

Who Cares? Scotland

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

21 December 2016



Introduction

At Who Cares? Scotland we support young people with care experience up to the age of 26; we strive to speak up and out for Scotland's care experienced population. As a result, this response will focus on representing only the views and the needs of care experienced young people and we have chosen to reply only to the questions which we felt were most relevant to this group.

Background

The educational outcomes for care experienced young people are poor in comparison to their non-care peers. The Scottish Government statistics highlight that the exclusion rates for this group are unacceptable, with 218 formal exclusions per 1000 for looked after young people in comparison to only 27 per 1000 for their non-care peers¹. We know anecdotally that the rate of informal exclusions is even higher. Trauma, mental ill health, stigma, frequent placement moves and chaotic living arrangements are all examples of how a looked after young person's experience of education can be a negative one. With such poor experiences it is unsurprising that 73% of looked after young people leave school before the age of 16 compared with 27% of all school leavers.² Leaving school early usually means leaving with less qualifications; only 35% of care experienced young people leave with one or more qualifications at SCQF level 5 or better, while 85% of all school leavers achieve this level.³ Only 4% of looked after young people went straight on to higher education after leaving school, compared to 39% of their non-looked after peers.⁴

Clearly much needs to be done to ensure excellence and equality in educational outcomes for care experienced young people and appropriate governance arrangements will play an important part in that change.

On the other hand, numerous young people have told us that a teacher was the most important person in their life and for some young people school feels like a stable place and an escape from the more chaotic aspects of their life. Clearly there is much in our education system to be celebrated and built upon.

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

Scope of the review

¹Scottish Government. 2016. Education Outcomes for Scotland's Looked After Children, 2014/15. <http://www.gov.scot/Publications/2015/06/6439>. Edinburgh..

² Ibid.

³ Ibid.

⁴ Ibid.

Before looking at the barriers within the current governance arrangements it is worth considering the scope of what we mean by educational governance arrangements. This consultation asks us to consider ways to empower teachers, parents, and communities. When looking at care experienced children and young people we must consider all care givers and corporate parents (corporate parents are the public bodies defined in the Children and Young People (Scotland) Act 2014 as having a duty to collaborate with each other to promote the wellbeing of looked after children and care leavers in their care and enable them to achieve the best outcomes⁵). In exactly the same way that parents of a non-looked after child are vital to their education, so too are care-givers and corporate parents vital to the education of looked after children. At the same time, we know that issues with the policies and practice of certain corporate parents can have a negative impact on the education of young people. For example, Scottish Government statistics show that, overall, looked after school leavers who experience more placements in the year have lower levels of qualifications⁶.

Aside from placement moves, young people have also told us about the disruptive environment they face in residential units. Finding a quiet space and time to complete homework can be difficult. This is often compounded by a feeling that staff can have low expectations in terms of education, do not see it as their responsibility and/or do not provide sufficient support and encouragement.

Other forms of disruption are common in the lives of care experienced young people and should be considered when looking at governance. Children's hearings in Scotland take place on weekdays during daytime hours. The vast majority of hearings therefore take place during school hours. Young people have told us that being taken out of school to attend a hearing can cause them several problems. As noted above, we know disruption impacts on educational outcomes, so it is hardly surprising that young people report so regularly that disruption caused by hearings can affect their studies. Young people have also told us that the additional pressures of having to explain the time away from school to teachers and peers is a stressful burden and being made to feel that their needs and education are not a priority can, in and of itself, be a deeply frustrating experience.

As such, we would argue that any review of governance arrangements which does not consider the disruptive impact of placement moves, hearings and the care environment would not be considering the full picture of educational governance for care experienced young people. As one young person we spoke to put it:

"I know for some foster carers they kind of see it as school's school and this is foster care and it's two separate things [but] encouragement and support is essential if you want kids to see that things like University and further and higher education are possible."

In terms of issues which are within the scope of this review as it currently stands we would like to draw particular attention to the issues of Additional Support for Learning and exclusion from school.

Additional Support for Learning

The Education (Additional Support for Learning) (Scotland) Act 2004, revised in 2009, deems all looked after children to have additional support needs, unless the local authority assesses otherwise.

