



CEL CIS response to the Scottish Government's 'Education Scotland and the Scottish Qualifications Authority: Consultation'

November 2021

CEL CIS is Scotland's Centre for Excellence for Children's Care and Protection, based at the University of Strathclyde. CEL CIS is a leading improvement and innovation centre which aims to narrow the implementation gap between legislative, policy and practice aspirations and the experiences and outcomes of children, young people, and their families.

We welcome the opportunity to respond to the Scottish Government's Education Reform Consultation. The consultation process has focused attention on fundamental questions about the purpose and vision of education in Scotland in the twenty-first century, and stimulated debate, discussion, and critical reflection on significant reforms to the curriculum and agencies that support and challenge the education sector to evolve in the best interests of the child.

Broadly speaking, we support the proposals to create a dedicated Curriculum and Assessment Agency, and to disconnect the inspection function from Education Scotland which will allow for greater clarity of its important supportive role, as separate from one of scrutiny. To meet the needs of all learners and educators, such reforms must build on foundations of listening to lived experience and pay attention to learning about what it takes to facilitate effective approaches to making real, transformational change.

As corporate parents, Scottish Ministers and other public bodies have a duty to ensure services meet the needs and promote the interests of children and young people with care experience. We recognise that the scope of the proposed reforms is necessarily broad, and our submission aims to offer a deeper perspective on the potential impact on the needs of care experienced learners. Our response is based on research evidence, practice experience and feedback from our long-standing, education networks, comprising practitioners and leaders working across education in schools, children's houses, and local authorities.

Key Messages

- The opportunity for reform is an historical moment to redesign a school system that reflects fast paced technological, pedagogical advances and puts equity at its core. Meeting legal duties and responsibilities of corporate parenting are crucial within this.

- Children’s experiences and views must be listened to and meaningfully taken into account when decisions are made about the curriculum and methods of assessment. Lived experiences will add significant depth to understanding of the curriculum and what matters to learners.
- There is an opportunity to re-think what is scrutinised via inspection, based upon a nuanced understanding of the dynamic needs of care experienced learners.
- Particular attention should be paid to the emotional and practical support that the workforce needs to ensure that any reform is successful.
- Caution is advised about introducing major reforms in the context of the pandemic which the profession reports as an extremely challenging time.

Context: Education of Care Experienced Young People

Under Article 28 of the United Nations Convention on the Rights of the Child (UNCRC, 1989) all children, regardless of their circumstances, have a right to an education. With the right support at the right time children and young people thrive and realise their potential. Care experienced learners are no different, although some may require additional support at different times during their educational journey. The 2020 report of the Independent Care Review, *The Promise*, underscored the importance of Scotland being ambitious about the achievement and opportunities of care experienced learners, and the need to recognise the wider role played by schools in providing important places for care experienced children to enjoy stable, nurturing relationships that prepare them for life beyond school.¹

Scottish Government Educational Outcomes data from 2018/19 (the most recent pre-pandemic data available²) shows that ‘looked after children’³, on average, have lower attendance rates, higher exclusion rates, leave school earlier, and attain fewer qualifications than all other children⁴. Whilst having experience of care is not a predictor of later education outcomes, this data highlights the importance of providing effective, timely and responsive support to meet care experienced learners individual needs. We recognise that creating the conditions for positive changes to children’s educational outcomes can be a complex and multi-faceted task for education settings, and to support this, we have created a ‘blueprint’ for education: [Looked After and Learning](#). This is a self-evaluation and benchmarking toolkit based on a comprehensive literature review and practitioner wisdom which supports schools to attend to the six areas which are shown to make a positive impact on children’s learning experiences, namely:

¹ Independent Care Review (2020) *The Promise*: <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>

² Due to the pandemic, the data from 18/19 is the most recently available data set that allows a robust comparison of outcomes with previous years.

³ ‘Looked after’ and ‘looked after child’ are the terms used in current legislation to refer to a child or young person who is cared for under a formal arrangement with a local authority. It has a specific legal meaning, but wherever possible, the more inclusive term ‘care experience’ is preferred.

⁴ Scottish Government (2019) [Looked after children: educational outcomes 2018-19](#). Edinburgh; Scottish Government

commitment to the role of Designated Manager⁵; planning for education; engagement with parents and carers, promoting an inclusive education; supporting teachers; and ensuring teachers and other staff understand attachment and resilience.

