

Response to Scottish Government consultation on 'The right help at the right time in the right place: Scotland's Ten Year Strategy for the Learning Provision for Children and Young People with Complex Additional Support Needs 2017-2026'

CELGIS (Centre for excellence for looked after children in Scotland), based at the University of Strathclyde in Glasgow, is committed to making positive and lasting improvements in the wellbeing of Scotland's children living in and on the edges of care. We welcome the opportunity to submit our views in response to the Scottish Government's consultation on 'The right help at the right time in the right place: Scotland's Ten Year Strategy for the Learning Provision for Children and Young People with Complex Additional Support Needs 2017-2026' (the Strategy).

Context

As of July 2016, there are 15,317 looked after children in Scotland (1.5% of the 0-18 population), 5,659 of whom are primary school aged (5-11), and 6,330 are secondary school aged (12-17). Over half of all looked after children live with their own family – either in kinship care or 'at home' - and approximately 35% with foster carers. Nearly 10% (1,477) live in residential homes or schools.¹

Nearly 12% (1,797) of looked after children have a disability (as defined by the Equality Act 2010); a number likely to be an underestimate, due to the rate of 'not knowns' in the statistics. A proportion of these children are looked after by local authorities because, directly or in part, of the complexity of their additional support needs. Indeed, amongst the population of children with complex additional support needs, the rate of those with looked after status is disproportionate to their number in the whole child population.² One reason for this is that families often come to a voluntary arrangement with their local authority, placing their child into care ('looked after') to facilitate the provision of services and support.

The nature of looked after children's additional needs are varied, encompassing physical and mental disability, emotional and behavioural difficulties. Their backgrounds are similarly diverse, but some will have experienced multiple, serious adversities, including socio-economic disadvantage, parental drug and

¹ Scottish Government (2017). [Children's Social Work Statistics Scotland 2015/16](#). Edinburgh: Scottish Government.

² Hill, L., Baker, C., Kelly, B. & Dowling, S. (2015). Being counted? Examining the prevalence of looked-after disabled children and young people across the UK. *Child and Family Social Work* 2017, 20(3)

alcohol misuse, and domestic violence.³ Looked after children are significantly more likely to have particular physical health conditions, poorer mental health (even when poverty and disadvantage are accounted for), and face multiple barriers when it comes to addressing such difficulties.⁴ Educational outcome indicators show that the gap between looked after children's attainment and achievement, and that of all children, remains unacceptably large.⁵

Finally, it is important to note that schools, local education authorities, NHS Boards, Scottish Ministers, and a wide range of other publicly funded organisations are all considered 'corporate parents' within the terms of Part 9, Children and Young People (Scotland) Act 2014. This means they are under explicit duties to assess and support the wellbeing of all looked after children, including those with complex additional support needs.

Attention to the particular needs and vulnerabilities of looked after children in the Strategy are our key considerations in this response.

Definitions and data

We note that according to the 'working description' used by the National Strategic Commissioning Group (NSCG) in the Strategy, children and young people (aged 3-18) with complex additional support needs are those who:

1. Are in receipt of a Co-ordinated Support Plan;
2. Do not have a co-ordinated support plan, but who have been assessed as stage 3 or 4 by a local authority under a staged intervention model;
or
3. Attend a grant aided or independent special school.

We are concerned about the lack of robust, publically available data about the numbers (and needs) of these children, and the variations between authorities in establishing whether children fit into the above categories.⁶ This will have an obvious impact on organisation's capacity to commission strategically, assessing current and future needs, and allocating funding appropriately.

Recommendation 18 of the Doran Review specifically highlights the need for 'an effective system for the national collection of data in relation to children and young people with complex additional support needs which will inform the planning and commissioning of national services and provision'.⁷ We welcome

³ SWIA (2006). *Extraordinary Lives: Creating a positive future for looked after children in Scotland*. Edinburgh: Social Work Inspection Agency.

⁴ Priestly, A. and Kennedy, L. A. (2015). *The health of looked after children and young people: a summary of the literature*. Glasgow: University of Strathclyde

⁵ Scottish Government (2017) [Education Outcomes for Looked After Children 2015/16](#), Edinburgh: Scottish Government

⁶ Scottish Government (2015) [Strategic Commissioning for Services for Children with Complex Additional Support Needs: Qualitative Research](#), Edinburgh: Scottish Government.

