

Who Cares? Scotland

www.whocaresscotland.org

Response to the Consultation on Draft Statutory Guidance: Standards in Scotland's School etc. Act 2000



NOVEMBER 2016

Who Cares? Scotland [WC?S] is an independent advocacy and campaigning organisation working with care experienced people. We provide direct advocacy to care experienced young people, as well as opportunities for national and local participation. WC?S aims to provide looked-after young people in Scotland with knowledge of their rights. We strive to empower them to positively participate in the formal structures they are often subject to solely as a result of their care experience. At WC?S we utilise the voice of the care experienced population of Scotland to inform everything we do as an organisation.

3. Do you have any comments on the definition of “inequalities of outcome”?

Readers of this statutory guidance will require a comprehensive understanding of ‘inequalities of outcome’. However, within this definition there is more focus on the definition of ‘attainment’ rather than ‘inequalities of outcome’, we believe that the definition may be clearer if the two are separated. If focus is to be given on the explanation of ‘attainment’ it should be done so in equal measure for ‘achievement’. While we agree that it is difficult to measure ‘wider achievement’, we suggest that the guidance proposes ways for schools to recognise and celebrate it so that the focus is not mostly on academic attainment.

While we agree that inequalities of outcome can be described as ‘the measurable difference in the achievement and attainment of children who fall within groups which share certain characteristics and those who do not’, we suggest that this is expanded upon. In other definitions there is the use of examples and we believe that this definition may also benefit from such. While it would not be possible to provide an exhaustive list of groups which are likely to experience inequalities of outcome, some examples could be provided along with reasons for their inclusion and links to relevant organisations such as WC?S and CELCIS that education authorities can refer to for more information.

Care experienced children and young people are likely to face inequalities of outcome; we know that experiences of trauma, poor mental health, stigma, frequent placement moves and chaotic living arrangements are common examples of how a looked after young person’s experience of education can be a negative one. Scottish Government statistics show us that:

- There are 218 formal exclusions per 1000 for looked after young people in comparison to just 27 per 1000 for their non-care peers.
- 73% of looked after young people leave school before the age of 16 years.

- Only 35% of care experienced young people leave school with one or more qualifications at SCQF level five or better.
- Only 4% of looked after young people went straight into higher education after leaving school.ⁱ

All teachers should have a good understanding of how being care experienced can affect all areas in a child or young person's life and particularly their experience of education. It is important that teachers are aware of the different types of care such as kinship, foster, residential and being looked after at home and the different effects that living in these placements can have on young people. During a recent focus group with young people discussing additional support needs, all the group cited chaotic group living environments as being detrimental to their attainment at school. One young person said,

'I might want to do my homework but then a seven-year-old kid starts screaming and bawling and I can't get anything done. It just makes me angry too.'

The group were divided as to whether their schools were sympathetic to their situations, half felt that their schools did not understand what being in care was like and that they were punished for not being able to keep up with the rest of the class. While the other half of the group felt that their care status meant that they were singled out for extra help which made them feel different from their peers. It is clearly a fine balancing act to get the necessary support right for every care experienced child and young person. However, we believe that to do so, the support must always consider the individual child and their individual needs.

As the definition notes, all children and young people are unique and their attainment and achievement will differ and even fluctuate over time. While focus needs to be given to certain groups that we recognise are more likely have low attainment, practitioners need to recognise the needs of individual children and be careful not to stigmatise those who fit into certain groups.

One high achieving care experienced young person told us,

'A teacher found out I was in care and as a result she constantly questioned me about cheating on essays and then had an invigilator stand over me for most of my higher exam. Now I'm doing a PHD but her prejudice could easily have put me off my education'

This young person reveals that as she overcame barriers in the way of her academic success it was a teacher that nearly stood in the way of her high attainment and entry into higher education. We would like to support CELCIS in stating that it is important that care experienced children and young people should not be defined by low attainment and poor educational outcomes. We know that many care experienced young people do well academically although they may not follow the same routes as their non-care peers. We also know anecdotally that many care experienced young people re-enter education at a later stage and start further or higher education after their peers who may have gone straight into it from school. We therefore believe that outcome measures should be recorded over a longer period of time to reflect this.

4. Do you have any comments on the definition of "socio-economic disadvantage"?

Socioeconomic disadvantage is a complex and multidimensional concept and should therefore be afforded a more comprehensive definition. We agree that socioeconomic disadvantage can be understood as a set of structural factors that influence education which can cause disadvantages for various groups. While the current definition notes that socio-economic disadvantage is a result of a combination of inter-related factors, we do not believe that the definition is considered in enough detail to be valuable.

