



Consultation on draft statutory guidance: Standards in Scotland's Schools etc. Act 2000

Pupils experiencing inequalities of outcome
National Improvement Framework
Planning and reporting

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

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Questions

Chapter 2

1. Do you have any comments on the definition of “decisions of a strategic nature”?

We have no particular comment about what constitutes decision-making that is strategic, and the definition and examples provided in the draft guidance seem to us to be appropriate. Our interest is principally in how strategic planning adequately represents the needs of looked after children, care leavers and their families and carers. In this regard there are four aspects of strategy that seem to us to be important. First is how well the corporate parenting planning and reporting process integrates with other strategic decision-making. Second, is the importance of ensuring that strategic planning for supporting the education of looked after children is supported by high quality local data, using benchmarking and other means of comparison as appropriate. Third, the strategy for education must be a joint strategy with social work services which takes into account the reality of placements (e.g. foster and kinship placements in other local authority areas and residential schools managed by non-local authority agencies). Fourth, strategic planning must identify clear actions for a priority *group* (acknowledging that ‘looked after children’ is a heterogeneous group) and for *individual children* (e.g. in respect of the use of the Child’s Plan to outline specific outcomes and what additional support will be provided).

2. Do you have any comments on the definition of “due regard”?

In having ‘due regard to the need to carry out its functions’ in respect of pupils who experience inequalities (and particularly looked after children), a local authority should adopt approaches that are creative, consultative, transparent and collaborative. In particular, we would advocate the use of: creative approaches to encouraging engagement with learning (including opportunities for participation in sport, the arts and life-enhancing experiences); real and regular consultation with children, parents and carers; meaningful collaboration (i.e. which is not tokenistic or superficial) with other corporate parents; and transparency and openness in planning, setting ambitious aims and reporting on progress.

It also seems to us that the definition of ‘due regard’ must apply at both the level of individual officers and at corporate level. For example, the quality of teaching,

engaging and enthusing children is responsible for a high degree of the variance in attainment. We only add in respect of looked after children that these children need to be in school, and feel safe and welcome in the school environment. We also think that all teachers should have good understanding of how being looked after, and pre-care trauma, can affect the capacity to learn, and should also be sensitively briefed on the implications of the circumstances of looked after children for learning and teaching of individual children in their classes/schools. At the strategic level, there should be local authority guidance which fulfils 'due regard' requirements, including specific details about support for looked after children. Similarly, schools should provide specific details in School Improvement Plans and be clear about leadership (e.g. through the appointment of a Designated Manager for looked after children).

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

It is clear that there is a sizeable gap in 'attainment' between the most economically advantaged and the least advantaged in Scotland. While there have been improvements in attainment for the least advantaged (including looked after children) the gap remains wide. The gap is substantially a measure of poverty and we advocate continued efforts to use measures available to national and local government to combat family poverty. Schools, with partners, can mitigate some of the effects of poverty, e.g. by making efforts to ensure that the least advantaged children are able and encouraged to take part in sport, drama, music, and other activities which help to enhance social and cultural capital. And, critically, schools, local authorities and the Scottish Government must ensure that appropriate (in terms of both breadth and depth) additional support for learning services are available to disadvantaged children, enabling participation, engagement and success in education. In many cases these services will work with schools, rather than children, enhancing the capacity of teachers and other staff to effectively support all learners. Over recent years the availability of such services has been diminished; but closing the attainment gap requires, in part, clear-sighted, evidence-based leadership in this area (additional support for learning), backed up with meaningful, long-term investment.

In relation to looked after children, a population which represents a useful proxy for disadvantaged children more generally, it is important to acknowledge some simple realities when considering the definition of "inequalities of outcome". First, for looked after children, and vulnerable children more widely, a key determinant of generally low levels of attainment is the relatively high incidence of leaving school at the minimum school leaving age (and disengaging from education altogether earlier). This often intersects with disruption of living circumstances, and ongoing issues linked to adverse childhood experiences impacting on individual's capacity to learn. Schools need to be properly supported and resourced to address these difficult issues, and appropriately monitored to ensure they are adopting evidence based approaches. Attending school, feeling safe in the school environment and having the satisfaction in achievement can be part of the therapeutic process, but the conditions which make these possible (good relationships between children and teachers and effective communication between schools and care placements) are complex, at times challenging, and need to be worked at constantly.

There is also a particular need to address low levels of literacy, to intervene early by

identifying and addressing reading difficulties and by encouraging reading for pleasure for looked after children. In relation to the latter point, there are several interventions which have targeted looked after children such as the Imagination Library. Access to such programmes appears to vary geographically and by placement type and to suffer from instability in funding. We think a more strategic approach to supporting literacy (and numeracy) of looked after children is vital.