⁷ Scottish Government (2012) [The Doran Review: The Right Help at the Right Time in the Right Place: Strategic Review of Learning Provision for Children and Young People with Complex Additional Support Needs](#), Edinburgh: Scottish Government.

the Scottish Government's acceptance of this recommendation,⁸ and would encourage the Scottish Government to provide concrete information on the progress of this work, which we understand is being led by the Advisory Group for Additional Support for Learning and the Doran Strategic Commissioning Project Board. This should be a priority to ensure the strategic planning and commissioning of services for children and young people with complex additional support needs is informed by comprehensive and robust data. We have extensive experience in supporting public organisations to design and implement effective data systems, and would be pleased to contribute to the Advisory Group's discussions if this would be beneficial.

In 2016, Scottish Government statistics show that there were 2,385 pupils in Scotland with a co-ordinated support plan (CSP).⁹ But there is inconsistency in how local authorities assess the needs of looked after children for additional support, and subsequently a co-ordinated support plan. The [Education \(Additional Support Needs\) \(Scotland\) Act 2009](#) (s.8) amended earlier legislation to clarify that as a general rule it should be assumed that a looked after child will have additional support needs (ASN) unless the education authority, after assessment, decides they do not need additional support to benefit from their education. In 2015, a [freedom of information request](#) showed that for looked after children, where an assessment of ASN did take place, variations were evident in the proportion of children assessed as having no additional support needs (range 0-89%), proportion of those found to have ASN being assessed for a CSP, (range 0-100%), and proportion with ASN who had a CSP (range 0-46%). Further to this, data returns to the Scottish Government would suggest there are differences in recording practices between and within agencies, and in access to assessments. If looked after children are not consistently assessed, there is inevitable inequity in terms of whether they gain receipt of a CSP, and come to be included in definitions of children with Complex Additional Support Needs.

For children not in receipt of a CSP, but assessed as being stage 3 or 4 by a local authority under a staged intervention model, we hold similar concerns about consistency and equity. Whilst local authorities and schools use Getting It Right For Every Child (GIRFEC) tools to assess the needs of looked after children, there is a high level of variability around how these tools are used and what stage support is categorised in. This results in inconsistency over which levels children are placed at, often depending on the services available locally. Further to this, as data is not publically available regarding the numbers of looked after children who are assessed as being in stages 3 or 4, it is not possible to robustly assert the numbers of children requiring this crucial additional support.

⁸ Scottish Government (2012) [Meeting the needs of Scotland's children and young people with complex additional support needs: The Scottish Government's response to the Doran Review](#), Edinburgh: Scottish Government.

⁹ Scottish Government (2016) [Summary Statistics for Schools in Scotland, No: 7-2016](#), Edinburgh: Scottish Government.

In terms of numbers of children who attend grant aided schools in 2016, 83 pupils (40% of all pupils) were looked after.¹⁰ In the past, this data was published regarding looked after pupils at independent special schools, but this is no longer the case. In 2009, the last year data was collected by the Scottish Government, 68.1% (n=669) of pupils in independent special schools were looked after.¹¹

Other general comments

- We welcome the commitment to ensure the current funding of £11million will continue to be ring fenced to children with complex additional support needs, and not absorbed into existing education or wider additional support needs funding streams. This group of children and young people are amongst the most vulnerable children in Scotland, and it is vital that commitment remains to ensuring funding is protected for services to support them.
- We recognise the range of services that the NSCG commission in addition to direct education, care and health services. Notably, research, learning and development, and other services which support the education of children and young people with complex additional support needs. There is clearly a need to distribute funding fairly across all services according to need, and we welcome the Scottish Government's commitment to building the capacity across the full spectrum of providers. However, we are concerned that failing to explicitly 'ring-fence' resources for some direct services could negatively impact on the quality and experience of education, care and health services for some very vulnerable children and young people. The transition to the new funding model will need to be carefully planned and managed to minimise the risk of disruption or degradation of support to children.
- The first phase of the strategy focuses on training, development and research, all of which it appears will be resourced from the £11m currently allocated to grant recipients. Therefore it seems inevitable that the grant will be reduced to all (or at least some) of the schools and national centres. This will reduce the amount of money that services are able to access to provide crucial front line, practical support during the first phase. We are concerned that a failure to meticulously consider the viability of this for the operation of direct services would leave children and young people in an unacceptable position and without the support they are both legally entitled to, but more importantly need in order to fully benefit from education. We welcome the Scottish Government's commitment to the phased release of funding to current grant recipients, but we would welcome a clear commitment to continuing a high quality direct service to all children and young people alongside the launch of the Strategy.