⁵ For further information on corporate parenting please see: <http://www.gov.scot/Topics/People/Young-People/protecting/lac/lacimprovingoutcomes/corporate-parenting>

⁶ Ibid.

Young people deemed to have additional support needs have a statutory right to a Coordinated Support Plan (CSP); co-ordinated to strengthen and better support their educational experience. It is our belief that this legislation has the potential to make transformational change in enabling young people to achieve whilst at school. An effective and appropriate CSP better places young people in their pursuit of further or higher education. Our advocacy experience informs us that very few care experienced young people are aware of being assessed by their local authority. This anecdotal evidence is supported by freedom of information requests, submitted by the Govan Law Centre, which revealed that not all local authorities are meeting the statutory obligation of assessing all their looked-after young people with only 2.9% of the looked after population having a CSP⁷. This is further supported by information from the Centre for Excellence for Looked After Children in Scotland (CELCIS) who report that feedback from the workforce suggests authorities are often not assessing looked after children for their suitability for a CSP, sometimes due to not understanding that they have a right to this under legislation and other times, perhaps more concerningly, that they don't have the resources available to meet the needs that a coordinated support plan would identify.

In addition, we have heard from young people that even where additional support needs are identified, this information is not always passed over when a young person transitions from one educational setting to another, with additional support not being made available in the new setting as a result.

Clearly any young person who has additional support needs but is not in receipt of appropriate support faces a significant barrier to their education.

Exclusion

As mentioned above, Scottish Government statistics highlight that the exclusion rates for care experienced pupils are unacceptable with 218 formal exclusions per 1000 for looked after young people in comparison to only 27 per 1000 for their non-care peers⁸. Clearly this is a significant barrier to education and we have to question whether excellence and equity for all is possible if exclusions for care experienced young people remain at this disproportionate rate. We are aware that certain local authorities (e.g. Renfrewshire) have a non-exclusion policy for care experienced pupils and will not exclude a care experienced pupil unless this has been signed-off by a senior Council Officer. However, there is no national policy on this issue and even in a given local authority practice can vary from one school to another. There is also a danger that a formal non-exclusion policy will simply lead to an increase in informal exclusions. As such, we believe a national non-exclusion policy for care experienced young people should be introduced with implementation of that policy properly supported to ensure best practice.

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

Please see our answer to question 2 for our comments regarding the scope of this review.

In terms of the key principles, we strongly support applying the principle of smooth transitions in further education. We know that educational transitions can be key moments in any young person's life, and

⁷ Govan Law Centre (2015). *GLC research reveals systemic failure of councils to meet education duties for 'looked after' children in Scotland*. Available: <http://govanlc.blogspot.co.uk/2015/05/glc-research-reveals-systemic-failure.html>. Last accessed 12/12/2016.

⁸ Scottish Government. 2016. *Education Outcomes for Scotland's Looked After Children, 2014/15*. <http://www.gov.scot/Publications/2015/06/6439>. Edinburgh..

without the support of family this can be a particularly critical time for those with care experience. Unfortunately, many care experienced young people have told us that transitions they have experienced were anything but smooth and often multiple attempts are required before a successful transition is achieved. As well as providing additional support for care experienced young people to help them through these transitional periods, we need to ensure that nothing is done which actively hinders these transitions.

One young person told us about their experience starting University. They are expected to start at University in a new local authority area next year and have been told that (due to their age) they will have to move out of their current placement at the beginning of the summer and stay in temporary accommodation for a period before moving again to take up the place at University. The Local Authority has the discretion to request a continuation of the placement for the additional 6-8 weeks that would be required, but no legal responsibility to do so and (as far as we are aware) there is no guidance or policies that would encourage them to do so. The impact this level of disruption could have on the young person's forthcoming educational transition is potentially significant.

