



## **Consultation Response to Empowering teachers, parents and communities to achieve excellence and equity in education: A Governance Review**

**January 2017**

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. Taking a multi-agency, collaborative approach towards making lasting change, CELGIS works alongside leaders, managers and practitioners to break down barriers and forge new paths in order to change thinking and ways of working with everyone whose work touches the lives of vulnerable children and families.

There are approximately 15,500 looked after children in Scotland. These children are individuals who have a range of needs, strengths and vulnerabilities. They live in a variety of circumstances including foster care, residential care, kinship care, and at home with one or both of their birth parents. Children who are looked after have all experienced difficulties in their lives. A significant number will have experienced a range of adversity, including suffering neglect, abuse and trauma. The backgrounds of many children who are looked after feature socio-economic disadvantage, and reduced opportunities in many areas.<sup>1</sup>

We welcome the opportunity to respond to the consultation on reviewing school governance arrangements and would promote any reform that would strengthen the ability of schools to ensure that looked after children are able to attain, attend and participate at the same rate as all other children. Education, while an integral and pivotal part of a child's life, cannot alone provide the improvements required in education for looked after children; therefore it is important when considering this review that the scope is taken into account. Any changes which could impact on the ability of partners to work together to fully support children must be fully explored and understood in the context of any potential changes to governance arrangements within education.

## **Our response to relevant consultation questions**

### *1. What are the strengths of the current governance arrangements of Scottish education?*

Our interest is principally in how governance arrangements adequately provide for the needs of looked after children, care leavers, their families and carers. In regard to this, we advise that there are key pieces of policy and legislation which are important to consider regarding this question.

The [Education \(Scotland\) Act 2016](#) compels educational establishments to report on how they are reducing inequalities for pupils who experience this due to socio economic impact. While not all looked after children reside in areas of high deprivation, they experience many similar inequalities of outcomes as children who live in poverty. Further to this, the 2016 Act also requires schools to report on reducing inequality for children who experience this related to factors other than socio-economic impact. Looked after children face multiple issues which result in complex needs; the impact of this is evident in annual educational outcome statistics which show that on average looked after children have significantly lower attainment than the average for all children<sup>2</sup> Of course, looked after children also achieve high levels of attainment, particularly where they have stable placements and are supported at school.

But it is also true that, on average, for looked after children attendance is lower, exclusion rates are much higher, they leave school earlier, and are less likely to go onto access and sustain positive post school destinations. Current governance arrangements allow for the 2016 Act to be implemented and reported on at both a school and local level. Local scrutiny of this reporting ensures that thematic and systemic issues can be identified and addressed expeditiously.

The [Education \(Additional Support for Learning\) \(Scotland\) Act 2009](#) promotes the interests of looked after children by stating that they are presumed to have additional support needs unless assessed as otherwise. Current arrangements, most usually, see schools applying to local authorities for specialist additional support needs provision. It is important to ensure that access and delivery of these specialist resources is adequately assessed, consistent across local areas, and reviewed appropriately. Continued local collation and allocation of requests for additional support is imperative in building an evidence base for local needs of some of the most vulnerable children within our schools.

Corporate Parenting as set out under Part 9 of the [Children and Young People's \(Scotland\) Act 2014](#) places a duty on schools, local authorities and other public bodies to uphold the rights and secure the wellbeing of looked after children (and care leavers), and a duty to collaborate with other corporate parents. As corporate parents, schools and local authorities currently coordinate additional

support for looked after children and we feel the strength in this current system allows assessment to be carried out by those who know children and families' best, whilst also locating a coordinating, supporting and scrutinising role at local authority level where there is an overview of support available.

*2. What are the barriers within the current governance arrangements to achieving the vision of excellence and equity for all?*

In order to achieve equity and excellence for looked after children, care leavers and their families it is imperative to ensure that they receive the right supports at the right time. A key role in ensuring this is that of the Designated Manager, a senior member of staff within educational establishments, who is responsible for the needs of all looked after children within the establishment. Effective discharging of the Core Tasks for Designated Managers can have a profound positive impact on the educational experience and attainment of looked after children<sup>3</sup>. However this role is not statutory. The role does not exist within all schools and where it does exist, it is often part of a wider pupil support remit without a clear focus on looked after children. This is anecdotal evidence that has been gathered through our ongoing contact with the education workforce; there is currently no national data on the extent to which schools have adopted this role and how it is functioning. Robust data, clearer guidance on expectations of the role, how it will be reported on and where responsibility for support and scrutiny lies would have a positive impact on achieving equity and excellence for looked after children.