Curriculum and Assessment

The Education Reform consultation poses fundamental questions about the purpose of education, the role of the curriculum and the 'how' and 'why' we test, assess, and certify our learners. We universally agree with the findings and recommendations of the two papers⁶ underpinning the consultation: that the exam syllabus has become the de facto curriculum; that qualifications are weighted towards an academic route; and that the exploration of a more flexible, responsive approach to assessment is necessary.

An opportunity to be flexible and non-prescriptive (drawing on lessons learnt from alternative certification during the COVID-19 pandemic) could benefit a broad range of learners. Together with our networks, we advocate an 'assessment when ready' approach, as opposed to one determined by age or stage. Where children and young people have experienced trauma, as many care experienced children have, core developmental skills can be compromised.⁷ Their child development timeline is less likely to match the physical, psychosocial, and emotional milestones and maturity akin to chronological developmental age ranges, so approaches to learning need to be attuned to their individual developmental needs. There are huge possibilities presented by the implications of the proposed reform to better incorporate this. These include opportunities to measure the broader range of skills of being a successful learner for all children and embracing technical innovation for generation for whom the use of digital platforms to read, write and learn are increasingly becoming the norm.

However, it is important to guard against a host of potential assumptions that because a learner is care experienced that they will be anxious about school, less academic, best directed towards a vocational route and automatically benefit from continuous assessment. Holding lower aspirations is not only stigmatising, but can be internalised by children, impacting on their own aspirations and self-belief. Care experienced learners, like their peers, are a diverse group of learners who span the age and ability range. A bespoke nuanced approach⁸, with a broad assessment diet benefits all learners.

Digital access and digital literacy emerged at the beginning of lockdown as an area which posed barriers to some care experienced learners. Many families do

⁵ A Designated Manager is a senior member of staff, who should be present in every educational establishment in Scotland, who has overall responsibility for the assessment, planning and coordination of support for looked after children

⁶ OECD (2021), [Scotland's Curriculum for Excellence: Into the Future, Implementing Education Policies](#), OECD Publishing, Paris; Stobart, G. (2021), [Upper-secondary education student assessment in Scotland: A comparative perspective](#), OECD Education Working Papers, No. 253, OECD Publishing, Paris

⁷ Scottish Government (2021) *Staying together and connected: Getting it right for sisters and brothers - National practice guidance*. Edinburgh: Scottish Government

⁸ Virtual School Head Teacher and Care Experience Team Network (2021) [Gathering evidence and producing estimates for care experienced pupils during the SQA 2021 exam diet](#). Glasgow: CELCIS

not have the digital skills or necessary kit or connectivity to enable them to fully access digital learning. Such structural inequalities risk further disempowering and disenfranchising children and families struggling to access education online. Matters such as this must be borne in mind from the earliest stages of reforms to work collaboratively (for example with [Connecting Scotland](#)) to build in solutions, upskill practitioners, and support children and families to develop their digital skills.⁹

Scrutiny

We welcome scrutiny as a crucial part of the improvement cycle, drawing the focus to areas that require attention. An important consideration for those working in the education field is having a nuanced understanding of the needs of care experienced learners, and the complexity of the bespoke support required which must constantly adapt to respond to children's changing needs. This is a specialist area that should be scrutinised by colleagues who have a sophisticated understanding of the learners, their lives, and the levels of support around them.

Whilst the number of children with care experience will vary across schools and local authorities, all educational establishments should have procedures in place for supporting this group of learners. Likewise, anyone who is involved in inspection processes should have a developed knowledge and understanding of the needs of this group of children. Additionally, we would welcome the introduction of 'care informed' inspectors who are trained and familiar with the diversity of care experienced learners, the complexity of the care system, the 'virtual school' model¹⁰, and trauma-informed approaches. This would both build expertise and capacity within the system, but also importantly ensure that the nuanced needs of care experienced learners are taken into account by someone with specialist knowledge during any inspection process.

We are aware that within schools, and local authorities, there can exist an inherent tension between equity and equality, and that care experienced learners' needs can become 'a priority amongst priorities'. Strong leadership which creates an inclusive culture based on an appropriate understanding of the needs of care experience learners would ameliorate these tensions and ensure equity for all learners. Senior leaders within schools and local authorities must have access to high quality professional learning, coaching and scrutiny which will support them to create these conditions.

