



## **Response to Scottish Government consultation Education Governance: Fair Funding to Achieve Excellence and Equity in Education**

**October 2017**

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.

As of July 2016, there are 15,317 looked after children in Scotland (1.5% of the 0-18 population), 5,659 of whom are primary school aged (5-11), and 6,330 are secondary school aged (12-17). Over half of all looked after children live with their own family – either in kinship care or 'at home' – and approximately 35% with foster carers. Nearly 10% (1,477) live in residential homes or schools.<sup>1</sup>

Nearly 12% (1,797) of looked after children have a disability (as defined by [the Equality Act 2010](#)). This figure is likely to be an underestimate, due to the rate of 'not knowns' in the statistics. A proportion of these children are looked after by local authorities because, directly or in part, of their additional support needs. Indeed, amongst the population of children with complex additional support needs, the rate of those with looked after status is disproportionate to their number in the whole child population.<sup>2</sup> One reason for this is that families often come to a voluntary arrangement with their local authority, placing their child into care ('looked after') to facilitate the provision of services and support.

The nature of looked after children's additional needs are varied, encompassing physical and mental disability, emotional and behavioural difficulties. Their backgrounds are similarly diverse, but some will have experienced multiple, serious adversities, including socio-economic disadvantage, parental drug and alcohol misuse, and domestic violence.<sup>3</sup> Looked after children are significantly more likely to have particular physical health conditions, poorer mental health (even when poverty and disadvantage are accounted for), and face multiple barriers when it comes to addressing such difficulties. Educational outcome indicators show that the gap between looked after children's attainment and achievement, and that of all children, remains unacceptably large.<sup>4</sup>

Finally, it is important to note that schools, local education authorities, NHS Boards, Scottish Ministers, and a wide range of other publicly funded organisations are all considered 'corporate parents' within the terms of [Part 9, Children and Young People \(Scotland\) Act 2014](#). This means they are under explicit duties to assess the needs, uphold the rights, and safeguard the wellbeing of all looked after children.

Attention to the particular needs and vulnerabilities of looked after children, and how decisions around education funding could potentially impact upon looked after children are our key considerations in this response.

## Consultation Questions

### **Question 1(a): What are the advantages of the current system of funding schools?**

The current system of funding (which allocates an education budget to local authorities based on population and school roll numbers, in conjunction with recognised need indicators such as deprivation and 'rurality') goes some way towards targeting resource in the areas of highest need. The current system contains the mechanism to retain some responsibility for allocation of resource at a local authority level (such as funding for additional support needs provision, free school meals and clothing grants), whilst also providing flexibility to Head Teachers through the Devolved School Management (DSM) system. This provides a balance of support and scrutiny at a central level, and individualised targeted support at a school level.

The [Education \(Additional Support Needs\) \(Scotland\) Act 2009](#) (s.8) amended earlier legislation to clarify that as a general rule it should be assumed that a looked after child will have additional support needs (ASN) unless the education authority, after assessment, decides they do not need additional support to benefit from their education. The factors giving rise to additional support needs for looked after children, discussed above, are varied and can be complex in nature. Due to the range of additional support that can be required to ensure these children have equity of access to the curriculum and educational experiences, it is imperative that there is adequate understanding and scrutiny of the additional resource being provided to them. Within the current system this scrutiny and decision making is administered at a central level within each education authority, in partnership with Head Teachers who, after assessment, recommend the necessary supports required to fully support looked after children. This system ensures that assessment and delivery of intervention is carried out by those closest to the child, whilst also providing the mechanisms for scrutiny and planning within education authorities. Consistency of additional support for learning provision is crucial in closing the attainment gap for looked after children. Therefore developing systems to ensure equity of access across (in addition to within) local areas should be

integral to any decision making processes around allocation and administration of funding.

