

## **Response to Scottish Government consultation on Empowering schools: A consultation on the provisions of the Education (Scotland) Bill**

**January 2018**

CEL CIS (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 this opportunity to consider how the proposed amendments to the Education (Scotland) Bill (the Bill) could impact on the educational experiences and outcomes of looked after children and those on the edges of care.

### **Key messages**

- Given the disparity in their educational experiences and outcomes, and the duties and responsibilities of all corporate parents, the needs of looked after children must be of particular consideration when headteachers are fulfilling their role.
- All staff must be well equipped to meet the needs of looked after children. This is a whole school responsibility.
- Schools must collaborate with others in the widest possible way. Children, young people, parents, carers, the community, the third sector and the private sector all have important parts to play.
- The voices of looked after children and their families can often be overlooked. There is a need to ensure that, at all stages, they are supported to participate in decisions.
- We urge caution over the proposal to remove the role of local authorities in improvement planning, particularly due to implications for undertaking their role in allocation of resources to meet the additional support needs of looked after children.
- Looked after children may receive education in alternative and non-formal settings, such settings must be included within the improvement programme.
- We strongly support the proposal to update the legal definition of parental involvement.
- Parents and carers of children in early learning and childcare settings should not be excluded from the same rights to participation, consultation and collaboration through failing to extend improved provisions to these settings.

- We support proposals to enshrine the principles of participation in legislation to strengthen a participative, rights-led school ethos.
- Any new planning structures and processes should be aligned, avoid bureaucracy, and deliver improved experiences for all children in education.

## **Background**

Educational outcome indicators show that the gap between looked after children's attainment and achievement in school, and that of all children, remains unacceptably large.<sup>1</sup> As of July 2016, there are 15,317 looked after children in Scotland, 5,659 of whom are primary school aged (5-11), and 6,330 are secondary school aged (12-17).<sup>2</sup> Over half of all looked after children live with their own family – either in kinship care or 'at home' - and approximately 35% live with foster carers. Nearly 10% (1,477) live in residential homes or schools.<sup>3</sup> These children are all individuals with their own unique strengths, needs and vulnerabilities, who come from a diverse range of backgrounds. Many of these children have experienced multiple, serious adversities, including socio-economic disadvantage, parental drug and alcohol misuse, and domestic violence.<sup>4</sup>

In recognition of the vulnerability of this group, and the state's responsibility to safeguard, support and promote their wellbeing, schools, local education authorities, NHS Boards, Scottish Ministers, and a wide range of other public bodies are all considered 'corporate parents' within the terms of [Part 9, Children and Young People \(Scotland\) Act 2014 \(the 2014 Act\)](#). This means they are under explicit duties to assess and promote the wellbeing of all looked after children. Our response to this consultation is focussed on the potential opportunities within the proposed amendments to improve educational experiences and outcomes for some of Scotland's most vulnerable children and families.

### **Question 1: The Headteachers' Charter will empower headteachers as the leaders of learning and teaching as the lead decision maker in how the curriculum is designed and provided in their schools. What further improvements would you suggest to enable headteachers to fulfil this empowered role?**

In addition to decision making powers in the four key areas identified (Curriculum for Excellence; improvement; staffing; and funding), to be effective leaders of learning, headteachers need

- Comprehensive understanding of each key area;
- Relevant data with which to make decisions;
- Sufficient support structures and up to date evidence to enable robust decision making; and
- Capacity within their schools to implement decisions.

Given the disparity in their educational experiences and outcomes, and the duties and responsibilities of all corporate parents, the needs of looked after children must be of particular consideration when headteachers are fulfilling their role.

Headteachers, under the proposed changes, will be required to ensure that the curriculum in their school is accessible and relevant to all pupils; including looked after children. This will only be achieved through leading and supporting a staff team who have professional knowledge and expertise in shaping and delivering a curriculum appropriate to children in their classrooms. When making decisions about changes in the roles and responsibilities of school staff, consideration of the additional resources and implementation supports required, and plans to put these in place, are fundamental. This is necessary to ensure that the professional skills and, importantly, the wellbeing of the teaching workforce, senior school management teams, and headteachers are taken into account. Evidence is clear that approaches such as training do not have a significant impact on practice change when used in isolation, and that ongoing coaching, mentoring, and a full range of implementation supports are required to embed change and enhance professional skills and expertise.<sup>5</sup> Capacity building (both within schools and in wider support systems) is critical to ensure that any change is sustained.