Care experienced learners' trajectories through education vary from individual to individual. This includes conventional and straight forward pathways to those which are more idiosyncratic. Transitions can be challenging and require additional targeted support, particularly for specific groups within the population. We would draw attention to the relative disadvantage of children and young people with different experiences, for example learners who are looked after at

⁹ Roesch-Marsh, A., McGhee, K. & Gillon, F. (2021) [The digital divide: The impact on the rights of care leavers in Scotland](#). Glasgow: CELCIS

¹⁰ Jackson, S. (2015). The virtual school for children in out-of-home care: A strategic approach to improving their educational attainment. *Children Australia*, 40(4), 327-334.

home, unaccompanied learners, and those living away from their home local authority. An inspection framework that can mirror the changing needs of these children and young people and focus on live issues that would benefit from additional scrutiny and historically may have been hidden from view should be developed, alongside appropriate quality indicators, to focus on ensuring that all schools strive to meet the needs of all learners.

[Getting It Right For Every Child](#) (GIRFEC), Scotland's national approach to improving the wellbeing of children and young people in Scotland, is rights and strengths-based, and centres around working in partnership with children and families to support and enhance wellbeing. The multi-agency nature of the GIRFEC approach is crucial and ensuring reforms within education (both in terms of curriculum and inspection) are aligned with GIRFEC is imperative to the success of any reform. Systems and processes in schools must be developed which systematically pay attention to children's holistic wellbeing, rather than focussing on their educational attainment.

We welcome the opportunity that moving the scrutiny function away from Education Scotland could bring. Our networks have informed us that they welcome challenge and scrutiny from those who are well informed, particularly on areas and issues that have been mutually agreed as requiring a nuanced understanding. Working in the space between policy ambition and the reality of practice, practitioners are acutely aware of the approach needed to drive progress for care experienced learners and the tensions that can arise when promoting inclusion and corporate parenting. The removal of the scrutiny function from Education Scotland would allow the agency to further strengthen its remit around providing support and professional development to those working in the sector. This would ensure that practitioners and leaders working with, and for, care experienced learners have access to support that allows them to strengthen and develop their skills in this highly specialised field. In addition, the provision of this support would enhance the skills, abilities, and capacities of those working across Education Scotland nationally.

The practitioners and leaders that we work with tell us that the approach taken to allocating an Attainment Advisor to every local authority has been helpful in driving progress in many areas. There is an appetite to further deepen and strengthen this type of support by increasing the capacity of a national agency to provide support at a local level. There is a recognition that to do this well, and in an equitable way across the country, would require significantly more resource.

Listening to children and young people

Children's rights to express their views freely in all matters affecting them is a general principle underpinning the UNCRC. As corporate parents, Scottish Ministers and other public bodies have legal duties under [Part 9 of the Children and Young People \(Scotland\) Act 2014](#) to ensure services meet the needs and promote the interests of those with care experience. Learning can be taken from local and/or pilot approaches which work to ensure care experienced children,

young people and their families are accepted and included within their school communities, such as the 'Communities That Care' projects developed by Who Cares? Scotland, operating in several local authorities in Scotland currently.¹¹

Children's views must be sought, heard, and considered yet there is limited research to indicate their views have been sought about their preferences regarding the curriculum and assessment.¹² We know that alternative certification created anxiety and uncertainty for some, and eased pressure for others. Some care experienced learners felt that the Alternative Certification Model during the pandemic was preferable to the traditional exam diet as it allowed efforts throughout the academic year to be recognised, whereas end of year exams could put pressure on learners and did not take account of individual circumstances. However, as with many of Scotland's assessment year learners, care experienced learners also highlighted the confusing impact and intense pressure of multiple changes to assessment; poor communication and not knowing what to expect in school; and concerns that limited account is taken of challenging circumstances if appealing grades (for example a child having to move from one foster carer to another during the assessment period).¹³ A system and process that can incorporate learning from the pandemic and demonstrate that policy is responsive to the voices of learners is imperative. Scotland does not currently know the views of care experienced learners on the Curriculum for Excellence and there is no evidence on their perspective on assessment.