Finally, it is important that looked after children should not be defined by low attainment and poor outcomes. Many looked after children do very well academically. Others gain qualifications after leaving school and by more circuitous routes than do children who do not face the hurdles attached to being looked after. The outcome measures available are mainly school qualifications gained around age 16-17 and school leaver 'destination' statistics. We urgently need access to more sophisticated outcome measures over a longer period (perhaps to age 25 in the short-term). These would help us better understand the educational journeys of disadvantaged children, as well as, we believe, profile the considerable successes our education system (including colleges, universities, etc.) already delivers. An exclusive focus on educational achievement at school risks reinforcing perceptions of education which, in themselves, disadvantage certain groups of children and young people.

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

The draft guidance correctly states that children who experience poverty do not always live in the most disadvantaged communities. This is particularly true for looked after children who live in care placements in communities that are not defined as economically disadvantaged by standard measures. For this reason we advocate care in using blanket measures such as SIMD categories for defining eligibility for additional supports. We advocate the addition of 'being looked after' to criteria for accessing measures aimed at tackling the effects of poverty.

Chapter 4

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 think it is right to minimise the additional bureaucratic burden on local authorities and their officers, especially where this might have implications for the deployment of resources. We also think that, in principle, authorities should have some flexibility to report in different ways, allowing them to reflect the different approaches they are taking to tackling the attainment gap. However, from our experience supporting planning and reporting across a range of service areas, we think it is important that a degree of standardisation is critical.

Particularly if the content of reports is going to be used to provide Scottish Government with a coherent national picture of local activity. A template, prescribing, at a minimum, the content (under headings or categories) each report must include, is necessary. This would facilitate comparison and compilation of a summary report for Scotland.

We would also welcome clear guidance that, in reports, schools and local areas should be explicit about how their improvement strategies will address the low levels of attainment gap experienced by looked after children.

6. The draft statutory guidance sets out proposed planning period dates for the Scottish Ministers and education authorities: 1 January to 31 December; 1 September to 31 August for education authorities. The planning period for Ministers has been identified to align Ministers' reporting with education authorities' planning processes. This is designed to maximise the information available to education authorities, in particular the national priorities they will be expected to take account of and contribute to throughout their own planning period. The information that the Scottish Ministers will assess and that will be included in national reports will evolve over time as more sources of evidence become available. It is anticipated that future reports will include data and evidence which tells us how we are making progress against the four NIF priorities covering all of the six NIF driver areas.

Do you have any comments on the proposed planning period for the Scottish Ministers of 1 January to 31 December? Do you have any comments on how this proposed planning period timeframe will work with that proposed for education authorities (1 September to 31 August)?

We have no particular comment on the proposed planning period for Scottish Ministers, but we would note that local areas are already subject to numerous different planning periods, and this does not assist with the integration and alignment of services required within the GIRFEC practice model. We recommend that careful thought is given to how all the various plans are connected, to ensure they are complementary, not competing processes. In particular, education plans must fit into the broader, statutory Children's Services Planning structure (Part 3 of Children and Young People (Scotland) Act 2014, and connect explicitly with the statutory Early Learning and Childcare plans, Corporate Parenting plans, and Community Learning and Development plans (among others). The focus on getting schools, education authorities and others to plan for improvement is good, but care must be taken that statutory obligations do not get in the way of doing the improvement work itself. At CELCIS we are especially interested in how corporate parenting plans and reports will integrate with the NIF planning process, given the importance of corporate parenting in providing opportunities for children and young people and identifying and removing barriers to engaging with education.

7. Bearing in mind that the purpose of statutory guidance is to reflect legal provisions, do you find Chapter 4 clear in relation who it is aimed at and what its purpose is?

The content is detailed but there is a degree of repetition of information and this chapter would benefit from some editing, perhaps to highlight critical factors implicated in improving attainment and to have a clearer organising framework.

General

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?

The guidance is detailed and clearly written. It is, however, a dense and lengthy document running to almost 60 pages. There is perhaps too much space given over to the process of planning and reporting compared with the space allocated to the conditions within which the attainment gap will be reduced.

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.

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

We find it surprising that, despite the inclusion of 'corporate parenting' in the glossary of terms, there is no discussion of the concept in the guidance, other than references to corporate parenting plans as potential sources of evidence. It would be helpful to include advice (and perhaps some illustrative examples) on how a local authority can be an effective corporate parent in relating to safeguarding looked after children's rights to a high quality education. We would be happy to assist in this task.

There are also frequent references to the statutory requirements to involve parents, as required by the Scottish School (Parental Involvement) Act 2006. In the context of raising attainment, we think it is important to highlight the importance of having a strategy for actively helping parents and carers to support children's learning *at home*. There is also an opportunity to emphasise the importance of reaching out to foster, kinship and residential carers and the parents of children looked after at home and having credible plans for engaging them both in their children's education and in the consultation process through parents' forums and parents' councils.

We think it is important that the guidance includes advice on how local authorities should include looked after children placed in other authority areas and in residential schools in plans for improving attainment. Again, we are happy to assist in this task.

Finally, perhaps the authors would consider including contact details for organisations which could assist local authorities and school in planning for improvement in respect of local after children (e.g. CELCIS and Who Cares? Scotland).