Additionally, it should be noted that education staff have a clear role in child's planning in its widest sense. A strength of policy and legislation (such as [Getting it Right for Every Child](#) (Girfec), and the 2014 Act) is the recognition that school staff are ideally placed to assess and provide for additional needs, given the significant time they spend with children. We support any proposed change which ensures decisions affecting children are made with children, their families and those who know them best. The Headteachers' Charter provides significant opportunity for this; however it would be strengthened further by placing responsibilities on a whole school, rather than solely the Headteacher. This collegiate approach better aligns with Girfec, and corporate parenting, taking cognisance of the core principles of shared planning, assessment and support when meeting the needs of vulnerable children.

**Question 2: The Headteachers' Charter will empower headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?**

We welcome the acknowledgment that schools cannot provide improvements in children's educational experiences and outcomes in isolation, and that collaboration with key people, supports and service providers in children and families lives is of the utmost importance. Acknowledgement that education does not take place solely in 'mainstream' settings would strengthen this section; recognising that looked after children, and other vulnerable groups, often receive education in both alternative and non-formal settings. The inclusion of these settings and structures within improvement planning are crucial in ensuring that the needs of children with additional support are resourced and met.

The consultation document states that the Charter will not *'specify precisely what form... collaboration should take....but expect it to apply not just in relation to other schools, but in relation to the work of the Regional Improvement*

*Collaboratives and the wider school community.'* (p.10). We are concerned that only naming other schools and Regional Improvement Collaboratives will lead to inconsistency in how different headteachers view this responsibility. There is a the risk that by only explicitly stating other educational focused bodies, schools will take a narrow view of collaboration which excludes other statutory departments, and the private and voluntary sectors. The input of these stakeholders would provide a more holistic view of children and families lives, and would add value to the work being done. Whilst allowing flexibility in approach has benefits in enabling collaborative working designed to meet the particular needs of individual schools, further specification of the collaborative responsibilities and expectations is required. We welcome the assurance that guidance will be developed regarding this. Such guidance should be explicit about how expectations relate to other statutory duties to collaborate. For example, given collaboration and multi-agency working are particularly important for looked after children, Part 9 of the 2014 Act (s.60), requires corporate parents to collaborate with one another where doing so would safeguard or promote the wellbeing of a looked after child or young person. The [statutory guidance](#) for Part 9 of the 2014 Act suggests a range of things collaboration should be involve, and may be of use in improving this part of the Bill.

**Question 3: The Charter will set out the primacy of the school improvement plan. What are the advantages and disadvantages of this approach?**

We urge caution in relation to the proposal to remove the role of local authorities in improvement planning in education. Under proposals whereby each school will develop an individual improvement plan which Regional Improvement Collaboratives will support and scrutinise, there is the potential that rich local knowledge will be lost, leading to less robust analysis of (and support with) local area issues.

Improving experiences and outcomes for vulnerable groups, particularly looked after children, should feature within any holistic school improvement plan. The consultation document proposes that local authorities retain responsibility for spending and financial allocation in relation to children requiring additional support in education. Whilst we welcome this, we are concerned that removing the role of local authorities in their oversight of improvement planning will impede their ability to fully understand the requirements of learners to whom they are responsible for providing additional support to. This could result in the children who are most in need of support missing out.

Evidence indicates that any intervention will only provide the expected and potential outcome if implementation is appropriately and robustly attended to.<sup>6</sup> The consultation document would benefit from further detail on what support, resources and personnel will be available to scrutinise and implement improvement plans, and measure their impact.

**Question 4: The Headteachers' Charter will set out the freedoms which headteachers should have in relation to staffing decisions.**

**a. What are the advantages and disadvantages of headteachers being able to have greater input into recruitment exercises and processes adopted by their local authority?**

One advantage is that headteachers will have greater discretion to prioritise the recruitment of staff with skills to set a nurturing culture and tone within their schools, and meet the needs of the most vulnerable pupils. However, this discretion is in both directions, and there is concern about the consistency with which this will be a priority in all schools.