The definition asserts that 'poverty is accepted to be the most common driver for socio-economic disadvantage'. It would be useful to include an explanation of poverty, what the guidance is considering the level of poverty to be, how it is often reproduced between generations and its correlation with low education attainment.

There is substantial emphasis placed on socioeconomic disadvantage, and we have concerns that this may mean that care experienced children and young people are excluded. We therefore welcome the clarification that not all children and young people who experience poverty live in disadvantaged communities. We know that a lot of care experienced young people are moved between areas of poverty and affluence yet face continued socio-economic disadvantage. For many care experienced children and young people who live in placements such as foster care or residential care, analysis of their socioeconomic position is not clear and not as relevant to their education attainment and achievement as other factors in their lives. We therefore support CELCIS' suggestion that that 'being care experienced' is a criterion for assessing measures aimed at tackling the effects of poverty.

5. The legislation is intentionally silent on how education authorities should report on the fulfilment of their duties. The draft statutory guidance reflects the legislative position and leaves it open to education authorities to determine how best to report against their duties. Do you agree that education authorities should determine how they report? Would you find some form of template helpful?

We believe that education authorities should be required to report on the fulfilment of their duties in terms of care experienced children and young people as well the progress being made by other groups. For this to be consistently reported, education authorities may benefit from some form of template to ensure that all information is included and to allow for easy comparison with other reports.

8. Did you find the draft statutory guidance to be of assistance when read in the context of the relevant legal duties that will apply? Do you find it strikes a balance between offering flexibility and meaningful support? If not, how could it be improved?

WC?S supports CELCIS in suggesting that the production of a shortened version of the guidance or a summary version should be considered. A summary could be widely distributed and help to create a shared language and improve dialogue among stakeholders, particularly corporate parents. While there are references to relevant related legislation such as the Children and Young People (Scotland) Act 2014 and the Scottish School (Parental Involvement) Act 2006, we think that users would find it

helpful to have hyperlinks leading directly to the relevant guidance (e.g. on parental involvement and corporate parenting) related to the Acts.ⁱⁱ

9. Do you have any other comments about the draft statutory guidance?

WC?S welcomes the links that are made within the guidance to Corporate Parenting and Corporate Parent plans. However, we would like these links to be more direct and believe that it would be useful to include more information on Corporate Parenting. Corporate Parenting plans have the potential to ensure that education authorities and Scottish Ministers realise their duty to reduce inequalities of outcome for the care experienced population, many of whom are affected by socio-economic disadvantage. While education authorities should also be recognising this within their annual plans under the 2000 Act, there is opportunity to expand within the Corporate Parent plans. Corporate Parents also have a duty to collaborate with each other, this may mean that Corporate Parents can share successes and data on their care experienced population.

We would also like to raise the issue of parental involvement. While the glossary explains that a parent includes any person with parental responsibilities and lists examples such as foster carers and kinships carers we would like the guidance to consider how schools should encourage these caregivers to have parental involvement. Care experienced children and young people tell us that they are most likely to do well in school when someone is interested in their success and actively champions and supports them. Schools and teachers have a huge role to play to ensure that all caregivers are encouraged to engage in their children and young people's education at all levels. While we see the benefits of Parent Councils we also hold concerns that without adequate encouragement for schools to ensure there is a diverse membership, the parents engaging may be those who are already actively involved in their child's education. We therefore suggest that within parental involvement there is an opportunity for the guidance to highlight the importance of reaching out to parents and carers of children looked after at home and in kinship care.

Finally, we believe that the inclusion of contact details within the guidance of relevant organisations such as CELCIS and WC?S would be useful for schools and education authorities. Additional contacts could provide supplementary and individualised information in respect of care experienced children and young people.

ⁱ Scottish Government. 2016. Education Outcomes for Scotland's Looked After Children, 2014/15. [online] <<http://www.gov.scot/Publications/2015/06/6439>>

ⁱⁱ CECLIS, 2016. Consultation Response to draft statutory guidance: Standards in Scotland's Schools etc. Act 2000.

If you wish to discuss this consultation response, please get in touch.

Carly Edgar, Policy Manager, cedgar@whocaresscotland.org

Emily Green, Policy Development Officer, egreen@whocaresscotland.org