Supporting the workforce

We know through our engagement with our [Education Forum](#) and the Virtual School Head Teacher¹⁴ (VSHT) and Care Experience Team [Network](#) that staff continue to find working conditions and workload in the current context extremely challenging. The workforce, more than ever, requires help and support. The International Council of Education Advisors (ICEA) in a recent paper providing advice on education policies and practice to the First Minister, made a compelling case for a policy imperative that focuses on the mental and emotional health of leaders throughout the education system.¹⁵

The ICEA recommends that leaders receive support for their emotional wellbeing, alongside tangible help with the practical tasks associated with their role. The Promise asserts that to ensure practitioners are well supported, we must hold the hands of those who hold the hands of our care experienced

¹¹ For more detail please see <https://education.gov.scot/improvement/practice-exemplars/communities-that-care-whole-school-approach-renfrewshire/>

¹² Stobart, G. (2021), *Upper-secondary education student assessment in Scotland: A comparative perspective*, OECD Education Working Papers, No. 253, OECD Publishing, Paris

¹³ Currie, L. (2021) *Education, Children and Young People Committee School Assessment: Alternative Certification Model 2021*. Edinburgh: SPICe.

¹⁴ A Virtual School Head Teacher is a senior member of education staff in a local authority who works at a strategic level and has overall responsibility for improving educational experiences and outcomes for care experienced children and young people.

¹⁵ Scottish Government (2020), *International Council of Education Advisers Report 2018-2020*, Edinburgh: Scottish Government

learners.¹⁶ These are mutually reinforcing recommendations, which highlight those leaders must have the technical skills to perform their roles, and the adaptive skills and emotional support to ensure that they are equipped to fully support care experienced learners.

Curriculum re-design and significant structural change will require time, investment and carefully considered support at every level of the education system (e.g., learners, families, education providers, local authority, national agencies). Meaningful, consistent relationships with trusted professionals who are responsive to the changing needs of learners are crucial. These need to be prioritised, alongside the needs of the workforce, which requires significant attention. The health and wellbeing of the workforce is intrinsically linked to the health and wellbeing of learners. We must ensure that the workforce has the psychological capacity and tangible support to effectively reflect, process and deliver significant change in the short, medium, and longer term.

Guiding change

The proposed educational reforms are radical and represent a once-in-a-generation opportunity to design a universal, equitable education system. To use the universal design analogy of the ICEA, this represents a moment to design an education system that can be used and enjoyed by the maximum number and range of users. We welcome the opportunity for the views and needs of care experienced learners, with their diversity in spanning the age and ability range, to be integral and hardwired into the heart of the system as a powerful example of corporate parenting. The opportunity must be taken now, and at every stage going forward, to learn from their views to inform decision-making for reform. To enable meaningful participation and co-production takes time and resource, as well as strong relationships between children and the adults around them.

The context into which major reform is introduced matters, attention must be paid to how these ambitious plans will be rolled out, sustained and embedded. In the current context, post lockdown and the continuing ramifications of the pandemic the pressure felt by education practitioners is acute. The changes are undoubtedly necessary and present opportunities to create a resilient equitable system, however the introduction of major reform may be met with resistance from those who are key to making them work. Exam systems are products of specific cultures, traditions, and a historical legacy.¹⁷ Our education networks, whilst welcoming the opportunity to shape a more effective, responsive education system, warn that bold ambitious plans risk being undermined if they do not take into account the historical significance of the impact of the global pandemic on the reserves and resilience of the education workforce.

In undertaking any reform of this scope and scale, changes to structures must be carefully designed to realise the outcomes aspired to. Complex change of this

¹⁶ Independent Care Review (2020) *The Promise*: <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>

¹⁷ Stobart, G. (2021), *Upper-secondary education student assessment in Scotland: A comparative perspective*, OECD Education Working Papers, No. 253, OECD Publishing, Paris

kind is exactly that: complex, and significant attention must be paid to the necessary factors which contribute to successfully making change happen – not just structurally, but within in the day-to-day practices and interactions which will facilitate children’s learning.

The goal must be to improve how services are experienced and how impactful they are, not simply how they are structured. This requires investment in practical support for change; attention to the challenge of implementation; and improvement at all levels: national, regional, and local. Reliance on enactment of high-level standards and top-down communication, with little attention to the support required by practitioners to understand how to change practice in their day-to-day practice, would be wholly insufficient to secure meaningful change.¹⁶ Successful implementation requires excellent leadership, and involves detailed consideration of context, and the use of the best strategies and tools in particular local contexts.¹⁸ Strategies and plans to enable successful implementation are required from the earliest possible stage.

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.

CELCIS contact:

Michael Bettencourt

Education Consultant

michael.bettencourt@strath.ac.uk

¹⁸ Fixsen, D. L., Naoom, S.E., Blasé, K.A., Friedman, R.M., & Wallace, F (2005) *Implementation Research: A synthesis of the literature*. Tampa, FL: University of South Florida, The National Implementation Research Network.