If headteachers are to have a greater role in the recruitment of staff, it is vital for them to have a deep and nuanced understanding of the issues faced by looked after children, and more broadly children who live with adversity, and crucially the specific strategies, school ethos, and supports which are proven to make a difference to their lives. Teachers, teaching assistants and education support staff play a critical role in improving the wellbeing of looked after children, and other educationally disadvantaged children. By providing stable, consistent, nurturing relationships for a child, well-trained and supported teachers can, and often do, represent the difference between a positive, successful educational experience, and one marked by exclusion and low attainment.<sup>7</sup> As Scotland's GIRFEC framework has acknowledged, teachers, and schools more generally, are ideally placed to identify children's needs, and coordinate the support required to meet them. If Scotland is to close the attainment gap across its communities, or address the wider wellbeing issues affecting children and young people, its teachers must be equipped to provide evidence-informed and child-developmentally aware practice. That will, in itself, be delivered through robust workforce planning, based on a clear assessment of the characteristics of teachers (personal and professional) which encourage children's engagement in education, and the structures needed to support and continuously improve the workforce.

Educational attainment is strongly correlated with a teacher's skills, including how to adapt and modify their approach in response to the varied needs and learning styles of different children.<sup>8</sup> These skills require both an adaptive and technical understanding of how to engage with children, children who may have complex needs and unstable lives. And some of whom, such as many looked after children, will have experienced trauma which shapes their engagement and interaction with the world, including school. A teacher must be able to connect with all children, and utilise their skills to nurture the child's learning. The 2015 CELCIS publication [Looked After and Learning](#) focuses on improvements that can be made to improve the learning journey of looked after children, but also serves as a guide to delivering positive learning experiences for all children.<sup>9</sup>

**Question 5: Should headteachers be able to decide how the funding allocated to their schools for the delivery of school education is spent? If so, what is the best way of doing this?**

We are supportive of the current focus within education of closing the attainment gap associated with poverty, given research shows that targeting funding towards children from the most deprived areas will have a positive impact on attainment.<sup>10</sup> However, we urge caution in focusing solely on this group. SIMD data alone is a limited measure, and fails to capture the unique circumstances of many looked after children, who may move to different areas due to foster care or residential placements, sometimes on a number of different occasions. Whilst looked after children share many of the same circumstances 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. Vulnerable groups are not homogenous, and a more nuanced understanding of the educational needs of individual looked after children, and how to meet them, should be considered throughout any review of financial governance arrangements. Educational outcome indicators suggest that there are different risks of not achieving in education, based on placement type.<sup>11</sup> Children looked after at home, children previously looked after, and children in kinship placements are most at risk of missing out, whereas attainment outcomes for children in residential care and foster care are better.

Those making decisions about where to target resources must understand what is most effective in supporting improvement, and how to measure the impact of their intervention. There is significant research<sup>12,13,14</sup> identifying resources and interventions which are most effective in supporting learners who require additional support, and what works to close the attainment gap. If headteachers are given more decision making powers around which resources to use, they will require an up to date understanding of such research, and support to measure the impact and effectiveness of the approaches they decide to take. Data is crucial in understanding the needs of children, tracking their progress, identifying opportunities for improvement, and measuring impact. Inconsistencies currently exist within and between agencies in data recording for children who are looked after, for example:

- The [Children Looked After Statistics](#) (CLAS) show large variations between local authorities in the proportions of looked after children reported as having known Additional Support for Learning (ASL) needs – from 3% in Falkirk, 5% in city of Edinburgh to 44% in Orkney. The range seems unlikely to reflect children’s need, and is more likely to reflect recording practice.
- The CLAS also show a different pattern from the known ASL need figures generated by the [Pupil Census](#) (PC). In some local authorities, there is a close correspondence, e.g. Aberdeen City (PC 23%; Looked After Children 28%), while in other authorities there is a wide discrepancy, e.g. Fife (PC 27%; Looked After Children 9%).

