

Report of the Assistant Director Schools to the meeting of Corporate Parenting Panel to be held on 26 January 2022

Subject:

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Governing Body for the Virtual School for Looked After Children.

Summary statement:

Recommended Terms of Reference and membership of a Working Group of the Corporate Parenting Panel to act as the Governing Body of the Virtual School for Looked After Children

EQUALITY & DIVERSITY:

There are no equality or diversity issues arising from the proposed Terms of Reference.

The aim of the proposed membership is to secure wide representation on the Governing Body of the Virtual School for Looked After Children.

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Portfolio:

Children and Families

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Overview & Scrutiny Area:

Children's Services

1. SUMMARY

The Corporate Parenting Panel agreed on 24 November 2021 that a Governing Body should be established for the Virtual School.

The Corporate Parenting Panel is invited to:

- establish a working group to act as the Governing Body of the Virtual School; and
- agree the Terms of Reference and membership (*below*)

2. BACKGROUND

The Virtual School plays a strategic role in making sure the Corporate Parenting responsibilities of the Council, with regard to the education of looked after children, are met. The aims of the school are to promote achievement, raise attainment and ensure equality of opportunity to enhance the life chances of all looked after children wherever they live.

Oversight of the Virtual School was previously governed by a Management Committee.

On 22 December 2021 the Clerk to the Corporate Parenting Panel was commissioned by the Deputy Chair to:

- Research and liaise with the School Governor Service on how Virtual School Governing Bodies are constituted in other LAs, specifically including how they function in their relationship with their Corporate Parenting Panels e.g. sub group, themed meeting etc.
- Liaise with the Head of the Virtual School as required.
- Make recommendations to the Chair and Deputy Chair of the Corporate Parenting Panel on the setting up of a Governing Body for the Virtual School and operating options.

There is no common model for the governance of Virtual Schools. An internet review of ten Virtual School “Governing Bodies” across England indicates that, in some cases, the CPP itself is the Governing Body; more often the Governing Body is a sub-committee of the CPP, with or without a majority of governors being CPP members; and some are more autonomous, with only one governor being a CPP member.

The recommendations in this Report were informed by:

- The National Association of Virtual School Headteachers (NAVSH) Virtual School Handbook 2018
- Telephone conversations with:
 - The Head of the Virtual School
 - A National Governance Association (NGA) adviser with experience of establishing the Governing Body of the Birmingham City Council Virtual School
- Advice from the Bradford Council’s School Governor Service, including two sets of potential Terms of Reference.
- An internet trawl of Virtual School Governing Bodies.

- Ofsted report: *The impact of Virtual Schools on the educational progress of Looked After Children*, October 2012

3. OTHER CONSIDERATIONS

None.

4. FINANCIAL AND RESOURCE APPRAISAL

There are no direct financial implications arising from this report.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The Corporate Parenting Panel undertake the role of the Regulatory and Appeals Committee to oversee the corporate parent responsibilities of the Council for looked after children.

There are no significant risks arising out of the implementation of the proposed recommendations.

6. LEGAL APPRAISAL

Local authorities have a duty under the Children Act 1989 to safeguard and promote the welfare of a child looked after by them. This includes a specific duty to promote the child's educational achievement, wherever they live or are educated.

Local authorities also have a duty under section 23ZZA of the Children Act 1989 (inserted by section 4 of the Children and Social Work Act 2017) to promote the educational achievement of previously looked-after children in their area by providing information and advice to any person that has parental responsibility for the child; providers of funded early years education; designated teachers for previously looked-after children in maintained schools and academies; and any other person the authority considers appropriate for promoting the educational achievement of relevant children.

The role of virtual schools within local authorities has been further extended from September 2021. Local authorities will receive funding to resource Virtual School Heads to work with schools, colleges and social care leaders to create a culture of high aspirations that helps all children with social workers to make educational progress.

A local authority has a general power in respect of discretionary committees to delegate any of its functions (except with respect to levying, or issuing a precept for, a rate) to a sub-committee; and a discretionary committee may, unless the authority otherwise directs, itself delegate any of its functions to its sub-committees; and, in turn, a sub-committee may unless otherwise directed delegate any of its functions to an officer. It can also set up working or task groups provided it makes clear its intention and there is no conferment of delegated powers.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

None.

7.2 GREENHOUSE GAS EMISSIONS IMPACT

None.

7.3 COMMUNITY SAFETY IMPLICATIONS

None.

7.4 HUMAN RIGHTS ACT

None.

7.5 TRADE UNION

None.

7.6 WARD IMPLICATIONS

None.

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

7.8 IMPLICATIONS FOR CHILDREN AND FAMILIES

Strengthening of oversight by the Corporate Parenting Panel of the Virtual School for Looked After Children.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

There are no identifiable factors within this report or presenting paper.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

The four options:

- A. Establish the Corporate Parenting Panel (CPP) as the Governing Body of the Virtual School.
- B. Establish a sub-committee of the CPP as the Governing Body of the Virtual School
- C. Establish a working group to act as the Governing Body of the Virtual School
- D. Establish a stand-alone Governing Body for the Virtual School

Option C is recommended to the Corporate Parenting Panel to enable wide stakeholder participation including, but not restricted to, CPP members and without the constraints of formal sub-committees

10. RECOMMENDATIONS

That the Corporate Parenting Panel agree to establish a working group to act as the Governing Body of the Virtual School and to the proposed Terms of Reference and membership set out at Appendix A.

11. APPENDICES

A Draft Terms of Reference for the Governing Body of the Virtual School

12. BACKGROUND DOCUMENTS

N/A

Bradford Virtual School for Looked After Children Governing Body Terms of Reference

The aim of Bradford Virtual School (VS) is to promote and champion the educational Attainment and Achievement of all Looked After Children across the Local Authority including those children and young people placed out of authority.