Through our extensive engagement with the looked after children's education workforce and data available<sup>4</sup>, we are aware that the application and implementation of the Additional Support for Learning (ASL) legislation (referenced above) is not consistently applied and varies within and between local authorities. Although resourcing is one consideration for this inconsistency, inadequate understanding of looked after children's needs is another factor influencing this variance. In order to ensure that ASL responsibilities to looked after children are appropriately and timeously fulfilled, teachers must have the ability to identify and support the needs of looked after children, and schools must have an understanding of what support is required and available to them.

It is also important to note that socio-economic measures are not the most effective way of targeting resources to looked after children, and SIMD data should not act as a proxy for assessing their needs in the broadest sense. Whilst looked after children share many of the same characteristics as those children living in poverty, deprivation is often one issue amongst a range of additional barriers these children face in being able to fully access and sustain education. We are supportive of the current focus within education of closing the attainment gap associated with poverty, however, we would also caution that vulnerable groups are not homogenous, therefore, a more nuanced understanding of the educational needs of looked after children and how to meet them should be considered throughout any review of governance arrangements.

In addition we would support Who Cares? Scotland's assertion that the scope of this review is an important consideration; whilst schools have an integral part to play in improving educational outcomes for looked after children, they cannot provide this improvement in isolation. Enabling high quality interaction and partnership between schools, parents, carers, corporate parents, health services, communities and voluntary and statutory agencies is crucial in improving outcomes for some of our most vulnerable children.

*3. Should the above key principles underpin our approach to reform? Are there other principles which should be applied?*

While these are sound, value based principles to found any reform on, we would advocate for caution with the principle that the education system must be 'supported by a simple and transparent funding system to ensure the maximum public benefit and best value for money'. While a transparent funding system is important, there must be recognition that complex needs often require complex planning, and that one 'simple' funding system may not adequately provide for the variance and complexity of need. If some looked after children, their families and carers were at a disadvantage by simplicity being prioritised over appropriate provision planning, this would constitute the type of discrimination corporate parenting legislation is designed to avoid.

*4. What changes to governance arrangements are required to support decisions about children's learning and school life being taken at school level?*

In order to adequately provide for the needs of looked after children, classroom teachers should understand the range of needs that this vulnerable group of children have, and how to appropriately support them in class. This is important both in terms of learning and teaching, and wider holistic pastoral support. Presently, Initial Teacher Education does not include any compulsory learning around the additional support needs of looked after children. If head teachers are to be given more autonomy it is imperative that decisions they make are founded on evidence of need, and this cannot be achieved unless classroom teachers are equipped with the necessary knowledge and skills.

It is important to note that education staff are now more involved in child's planning in its widest sense. This is a strength of recent policy and legislation reforms such as Getting it Right for Every Child and the Children and Young People (Scotland) Act 2014; schools are ideally placed to assess and provide for additional needs, given the significant time they spend with children. However, there has been little additional capacity provided for within schools to meet these additional responsibilities. It is important to consider what additional resource and implementation supports are required to ensure that both the professional skills and, importantly, wellbeing of the teaching workforce is taken into account when making decisions about school level governance.

In respect to both of these points, we are aware that training and awareness raising will not have an impact on practice change in isolation, and that ongoing coaching and mentoring is required to embed change and enhance professional skills and expertise. Capacity building both within schools and in wider support systems will be required to ensure that any change can be sustained.

*5. What services and support should be delivered by schools? What responsibilities should be devolved to teachers and headteachers to enable this? You may wish to provide examples of decisions currently taken by teachers or head teachers and decisions which cannot currently be made at school level.*

It is our view that any resources required to allow looked after children to attain and achieve within school should be delivered, wherever possible, at a school level. This group of children often face stigma and marginalisation and therefore schools have a pivotal role in the promotion of inclusion. Specialist inputs, for example speech and language therapy, one to one tuition or programmes of work, can be appropriate and we believe that whilst these should be delivered by the most appropriate specialist agency or personnel, it would be of merit to consider the coordinating and delivery role that schools have in this. In order to deliver a coordinated package of support, schools need the ability to carry out robust and holistic assessments of a child's needs in both a single and multi-agency format. Investment in resource and capacity to develop this area would support schools to identify the right supports at the right time for children and families.

A formal approach which would improve the support arrangements for looked after children is in the use of the child's plan. Child's plans for school age children should specify clear arrangements for supporting education and attainment. Schools need to be centrally involved in this, but strategic mechanisms for governance need to be in place. In recent work carried out by CELCIS in partnership with a local authority, we found that the local authority child's plans did not typically prioritise or plan for education.

*6. How can children, parents, communities, employers, colleges, universities and others play a stronger role in school life? What actions should be taken to support this?*

Across Scotland, looked after children live in a number of different settings, including at home with one or both birth parents, in kinship care, residential care and foster care. In recognising the range of family circumstances, we would recommend that all documentation refers to both parents and carers, as this is more inclusive. A significant number of children in Scotland do not live with their parents, and policy and guidance should reflect this.