These inconsistencies suggest that looked after children are not consistently receiving the ASL they are entitled to by law, and require to allow them to fully engage with the curriculum. In order for headteachers to appropriately and



robustly measure the impact of the interventions and resources they are providing, issues around data such as these need to be addressed. If headteachers are to make resource decisions, it is critical that they also have a robust and nuanced understanding of the particular needs of looked after children.

We understand from members of the CELCIS Education Forum that the roles of senior managers and headteachers often include both 'education' related leadership alongside 'business management'. Key functions of the role of headteachers and senior managers are in leadership around the curriculum, promoting a sound value base and inclusive ethos, and modelling effective learning and teaching practices to classroom teachers. Time spent managing business aspects of school life, such as resource allocation decisions, can detract from the capacity of headteachers to perform these most crucial tasks and risks adding burden to an already complex and challenging workload and impacting on the educational experiences of both children and teachers.

### **Question 6: How could local authorities increase transparency and best involve headteachers and school communities in education and spending decisions?**

More information on levels of accountability at each point of the system would be beneficial. Clarity would reduce anxiety amongst the profession during a time of significant change and realignment, and ensure a shared understanding of roles and responsibilities at each point in the system. This is critical to the provision of the right support at the right time for children, and for the education workforce.

We are concerned about the limited transparency regarding how decisions about the additional support needs (ASN) of looked after children are assessed by schools, and about the allocation of resources by local authorities to meet assessed need. The [Education \(Additional Support Needs\) \(Scotland\) Act 2009](#) (s.8) clarifies that it should be assumed that a looked after child will have ASN unless the education authority, after assessment, determines they do not. A significant proportion of the budget for the delivery of ASN is held at a central level, and schools are required to apply for the resources required to deliver adequate support, based on their assessment of a child's need. Although the current system provides mechanisms for some consistency within individual education authority areas, national consistency is limited. In 2015, a [freedom of information request](#) across all local authority areas showed that where an assessment of ASN did take place for looked after children, wide variations were evident in

- the proportion of children assessed as having no ASN (range 0-89%);
- the proportion of those found to have ASN who were then assessed for a co-ordinated support plan (CSP) (range 0-100%); and
- the proportion with ASN who actually had a CSP (range 0-46%).

If there is limited consistency in how/whether looked after children are assessed, there is inevitable inequity in terms of whether they gain receipt of additional support. To ensure equity, greater transparency is clearly required, yet the removal of local authority scrutiny and support in relation to improvement planning risks further inconsistency in understanding of the level and type of need, and the related financial resources allocated. Furthermore, as local authorities will retain decision making about ASN spending (whilst all other spending decisions will be made at other parts of the system), we are concerned that there will be confusion and misunderstanding about accountability and access to funding.

**Question 7: What types of support and professional learning would be valuable to headteachers in preparing to take up the new powers and duties to be set out in the Headteachers' Charter?**

Already discussed in our response to questions 1-6, it is clear that headteachers will require supports and professional learning in relation to:

- Capacity building with staff to ensure the curriculum is accessible to all learners;
- Guidance regarding collaboration in developing school improvement plans;
- Developing and maintaining a deep and nuanced understanding of looked after children's holistic developmental and educational needs (and prioritising this within their school), and skills in supporting staff development in their understanding of these issues;
- Understanding what is most effective in supporting improvement, how to measure the impact of interventions, and using data with confidence and competence; and
- Sufficient support and skill to balance 'education leadership' with 'business support' duties, and the development of skills in both technical and adaptive leadership.
  - Technical challenges are those which can be solved by the knowledge of experts, for example fixing a broken computer, or using order and hierarchy to suppress conflicts. The challenges may be complex, but there is a high level of agreement from everyone involved about the need for change and the type of solution required.
  - Adaptive challenges go beyond authoritative expertise and require new learning (adaptation). More resistance can be expected, and different skills to lead are required. Examples of adaptive challenges include redesigning a computer system that no longer meets the changed needs of the users, or managing conflict through allowing it to emerge. To successfully manage adaptive challenges, change must come from the collective intelligence of staff at all levels, learning and creating new solutions together.<sup>15</sup>