¹⁰ Scottish Government (2016) [Pupil census 2016 supplementary data](#), Edinburgh: Scottish Government.

¹¹ Scottish Government (2010) [Independent School Census, September 2009](#), Edinburgh: Scottish Government.

- Despite the assertion that ‘changes in current grant awards and services...will not prejudice the placements of children or young people who are supported by currently funded services’, we are concerned the current plan significantly increases the risks of this, without sufficient detail on the safeguards which will be put in place. Some children may attend one of the grant aided schools for their entire school life, which is more than 10 years (the length of the strategy). A reduction in the direct grant, if not replaced with funding from other sources, may lead to a reduction in staffing, resources etc., and consequently impact on these children and young people’s placements. Again, we would welcome a clear commitment from the Scottish Government that no children or young people currently in receipt of these services will be disadvantaged throughout the period of transition from the current funding arrangement to a strategic commissioning model.
- We are concerned that any reduction in grant funding to the three national services (Enquire, CALL Scotland and Scottish Sensory Service) which provide valuable support to parents and carers as well as Local Authorities, could adversely affect the wellbeing of children with complex ASN.

Consultation questions

4. Within the context of The Doran Review recommendations – do you agree with the explanation of why we need Strategic Commissioning for national provision/services for learners with complex additional support needs?

Yes. We welcome the commitment to increased strategic commissioning of services. Its use is necessary to make the best use of available resources, based on the needs of children and young people with complex additional support needs, and informed understanding of what services work most effectively in meeting these needs.

For strategic commissioning to operate effectively, it is especially important that robust data is available regarding the numbers of children and young people with complex additional support needs, and the nature of these needs. Our concerns about the current lack of detailed and comprehensive available data are noted above. The failure to explicitly include consideration of such data leaves the Strategy somewhat ambiguous.

5. The ‘Scope of Services to be commissioned’ on page 8 relate to education, care and health, research and training and is informed by the [Doran Review](#) recommendations and the National Needs Analysis, which was completed in 2015. Can you please comment on any services within those headings which you would particularly wish to see featured here? Please tell us if you think it should exclude any aspects or include any others?

The Strategy focuses predominantly on research, and training. For the avoidance of doubt, the NSCG should include clear assurance that high quality direct services will continue to be provided to children and young people throughout the lifetime of the Strategy, and beyond. This particularly relates to the provision of **education, care and health** services.

In relation to **training**, the Strategy focuses on teachers and leaders. It is important that training is provided at all levels, particularly to front-line practitioners who work directly with children. Education is broader than teachers and leaders, we know that Additional Support for Learning support workers and other professionals (e.g. care staff at residential schools and additional support needs assistants), play an important part in the educational experiences of children and young people with complex additional support needs. Equally (and in line with GIRFEC), given the multifaceted make-up of need, together with the over-representation of looked after children within this cohort, the necessity for multi-agency training and development is abundantly clear – involving health, education and care practitioners.

6. What are your views on the National Commissioning Groups proposal that the first phase of strategic commissioning will focus on pathfinder (testing) activity on training, development and research? Are there any particular areas of training which should be focussed on?

While welcoming an explicit focus on staff development and research, we re-iterate earlier concerns that an exclusive focus on training, development and research, funded by the existing budget currently for the 7 grant aided schools and 3 national support services, could have an immediate detrimental impact on direct services to (and thus the lives of) children and families. We would welcome a statement that sufficient funding to continue with high quality direct services will be protected throughout the lifetime of the strategy, so as not to have a detrimental impact on the day-to-day lives of some of the most vulnerable children in Scotland.