We know that parental engagement and involvement and family learning is key to a child's learning, and we must therefore ensure that engagement with

parents and carers is meaningful and useful. There must be a recognition that a 'one size fits all' approach or the more traditional format of parent's evenings and letters home may not be sufficient to engage the parents and carers of looked after children. Schools should ensure that engagement is inclusive of parents and carers who find it more difficult to be involved in school life. Consideration must be given to the role of partner agencies that can play a part in supporting schools, parents and carers to build relationships. We promote more coordinated and formal partnership working with public and voluntary agencies, to strengthen parental involvement in schools. We know that parental involvement increases attainment for children<sup>5</sup> and therefore this is an area which schools should pay particular attention to within their policies and strategies. Importantly, schools would benefit from support to develop, implement and evaluate their approaches in this area, to ensure they are as effective as possible.

The role of Corporate Parenting legislation is important in considering this question. Supportive and effective scrutiny of corporate parenting plans will identify existing strengths and gaps and provision. While schools undoubtedly have an important role in engaging with all of the above groups, it is not practical to allocate this responsibility to them alone. The governance arrangements of other bodies should be taken into account when considering how to effectively support partnership working.

#### *8. How can effective collaboration amongst teachers and practitioners be further encouraged and incentivised?*

Articulation of the components of effective collaboration should be developed to allow evaluation of any measures implemented in this regard. We are aware that many teachers and a variety of practitioners currently work in a collaborative way to support looked after children; however, our experience is that this is highly variable within and between settings.

Clarifying professional expectations and standards in regards to the needs of looked after children would be helpful to encourage more collaborative working. We would expect this to be achieved through use of the National Practice Model, a holistic assessment and understanding of need, based on the shared language of the SHANARRI indicators.

Working with looked after children can be challenging and complex for professionals due to the depth of knowledge and range of strategies that they require to effectively support children, recognition of this is important for front line staff alongside access to appropriate training and support.

*9. What services and support functions could be provided more effectively through clusters of schools working together with partners?*

We are aware that key transition stages are particularly vulnerable times for looked after children and their families. We would advocate that a cluster approach at times of transition is imperative to ensure robust and appropriate planning is in place to support children and families with these often difficult times. Working in clusters can also build capacity within education establishments by sharing workload and learning from others' professional skills and expertise.

Additional support for learning provision is an important consideration in this respect, as cluster working could provide an opportunity for support staff to move with pupils at key transition points. This would be particularly helpful for looked after children who often have difficulties forming new relationships; this would provide consistency and continuity. This could also enhance schools' ability to plan future support as it would be child centred and led by need.

Relationships with partner agencies can also be strengthened by working in clusters as it allows agencies a deeper understanding of needs of communities in a broad sense, rather than a focus on only one school. Community agencies can plan and target support more effectively by having a broad understanding of community need.

*10. What services or functions are best delivered at a regional level? This may include functions or services currently delivered at a local or a national level.*

As previously discussed, provisions under Part 9 of the Children and Young People's (Scotland) Act 2014 places duties on public bodies as corporate parents to promote the interests of looked after children and plan for their support in a coordinated way. Local authorities and their community planning partners will report on their progress as corporate parents with a regional focus, as they will have an overview of services and provision in their area. Many looked after children are living in placements outwith the authority that is responsible for looking after them. Such children can fall outside the monitoring and support arrangements of both the 'home' and 'placement' authorities and therefore regional planning and support could provide a structure within which to monitor provision for these children.

Regional support and scrutiny around spending and resourcing of additional support for learning resources could also give a clearer national picture of how resources are being delivered. At present there exists some ambiguity within and between local authorities on how these resources are managed, allocated and delivered. Care would require to be taken to ensure a clear focus on reporting on this if these responsibilities were held at a regional level. In addition, the interaction between regional management and individual schools would benefit from careful consideration to ensure that schools, who may have

more autonomy, are both scrutinised appropriately and given access to specialist support and provision that they may require to meet the needs of looked after children.

*11. What factors should be considered when establishing new educational regions?*

We feel that the main consideration in regards to this question is how schools and regions will interact with each other; particularly in relation to reporting and support. In addition to this, the role, function and communication between national agencies, regions and individual schools is important to understand, to enable support and scrutiny to be targeted where it is most effective.

As referenced in question one of this response, there are several key pieces of legislation which schools and local authorities are required to report on in relation to looked after children. In addition to those already discussed there are other key documents and policies within the broad GIRFEC agenda and Curriculum for Excellence which schools are also required to provide information on in relation to outcomes for their learners. When establishing new educational regions it would be advantageous to analyse the current flow of information and reporting structures attached to these documents, consider what potential role education regions may have in collating this information, and how it is most effectively used to support schools to improve outcomes.