Insights from the growing literature on implementation (making change happen) in education reveal that current approaches often limit the potential for progress



and positive change. But, there is ever increasing clarity about the systems and approaches which do help to secure successful change. This evidence must be borne in mind, particularly for children and young people who face barriers to learning. Successful change begins with the careful selection of well-defined approaches (to, for example, managing children's behaviour), including a clear articulation of what teachers are expected to do in their day-to-day practice. This is referred to as a 'Practice Profile'. The more clearly practice is defined, the more clearly other parts of the system can be aligned to support it. Robust practice profiles result in practices which are 'teachable', 'learnable', 'doable' and 'readily assessable'. To accomplish this, practice profiles require the following:

- Clear philosophy, values and principles that underlie the practice (to guide practitioners decisions and ensure consistency and integrity)
- Clear description of the essential functions (what components must be present to know the practice is being used)
- Operational definitions of the essential functions (what are practitioners and managers saying and doing to deliver the practice in day-to-day practice)
- Practical assessments of performance (to assess whether the practice has been implemented as intended)<sup>16</sup>

Practitioners must be facilitated to practice in this way by the systems around them, and supported by ongoing high-quality coaching and feedback.<sup>17</sup>

Concerning feedback, we note the graphic accompanying this section in the consultation document illustrates that feedback will be conducted via Regional Improvement Collaboratives via school improvement plans, based on information and input to schools from local authorities, schools and Education Scotland. Whilst having a central point to gather information, such as the Regional Improvement Collaboratives, is useful for reporting and collation, without reciprocal information sharing between local authorities and Education Scotland and schools, there are concerns that needs will not be appropriately or timeously identified. Effective feedback loops must work in both directions.

### **Question 8: Are the broad areas for reform to the Scottish Schools (Parental Involvement) Act 2006 correct?**

The title of [Scottish Schools \(Parental Involvement\) Act 2006](#) (the 2006 Act) would benefit itself from reform. Referring only to *parental* involvement is not inclusive, and fails to reflect the range of circumstances in which many children (looked after and otherwise) live in Scotland.

We strongly support the proposal to update the legal definition of parental involvement to ensure that it covers all aspects of parental involvement and engagement, including engagement with corporate parents. Looked after children live in a variety of settings, and can live with a range of caregivers. It is imperative that carers do not feel stigmatised or alienated by language used to describe their

role. Within the updating of this definition, we fully support the prominence of the place of parental engagement in learning, learning in the home, and family learning. These three different concepts can often be confused, and terms incorrectly used interchangeably, which can be problematic when assessing and providing for need. We strongly advocate that the terms are made clear and fully explained, and that accessible information is issued to parents, carers, and the workforce.

We welcome the proposal to move from the language of the 2006 Act of 'informing' and 'consulting' parents, to a stronger commitment to collaborating with Parent Councils.

We do not agree that the improvements to the 2006 Act (including the updates to the legal definition of parental involvement and the requirement for Parent Councils) should not apply to early learning and childcare settings. Whilst the relationships in these settings between staff and parents and carers are often different from those within schools, we are not aware of sufficient evidence to assert that there is *'very good parental involvement practice which is already a key feature in many early learning and childcare settings'* (consultation document, p.19). Parents and carers of children in early learning and childcare settings should not be excluded from the same rights to participation, consultation and collaboration through failing to extend the provisions of the 2006 Act to these settings. Whilst the use of funded early learning and childcare is high (99%) for three and four year old children (of whom all are eligible), only 10% of two year old children are in receipt of this provision. Two year old children are only eligible for funded provision if their parents are in receipt of qualifying benefits, or if they are looked after by a local authority, are the subject of a kinship care order, or have a parent-appointed guardian. This is 25% of all two year olds, yet only 10% are accessing services. Many parents (22%) cite the reason they are not accessing early learning and childcare as being unaware of their child's eligibility, suggesting a need to develop awareness and accessibility in the involvement of parents in early learning and childcare settings.<sup>18</sup>

**Question 9: How should the Scottish Schools (Parental Involvement) Act 2006 be enhanced to ensure meaningful consultation by headteachers with parents on substantive matters of school policy, improvement planning and curricula design?**

Having made clear the commitment to strengthen duties on headteachers to work *collaboratively* with Parent Councils (rather than to 'inform and consult them'), it is unclear why such improvements would not be extended to headteachers' engagement with **all** parents and carers. Clear and accessible guidance which sets forth the core components of meaningful collaboration, made available to both staff and parents and carers, would help to facilitate impactful collaboration. Measuring the impact of any collaboration, and methods used would allow schools to use data and evidence to shape and deliver the sorts of partnerships which

work well, and improve educational experiences and outcomes. Sharing good practice will support improvements nationally.