When the NSCG are considering commissioning training about new practices, attention is needed to developments in evidence and understanding about effective strategies for sustaining change in practitioner practice. Evidence indicates that dissemination of information, and production of guidelines alone are not effective in significantly changing practitioner behaviour. Rather than one-off training sessions, ongoing face-to-face coaching for practitioners has a far greater impact on changing behaviour and sustaining new practices.¹²

7. For the purposes of this document the National Improvement Framework drivers have been adapted and therefore reflect particular concerns related to children with complex additional support needs. Do you have any suggestions for additions or alternative wording which

¹² Fixsen, D., Naoom, S., Blase, K., Friedman, R. & Wallace, F. (2005) *Implementation Research: A synthesis of the literature*, Tampa: USF (see also NIRN - [Experimental Analyses of Implementation Strategies](#))

should be included? Please set it out against the relevant heading below.

Service Leadership: No comments

Education Services: The training discussed appears to be about developing a post-graduate leadership programme for 'leaders'. It is presumed that this applies to those in local authorities as well as the independent sector, otherwise this may imply a knowledge / skills 'deficit' in the independent sector.

Practitioner Professionalism: The Strategy is clear about developing post-graduate learning opportunities for teachers, but consideration of training for other staff (e.g. support staff) is absent. We would consider learning & development for other staff to be just as important. Many of these professionals will work directly with children and young people on a day to day basis, and it is their practice (and the support they receive from leaders and managers) which makes the greatest difference in children's lives.

Parental Engagement: The focus on undertaking research on transitions and educational outcomes is welcome. The NSCG will need a broad understanding of transitions (e.g. to and from local authority to independent sector; primary to secondary; and between services where looked after and accommodated children change care placements). For looked after children, transitions involve corporate parents in a variety of organisations, consideration of which should be an ongoing priority for the NSCG in its research and development of parental engagement. Consideration should be given to how learning from the recent [Review of the impact of the Scottish Schools \(Parental Involvement\) Act 2006](#) can inform the approach taken, particularly in relation to the finding that parents and carers felt more supported when teachers had a good understanding of their child's needs, and were available out with formal parents evenings to discuss their child's learning.

Assessment of Children's Progress: We note plans to trial a range of assessment models developed for children and young people with complex ASN. We hope the NSCG will build on existing robust work (e.g. the EtCS outcomes framework, evaluated by CELCIS in 2015¹³), rather than starting the process again.

Service Improvement: We welcome the focus on improvement through strengthening internal collaboration between education, care and health staff locally, and wider multiagency local authority partners (education and social work). Multi-agency working is central to GIRFEC, and is receiving significant focus (both locally within GIRFEC implementation teams and nationally, for example in the work of the [Children and Young People Improvement Collaborative](#)). There is much for the NSCG to build on in this area.

¹³ Lerpiniere, J., Harris, R. & Welch, V. (2015) [Measuring Children and Young People's Outcomes in Residential Education](#), Glasgow: CELCIS

Performance Information: No comments

8. Do you agree that the Governance arrangements detailed on page 14 are appropriate? If not, what else should be included?

There is a reference on page 8 (paragraph 2) indicating that children are represented on the NSCG. We welcome this inclusive approach, but membership details available on the [Doran review website](#) do not appear to confirm this. We would welcome clarification on this matter and plans to address any gaps in enabling children and young people's meaningful participation in the NSCG (including looked after children). Similarly, there appears to be a gap in representation of children and young people on the Doran Strategic Commissioning Project Board (SPCB), according to the available list of members. We would welcome clarification of how children and young people are being supported to participate.

10. Are there any general comments you would wish to make about 'Scotland's Strategy for the Learning Provision for Children and Young People with Complex Additional Support Needs 2017-2026'?

We noticed a significant number of spelling, grammar and formatting mistakes within the consultation document, including a reference to an appendix which is not included in the strategy document. Although a relatively minor thing, these mistakes occasionally detracted from the content of the document.

Additionally, we note that this year at least five education-related consultations have been released by Scottish Government over the summer holiday period, when many schools are closed. This is likely to have impact on both the range and quality of responses, which is unfortunate considering the importance of the issues being consulted upon.

Thank you for providing us with this opportunity to respond. We hope the feedback is helpful; we would be happy to discuss any aspect in further detail. We would welcome any opportunity to work with the NSCG and/or the SCPB to support the development and delivery of this strategy.

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