Another young person told us about related issues with their experience starting University:

"After spending about 4 weeks at my old foster carers in the summer between my 1st and 2nd year because I was feeling so isolated and I was struggling on my own, **social work introduced a cap on the number of days that I could actually go back and stay at my old foster carers...**It's a psychological thing; if you have to now watch and keep a note of the days...it reminds you that you should feel guilty for going back and using those services. It really takes out the human element of support networks. **Everyone else can go home at the weekend if they want to. I can't go to my safe space.** I at 19 going out and having lived at Uni was told 'actually no that support you don't really need it anymore'. It's very hypocritical given that there's people in their mid-20's that are allowed to live in foster care fully supported but if you decide you really want to push yourself if you want to try and make a better life for yourself in going to Uni and getting a degree...you have to give up that support network that you've built up...**You shouldn't be forced to make a decision between those two things. You should be able to go to Uni and still be supported.**"

In line with our earlier comments, these experiences show that a broader look at the organisations and institutions which are involved in the lives of care experienced young people is required if we wish to apply the principles aspired to by this review.

A broader approach would also help achieve the proposed key principle of meeting the needs of *all* children – the application of which we strongly support.

Question 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?

Before moving on to actions that can be taken to support children, parents, communities, employers, colleges and universities to play a stronger role in school life, we would again like to highlight the importance of including all care givers and corporate parents. We would suggest these vital stakeholders and participants should be highlighted specifically rather than captured under a catch-all "others" category. Close working between social work and education departments should be the norm for all looked after children, but this will be harder to achieve if social work is not included in the scope of education governance.



We are keen to see stronger links between all corporate parents in regards to education and providing support for care experienced young people. As one young person we spoke to said:

“...there needs to be that extra support wherever possible, be it from the Uni, be it from social work, ideally from everyone together.”

One mechanism which we believe should be utilised to encourage these links would be the duty under s60 of the Children and Young People (Scotland) Act 2014 which requires corporate parents to collaborate whenever doing so would help safeguard or promote the wellbeing of care experienced young people. Clearly there will be a range of ways that corporate parents could collaborate, but for example joint engagement with care experienced young people, visits to colleges/universities by care experienced school pupils, tutoring for care experienced pupils, assistance with transport costs, visits to schools by corporate parents, opportunities for work experience and closer collaboration to encourage care experienced students to declare their care status when applying to college / university are possibilities that could and should all be explored.

When looking at actions that can be taken to support communities to play a stronger role in school life we would like to highlight our learning from the “Communities That Care” project.

Communities That Care is a Who Cares? Scotland project funded by the STV Children’s appeal and focussed on care experienced young people living in Renfrewshire. Ultimately, the aim of the project is to make Renfrewshire the most caring place in Scotland for care experienced children and young people. Part of the project involves taking the kinds of activities and opportunities Who Cares? Scotland provides at a national level (e.g. group participation, champions boards, advocacy, and events) and offering these in an intensified and focussed manner in Renfrewshire.

Another important strand of the Communities That Care project is that we are, for the first time, looking to directly engage with a local community and aiming to change attitudes to care so that care experienced young people in Renfrewshire feel accepted and welcomed. One of the ways we are working towards this outcome is by working in schools. Life Skills classes are currently being delivered by the team as a pilot in Castlehead High School with the aim of rolling this out across the region. The aim of these sessions is to advise and inform school pupils about different types of care and the sorts of issues and situations that care experienced young people face in their day to day lives. The aim for the next phase is to provide training to PSE teachers to enable them to lead these sessions without our direct input. Ultimately we would like all teachers to receive mandatory training on care to ensure that every teacher in Scotland is aware of the issues that care experienced young people face and the rights that they hold.

In addition, the Communities That Care team have delivered a number of “learning and listening” events with local community groups. Again, the aim with these sessions is to advise and inform participants about different types of care and the sorts of issues and situations that care experienced young people face in their day to day lives.

We firmly believe that by educating pupils, teachers and communities about the realities of growing up in care we can support these individuals and groups to play a stronger role in the life of care experienced pupils, including their school life. Additionally, by educating and informing these groups, experiences of stigma or prejudice associated with the care experience label, are less likely to be something that our young people have to face as they navigate their way through life. We would be more than happy to welcome representatives from Scottish Government visit Renfrewshire to find out more about the project and, hopefully, incorporate relevant learnings into this review.