The parents and carers of children who are looked after have often faced adverse experiences in the past, many are living day-to-day in situations which are disempowering and chaotic. In ensuring equitable provision for the most vulnerable children in society, the Scottish Government should play a lead role in highlighting the needs of specific groups who may otherwise be overlooked, and whose voices may not be heard. There is a need to ensure that, at all stages, parents and carers of looked after children are supported to participate in decisions, that they do not feel stigmatised, and that they are aware of their rights. Collaboration and consultation must take account of the needs of all parents and carers, to ensure equity and parity of access to contribute to decisions which could affect their child's learning.

In line with our response to Question 2, setting out a clear expectation on schools to collaborate with the third sector and wider community (in addition to collaboration with parents and carers) would further strengthen the proposals.

**Question 10: Should the duties and powers in relation to parental involvement apply to publicly funded early learning and childcare settings?**

Yes. The duties and powers in relation to parental involvement should apply equally across the broad spectrum of education phases and settings, as set out in our answer to Question 8.

**Question 11: Should the Bill include a requirement that all schools in Scotland pursue the principles of participation set out in Chapter 3? Should this be included in the Headteachers' Charter?**

Yes. Enshrining the principles of participation in legislation not only aligns well with Girfec, but supports the strengthening of a participative, rights led school ethos. Article 12 of the [United Nations Convention on the Rights of the Child](#) (UNCRC) sets out the rights of children to have their view considered and taken into account in all matters affecting them. [Part 1 of the 2014 Act](#) places a duty on a range of public authorities (including all local authorities and health boards) to report, on the steps they have taken to secure better or further effect of the requirements of the UNCRC.

As stated in our response to Question 1, it would be most effective to place the responsibilities on a whole school rather than solely on the headteacher.

Meaningful participation stems from the culture and ethos created in a school which allows all children to feel able to use their voice in a constructive way. The voices of looked after children and their families can often be overlooked, and (for a variety of reasons including stigma and the impact of previous life experiences) they may be less readily available to hear. By placing a duty on all staff, awareness

of the need to include pupil voice in every aspect of school life will be raised, and will ensure that supporting all children and families to participate becomes a core component of the skills of every member of the education workforce. Staff will require sufficient support and ongoing coaching to build and maintain their capacity in ensuring high quality pupil participation for all children.

**Question 12: What are your thoughts on the proposal to create a general duty to support pupil participation, rather than specific duties to create Pupil Councils, committees etc?**

We welcome the broad view taken of participation in this chapter, and the recognition that meaningful participation is not limited to formal structures such as Pupil Councils. Creating a general duty will however require clear guidance for schools to ensure that these duties are being fulfilled robustly out with the more traditional or formal routes. Consideration of how community services and other professional specialisms such as Community Learning and Development could work in partnership with schools in this area would be beneficial, as it would build capacity within schools and involve the wider school community.

**Question 13: Should the Bill include provisions requiring each local authority to collaborate with partner councils and with Education Scotland in a Regional Improvement Collaborative?**

Our 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.

If Regional Improvement Collaboratives are established, it is imperative that current reporting structures and requirements are analysed, and the role of Regional Improvement Collaboratives in collating and using this information to support schools to improve outcomes is clear and purposeful. Any new reporting requirements introduced by Regional Improvement Collaboratives must be aligned with existing requirements. Whilst CELCIS advocates the use of data to drive improvement, we suggest that reporting measures should be as 'low burden' as possible for schools. This will maximise the capacity for effective leadership, focused 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 them. Educational regions, if established, should strengthen and enable links and collaboration within and between services.