The Bradford Council Corporate Parenting Panel is responsible for the governance of the Bradford Virtual School. The Governing Body of the Virtual School is a working group of the Corporate Parenting Panel.

These terms of reference provide a framework which will enable the Corporate Parenting Panel to provide clear leadership to meet the needs of Looked After Children (LAC).

The document is divided into 3 sections:

1 Governance

The name of the school is the Bradford Virtual School for Looked After Children

The Virtual School Governing Body shall consist of:

- Representative(s) of the Corporate Parenting Panel (including elected members and, where possible, the Chair or Vice Chair of CPP and in compliance with S15 of the Local Government & Housing Act 1989 from a list of the members appointed by the Regulatory and Appeals Committee)
- Senior Leadership level representatives of:
 - Children's Social Services
 - Education Safeguarding service
 - Education Psychology service
 - Health Service
 - Looked After Children / Recent care leavers [*For consideration: The Head of the Virtual School strongly recommends that LAC/Care Leavers determine whether and how they wish to be represented: this should not be seen as compulsory.*]
 - Foster or adoptive carer(s)
 - A special school
 - A primary school
 - A secondary school

These senior leadership level representatives shall be appointed by the Governing Body with the assent of the Corporate Parenting Panel.

- the Virtual School Head [*For consideration: The National Governance Association recommends that the school executive should not be represented on GBs, the function of which is to hold the executive to account.*]

2 Terms of Reference

The Governing Body of the Bradford Virtual School for Looked After Children will:

- (i) champion the educational needs of Looked After Children wherever they are placed and educated;
- (ii) approve the process used by the Virtual School Head to set internal targets for pupil attainment and progress;
- (iii) support and challenge the outcomes, priorities and key actions of the Virtual School including its development plan;
- (iv) ensure that strategic policies and practice enhance educational outcomes for Looked After Children, which includes the allocation of resources;
- (v) promote interagency working with representation from key areas to break down barriers between professionals and the barriers to learning for Looked After Children;
- (vi) monitor, support and challenge outcomes for Looked After Children and at key reporting points;
- (vii) ensure robust data systems are in place to monitor attendance, progress, achievement and exclusion of Looked After Children;
- (viii) ensure that Pupil Premium Plus spending for Looked After Children, both the proportion distributed to schools and the proportion retained centrally by the Virtual School, is effective and linked to outcomes;
- (ix) receive and comment on the annual report to the Corporate Director, Children's Services, on the progress of children in care and the work of the LAC Virtual School;
- (x) review the governance of the Virtual School; and
- (xi) advocate on behalf of Looked After Children and care leavers

3 Procedures

- (i) The Governing Body will meet at least once each School term.
- (ii) The quorum for a meeting will be 50% of the number of governors in post.
- (iii) The Corporate Parenting Panel shall appoint the Chair and Vice Chair of the Governing Body. The Chair shall be a member of the Corporate Parenting Panel.
- (iv) Every question to be decided at a meeting of the Governing Body shall be determined by a majority of the votes of the governors present and voting on the question.
- (v) Where there is an equal division of votes the Chair or, as the case may be, the person who is acting as Chair for the purposes of the meeting (provided that such a person is a member of the Governing Body), shall have a second or casting vote.
- (vi) The Chair, in agreement with the Chair of the Corporate Parenting Panel, shall have power to exercise any function of the Governing Body where a delay¹ in exercising that function would be likely to be seriously detrimental to the interest of:
 - (a) the School;
 - (b) any pupil of the School, or their parent/carer; or
 - (c) a person who works at the School

¹ "delay" means delay for a period extending beyond the earliest date on which it would be reasonably practicable for a meeting of the Governing Body to be held.

and it is not possible to arrange a meeting of the Governing Body to deal with that matter in a timely manner, and the action and the reasons for the action are reported to the Governing Body at its next meeting.

- (vii) The Governing Body shall appoint a Clerk to the Governing Body.
- (viii) The Clerk shall give written notice of the meeting, a copy of the agenda for the meeting and any reports or other papers to be considered at the meeting at least seven clear days in advance to each member.
- (ix) The Clerk shall ensure that the minutes of the proceedings of a meeting of the Governing Body are drawn up and signed (subject to the approval of the Governing Body) by the Chair of the next meeting.
- (x) The signed minutes of meetings shall be circulated to all members of the Corporate Parenting Panel. The Chair of the Governing Body shall answer any questions concerning the minutes at the next meeting of the Corporate Parenting Panel.
- (xi) Items that are deemed to be confidential by the Governing Body shall be recorded as a separate confidential minute and reported orally at the next Corporate Parenting Panel meeting by the Chair of the Governing Body, as required.
- (xii) The Governing Body shall, as soon as reasonably practicable, make available for inspection by any interested person a copy of:
 - (a) the agenda for every meeting;
 - (b) the signed minutes of every such meeting; and
 - (c) any report or other paper considered at any such meeting.
- (xiii) The Governing Body may exclude from items required to be made available any material relating to:
 - (a) a named person who works, or who it is proposed should work, for the Virtual School Service; or
 - (b) a named pupil or looked after child; or
 - (c) any other matter that by reason of its nature the Governing Body is satisfied should remain confidential.
- (xiv) Where:
 - (a) in relation to any matter there may be a conflict between the interests of a Governor and the interest of the Governing Body;
 - (b) a fair hearing is required and there is any reasonable doubt about a Governor's ability to act impartially in relation to any matter; or
 - (c) a relevant person has a pecuniary interest in any matter;that person, if present at the meeting of the Virtual School at which the matter is the subject of consideration, shall disclose their interest, withdraw from the meeting and not vote on the matter in question.

Agreed by the Corporate Parenting Panel on