Whilst CELCIS advocates the use of data and reporting to drive improvement, we suggest that such measures should be as low burden as possible for schools to increase the capacity for effective leadership which focuses on high quality learning and teaching.

A further consideration is the interaction between educational regions and other agencies, principally health boards and local authority social work services. Consideration should be given to the potential impact on partnership working and governance arrangements of other, existing services. Looked after children often require support from multiple agencies; systemic barriers to partnerships can have a profound impact on the effectiveness of any package of care designed and implemented for children and educational regions, if established, should strengthen and enable links and collaboration within and between services.

*12. What services or support functions should be delivered at a national level?*

Policy, legislation and curricular content should continue to be delivered and developed at a national level. However, we propose that children, families and front line practitioners are involved wherever possible in consultation and working together on this and that an evidence-informed approach is taken in any development process.

We feel that strong partnership working within and between agencies will reduce duplication, allows for clarity of message but most importantly, enables an understanding of how policy and legislation is implemented in front line services – where children experience the impact of national decisions.

Clarity of roles and responsibilities of national agencies and how they interact with and support each other is also crucial in ensuring that practitioners have a context in which to work that enables them to do their job. This is particularly important in respect of looked after children who, through no fault of their own, face additional challenges in accessing education.

*13. How should governance support teacher education and professional learning in order to build the professional capacity we need?*

As previously noted, the needs of looked after children are not currently compulsory curricular content on initial teacher education (ITE) courses. Although ITE does have some input around Additional Support Needs, this is has a general focus and does not provide a depth of knowledge about looked after children. We, alongside Who Cares? Scotland, would strongly advocate for fuller learning around additional support needs for looked after children both student teachers and newly qualified teachers.

Training alone does not tend to result in significant changes in practice being embedded; therefore we suggest that consideration is given to the role of coaching within education for teaching staff. This is effective throughout a professional career and builds the capacity of individuals and structures. We would urge consideration around how coaching can be embedded within teaching practices to build capacity.

*14. Should the funding formula for schools be guided by the principles that it should support excellence and equity, be fair, simple, transparent, predictable and deliver value for money? Should other principles be used to inform the design of the formula?*

We agree broadly with this principle however caution must be taken with any 'simple' funding formula, as per our response to question 3. The circumstances and needs of looked after children can change often and dramatically, and care should be taken to ensure that this already vulnerable group of children, and their families, are not further disadvantaged by potentially being excluded from access to funding if their circumstances do not meet an agreed or pre-existing criteria.

The recognition that complex needs require complex planning must be central to the above principle.

Schools would benefit from guidance to ensure that they are able to access and allocate funding to children where it will be of most benefit. Procedures and processes should enable schools to reduce the likelihood of undue delay in accessing funds.

*15. What further controls over funding should be devolved to school level?*

We suggest it would be beneficial to provide support and scrutiny at a regional and national level regarding how additional funding or personalised funding is impacting on agreed strategic outcomes. This would ensure that funds are spent appropriately and that interventions that provide the most impact can be evaluated and scaled up where appropriate.

We strongly advocate the need for a deeper understanding of how resources around additional support for learning needs are spent and accounted for to provide for a greater level of accessibility and consistency nationally.

We would reiterate that SIMD indicators are not sufficient measures of calculation to ensure that looked after children are considered in regard to funding, and propose that particular attention be paid to the number of looked after children, and previously looked after children, in any funding formula or allocation.

*16. How could the accountability arrangements for education be improved?*

Under Part 9 of the Children and Young People (Scotland) Act, corporate parents must publish a corporate parenting plan every three years. It is our expectation that local authority corporate parenting plans, linked to the local Children's Services Plan, set out how education services assess, plan and respond to the needs of looked after child, young people and care leavers. These plans are subject to Scottish Government scrutiny at a national level, and we would view such scrutiny as a priority area in terms of accountability arrangements.

**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:

**Linda O'Neill**

Education Lead

Linda.o-neill@strath.ac.uk

0141 444 8556

---

<sup>1</sup> SWIA (2006) Extraordinary Lives: Creating a positive future for looked after children in Scotland Edinburgh: Social Work Inspection Agency.

<sup>2</sup> <http://www.gov.scot/Topics/Statistics/Browse/Children/EducOutcomesLAC>

<sup>3</sup> <https://www.celcis.org/knowledge-bank/search-bank/looked-after-and-learning/>

<sup>4</sup> <https://www.celcis.org/knowledge-bank/search-bank/education-forum-additional-support-learning-asl>

<sup>5</sup> <https://www.celcis.org/knowledge-bank/search-bank/looked-after-and-learning/>