Question 7: How can the governance arrangements support more community-led early learning and childcare provision particularly in remote and rural areas?

In our view, one of the reasons that high-quality childcare and early learning are so important is that it can reduce the risk of children going into care in the first place. Whilst we do not object in principle to the idea of community-led provision, we would like to emphasise how important it is not to compromise on quality and we would need to feel completely comfortable that community-led provision was not being implemented as a cost-cutting measure before we could consider supporting this approach.

Question 8: How can effective collaboration amongst teachers and practitioners be further encouraged and incentivised?

As mentioned above, for care experienced young people, effective collaboration between corporate parents is a requirement under the legislation so this may be a way to further encourage and incentivise collaboration amongst teachers and practitioners. We would also be keen to see further collaboration between teachers and advocates in terms of a better understanding amongst teachers of the role of advocacy and more referrals to local advocacy services coming from teachers. This could be encouraged through the provision of training for teachers on the role of advocacy and independent advocacy in particular. Independent advocacy helps young people feel respected, included, listened to and understood. It is independent to any care services a young person receives – this is crucial when you want young people to be supported and understood with no conflict of interest.

More broadly speaking, we support CELCIS' suggestion that effective collaboration could be encouraged by a clear articulation of the principles that Scottish Government believes underlie effective collaboration: what does effective collaboration look like and how can it be achieved?

Question 12: What services or support functions should be delivered at a national level?

Mandatory training regarding care experience should be delivered nationally as part of Initial Teacher Training (ITT) for new entrants to the workforce and professional updates for those teachers already in post. Similar training should be provided to all corporate parents. Training should also include the voice of those with experience of living in care.

As mentioned, above we would like to see a national non-exclusion policy for care experienced young people and believe implementation of such a policy would need to be supported to ensure best practice.

More generally, national oversight and scrutiny of policies, practice and implementation which affect care experienced young people is important. Whilst local initiatives can be incredibly beneficial, there is a danger that different leadership, culture and ethos at a local level can lead to very different outcomes for care experienced young people in different schools and we must ensure that best practice is followed right across Scotland.

Question 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?

The principles for the funding formula are welcome but we support CELCIS in their call for caution in terms of an over emphasis on simplicity. In many cases care experienced young people have complex needs and an overly simple formula with no possibility to adapt to individual circumstance could end up depriving a young person of the support that they need.

Similarly, we would note that when allocating funding, poverty should not be used as a proxy for care experience. The majority of those living in care do not live in SIMD postcodes⁹ and funding formulae which e.g. focus on the simple approach of allocating additional funds to schools with high numbers of pupils from SIMD postcodes may well fail to meet the needs of care experienced pupils.

On the other hand, we believe a formula which allocates additional funding for schools based on the number of looked after pupils would be a positive step (with caveats noted above regarding an overly simple approach). We are particularly keen to see additional support for care experienced young people for the cost of activities which will help them build their cultural capital such as school trips and music lessons. Similarly, we believe additional funding for schools with high numbers of “at risk” children or children who were previously looked after should be provided to support excellence and equity for all through the provision of things like homework and breakfast clubs.

Question 16: How could the accountability arrangements for education be improved?

Under the Children and Young People (Scotland) Act 2014, corporate parents must publish plans setting out how they will meet their duties under the act and must report back to the Scottish Ministers on the success of implementing these plans. This gives an excellent opportunity to hold corporate parents to account for their responsibilities in regard to the education of care experienced young people.

In addition, we believe it is vital that corporate parents are made accountable to care experienced young people themselves. Opportunities for regular dialogue with care experienced young people should be made available at a range of different levels, including at local authority and individual school level, to allow young people to engage with the school/corporate parent and give their views on how well their needs are being met.

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

Carly Edgar, Policy Manager: cedgar@whocaresscotland.org

David Faith, Policy and Learning Coordinator:
dfaith@whocaresscotland.org

⁹Gourtsoyannis, P. (2014). *Care leavers “excluded” from widening access policies*. Available: <http://legacy.holyrood.com/2014/03/care-leavers-excluded-from-widening-access-policies/>. Last accessed 7/7/2015.