority under section 7(1) of the Childcare Act 2006, or
  - (b) the child is of compulsory school age and—
    - (i) the child attends a school in the local authority's area, or
    - (ii) if the child does not attend school, the child receives all or most of his or her education in the local authority's area.
- (8) For the purposes of this section a child is in “state care” if he or she is in the care of, or accommodated by—
- (a) a public authority,
  - (b) a religious organisation, or
  - (c) any other organisation the sole or main purpose of which is to benefit society.”

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**Commencement Information**

**II** S. 4 in force at 1.9.2018 by [S.I. 2018/497](#), [reg. 4\(a\)](#)

**5 Maintained schools: staff member for previously looked after pupils**

After section 20 of the Children and Young Persons Act 2008 insert—

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**Changes to legislation:** There are currently no known outstanding effects for the Children and Social Work Act 2017, Cross Heading: Educational achievement in England. (See end of Document for details)

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### **“20A Designated staff member for previously looked after pupils**

- (1) The governing body of a maintained school in England must—
  - (a) designate a member of the staff at the school (the “designated person”) as having responsibility for promoting the educational achievement of registered pupils within subsection (2), and
  - (b) ensure that the designated person undertakes appropriate training and has regard to any guidance issued by the Secretary of State.
- (2) A registered pupil is within this subsection if the pupil—
  - (a) was looked after by a local authority but ceased to be looked after by them as a result of—
    - (i) a child arrangements order (within the meaning given by section 8(1) of the 1989 Act) which includes arrangements relating to with whom the child is to live, or when the child is to live with any person,
    - (ii) a special guardianship order (within the meaning given by section 14A(1) of the 1989 Act), or
    - (iii) an adoption order (within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002), or
  - (b) appears to the governing body—
    - (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
    - (ii) to have ceased to be in that state care as a result of being adopted.
- (3) The Secretary of State may by regulations require the governing body of a maintained school in England to ensure that the designated person has qualifications or experience (or both) prescribed by the regulations.
- (4) In exercising its functions under this section the governing body of a maintained school in England must have regard to any guidance issued by the Secretary of State.
- (5) For the purposes of this section a person is “looked after by a local authority” if the person is looked after by a local authority for the purposes of the 1989 Act or Part 6 of the 2014 Act.
- (6) For the purposes of this section a person is in “state care” if he or she is in the care of, or accommodated by—
  - (a) a public authority,
  - (b) a religious organisation, or
  - (c) any other organisation the sole or main purpose of which is to benefit society.
- (7) In this section—

“maintained school” has the meaning given by section 39(1) of the Education Act 2002;

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*Changes to legislation:* There are currently no known outstanding effects for the Children and Social Work Act 2017, Cross Heading: Educational achievement in England. (See end of Document for details)

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“registered pupil” has the meaning given by section 434(5) of the Education Act 1996.”

**Commencement Information**

**I2** S. 5 in force at 1.9.2018 by [S.I. 2018/497](#), [reg. 4\(b\)](#)

**6 Academies: staff member for looked after and previously looked after pupils**

(1) After section 2D of the Academies Act 2010 insert—

**“2E Provision about staff member for looked after and previously looked after pupils**

- (1) An Academy agreement must include provision requiring the proprietor of the Academy—
- (a) to designate a member of staff at the Academy (the “designated person”) as having responsibility for promoting the educational achievement of relevant pupils at the Academy,
  - (b) to ensure that the designated person undertakes appropriate training and has regard to any guidance issued by the Secretary of State, and
  - (c) in complying with provision included in the agreement by virtue of paragraph (a) or (b), to have regard to any guidance issued by the Secretary of State.
- (2) An Academy agreement made before the day on which section 6 of the Children and Social Work Act 2017 (which inserts this section) comes fully into force is to be treated as if it included the provision required by subsection (1).
- (3) The Secretary of State may by regulations—
- (a) require an Academy agreement to include provision requiring the proprietor of the Academy—
    - (i) to ensure that a designated person has qualifications or experience (or both) prescribed by the regulations, and
    - (ii) in complying with provision included in the agreement by virtue of sub-paragraph (i), to have regard to any guidance issued by the Secretary of State;
  - (b) provide that an Academy agreement made before the day on which the regulations come into force is to be treated as if it included any provision required under paragraph (a).
- (4) In this section—
- “pupil”—
- (a) in relation to an Academy school or an alternative provision Academy, means a registered pupil at the Academy;
  - (b) in relation to a 16 to 19 Academy, means a person receiving education at the Academy;
- “relevant pupil”, in relation to Academy, means a pupil at the Academy who—

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- (a) is looked after by a local authority,
  - (b) was looked after by a local authority but has ceased to be so looked after as a result of a relevant order, or
  - (c) appears to the proprietor of the Academy—
    - (i) to have been in state care in a place outside England and Wales because he or she would not otherwise have been cared for adequately, and
    - (ii) to have ceased to be in that state care as a result of being adopted;
- “relevant order” means—
- (a) a child arrangements order (within the meaning given by section 8(1) of the Children Act 1989) which includes arrangements relating to—
    - (i) with whom a child is to live, or
    - (ii) when a child is to live with any person,
  - (b) a special guardianship order (within the meaning given by section 14A(1) of the Children Act 1989), or
  - (c) an adoption order (within the meaning given by section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002).
- (5) For the purposes of this section a person is “looked after by a local authority” if the person is looked after by a local authority for the purposes of the Children Act 1989 or Part 6 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).
- (6) For the purposes of this section a person is in “state care” if he or she is in the care of, or accommodated by—
- (a) a public authority,
  - (b) a religious organisation, or
  - (c) any other organisation the sole or main purpose of which is to benefit society.
- (7) For the purposes of section 569 of EA 1996 (as applied by section 17(4)), regulations under subsection (3)(b) are to be treated as if the statutory instrument containing them fell within subsection (2A) of that section (regulations subject to affirmative procedure).”
- (2) After section 2 of the Academies Act 2010 insert— “ Provision to be included in Academy agreements ”.

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**Commencement Information**

**13** S. 6 in force at 1.9.2018 by [S.I. 2018/497](#), [reg. 4\(c\)](#)

## 7 Maintained schools: guidance for staff member for looked after pupils

In section 20 of the Children and Young Persons Act 2008 (designated staff member for looked after pupils) after subsection (2) insert—

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**Changes to legislation:** There are currently no known outstanding effects for the Children and Social Work Act 2017, Cross Heading: Educational achievement in England. (See end of Document for details)

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“(2A) If the school is in England, the governing body must ensure that the designated person has regard to any guidance issued by the Secretary of State.”

**Commencement Information**

**I4** S. 7 in force at 1.9.2018 by [S.I. 2018/497](#), [reg. 4\(d\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Social Work Act 2017,  
Cross Heading: Educational achievement in England.