Any resources required to allow looked after children to attain and achieve within school should be delivered, wherever possible, at a school level. Looked after children often face stigma and marginalisation, and schools have a pivotal role in the promotion of inclusion. Specialist inputs, for example speech and language therapy, can be required, and whilst these should be delivered by the most appropriate specialist agency or personnel, it would be of merit to consider the coordination and delivery role that schools have in this. 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, using the Girfec approach. 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.

**Question 14: Should the Bill require each Regional Improvement Collaborative to maintain and to publish annually its Regional Improvement Plan?**

This question cannot be fully answered without further detail on the timing, requirements, and form of other aligned strategic plans (for example school improvement plans, local authority improvement plans and other strategic planning documents) which exist within the spectrum of children's services.

The use of robust evidence should inform the purpose, structure, content and timing of any planning framework. Resources should be utilised in the most effective way possible to ensure that as much workforce time is spent on working with children and families, and that any planning structure or framework avoids additional bureaucracy. Reporting structures should:

- add value to the work being carried out on the ground;
- be as low burden as possible; and
- be measurable to facilitate an understanding of effectiveness and impact.

**Question 15: If we require Regional Improvement Collaboratives to report on their achievements (replacing individual local authority report(s)), should they be required to report annually? Would less frequent reporting (e.g. every two years) be a more practical approach?**

We are concerned about a decreased depth and frequency in reporting. If local authority reports are removed, and reporting on improvements is reduced to a two yearly, high level, regional report this could present the risk of systemic and thematic local issues not being identified in a timely or appropriate way. If Regional Improvement Collaboratives are to report every two years, local authority reports should remain in place with a duty to report annually; both in relation to individual school improvement plans and in relation to progress against regional plans.

**Question 16: In making changes to the existing planning and reporting cycle, should we consider reducing the frequency of national improvement planning and the requirement on Ministers to review the National Improvement Framework?**

As discussed in answers to previous questions, we feel strongly that planning structures and processes should be aligned as far as possible, avoid bureaucracy and deliver improved experiences for all children in education. Reviews and changes to reporting and planning timescales, purpose and content should not be carried out in isolation and consideration should be given to how new plans or changes to plans could have an impact on other parts of the system.

**Question 17: Are the proposed purpose and aims of the Education Workforce Council for Scotland appropriate?**

We agree with the purpose and aims set out in the consultation document, and potential exists within this new body to ensure there is a minimum standard and expectation below which the delivery of no child's education should fall.

The range of practitioners involved with the education can lead to difficulties for professionals in understanding each other's roles, responsibilities and duties. Professional standards could support a clearer understanding and professional accountability within the sector.

However, there are significant challenges in bringing together professionally qualified and non-qualified staff under one body, particularly given the variation in staff roles, structures and remuneration that exist nationally. Collaboration with all staff that this could affect should inform the development of any new national body; alongside collaboration with children, young people and their parents and carers to ensure a shared vision and understanding of the work of education and community practitioners is achieved.

**Question 21: Which education professionals should be subject to mandatory registration with the proposed Education Workforce Council for Scotland?**

If the agency is created, any professional whose work has the potential to impact on children's engagement, progression, experience and progression in learning should be registered, to ensure the importance of all operational, strategic and support roles is recognised.

Particular attention should be paid to the requirements of practitioners who undertake educational roles within care settings for looked after children, for example in residential houses. Such practitioners are already required to register with the Scottish Social Services Council, and the procedures and reasons for registration with an additional professional body must be clear.



**Question 22: Should the Education Workforce Council for Scotland be required to consult on the fees it charges for registration?**

Yes. There should be a recognition within this process that there is a significant variation in salaries of those professionals within the education workforce and any registration fees should reflect this. Changes to fees should be introduced on a phased basis, to ensure the impact on the workforce is as minimal as possible.

**Question 24: By what name should the proposed Education Workforce Council for Scotland be known**

The name of any new, national registration body should accurately reflect its role, function and duties and be accessible to staff, children, young people and their families. As with the other proposed changes within the Bill, we would strongly advocate that a collaborative approach with appropriate stakeholders is taken when deciding on the name (and, more importantly, the broader structure, purpose and functions of the agency) to promote shared ownership and understanding.

**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.**

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- <sup>1</sup> Scottish Government (2017) [Education Outcomes for Looked After Children 2015/16](#), Edinburgh: Scottish Government
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