### **Question 1(b): What are the disadvantages of the current system of funding for schools?**

As previously discussed, schools are responsible for the assessment of additional support needs of children who are looked after, and the delivery of the additional support required. As a significant proportion of the budget for the delivery of ASN is held at a central level, schools are required to apply for the additional resource they need 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 for looked after children, where an assessment of ASN did take place, wide variations were evident in the proportion of children assessed as having no additional support needs (range 0-89%), proportion of those found to have ASN then being assessed for a co-ordinated support plan (CSP), (range 0-100%), and proportion with ASN who had a CSP (range 0-46%). Further to this, data returns to the Scottish Government would suggest there are differences in recording practices between and within agencies, and in access to assessments. 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. We have significant concerns that teaching staff do not have the necessary skills and capacity to adequately assess the requirement for additional support, and consequently there is an underestimation in the financial investment required to appropriately support their children. Additionally, organisational structures do not exist to enable teachers to develop and implement these crucial skills.

A recent report on Teacher Workforce Planning for Scottish Schools<sup>5</sup> found that the variation of inclusion of ASN within the Initial Teacher Education Curriculum has led to students and newly qualified teachers feeling unprepared to identify and support children with additional support needs. We welcome the recommendation within this report to address these inconsistencies, which will lead to more robust assessments of need, and allow for consistent application to central local authority for financial support to address ASN.

We highlight the stigma regularly experienced by look after children in many areas of their lives, including their school lives.<sup>6</sup> We are clear in the need for robust assessment of the additional support for learning needs of looked after children, and consistency in meeting these needs. However, the introduction of any processes to identify, assess and carry out such planning must not be experienced as further stigmatising to these children or their families.

### **Question 3: How can funding for schools be best targeted to support excellence and equity for all?**

Scottish Government acknowledge within the consultation document that Devolved School Management (DSM) schemes suggest there is relatively little funding allocated on the basis of 'additional needs-based factors' such as deprivation ([consultation document](#), p18). Whilst the poverty related attainment gap is undoubtedly a significant visible challenge within Scotland and research has shown that targeting funding towards children from the most deprived areas will have an effect on attainment<sup>7</sup>, we would urge caution in focusing additional or targeted resource solely on this group. Official statistics show a concerning attainment gap between those children who are looked after and those who are not.<sup>8</sup> Further to this, these statistics also indicate that educational outcomes for children who are looked after for part of the year (i.e. those children living on the edges of care) have even poorer outcomes than those who are formally looked after for the full year, or longer.<sup>9</sup> Whilst many children living in and on the edges of care also reside in areas of high deprivation, some do not, a simple example being those children who are looked after and accommodated in foster care in areas of low deprivation. SIMD classification should not be used as the sole determinant to target funding, as this will often fail to taken into account the chronic and pervasive trauma experienced by looked after children. We would advocate that, in the same way that the Pupil Equity Fund<sup>10</sup> allocates an amount per child living in SIMD 1 or 2 that the same approach should be taken to children living in and on the edges of care.

**Question 6: The Scottish Government's education governance reforms will empower head teachers to make more decisions about resources at their school. What support will head teachers require to enable them to fulfil these responsibilities effectively?**

Those making decisions about which resources to provide and where to target them must understand what is most effective in supporting improvement and how to measure the impact of their intervention.

There is significant research<sup>11, 12, 13</sup> which identifies resources and interventions which are most effective in supporting learners who require additional support, and what works to close the attainment gap. If head teachers are given more decision making powers around which resources to use and when, they will require support around how to measure the impact and effectiveness of their decisions, and a full understanding of their responsibility to do so continually.

Data is crucial in understanding the needs of children and in tracking their progress. It is a vital tool in identifying opportunities for improvement and measuring impact. We are concerned about the inconsistencies within and between agencies in data recording for children who are looked after.

- The [Children Looked After Statistics](#) (CLAS) show large variations between local authorities in the proportions of looked after children reported as having known ASL needs – from 3% in Falkirk, 5% in City of Edinburgh to 44% in

Orkney. Such wide range seems unlikely to reflect local variation in children's need, and more likely to reflect differences in recording practice.

- The CLAS also show different patterns from figures generated by the [Pupil Census](#) (PC) in relation to ASN. In some local authorities, there is a close correspondence, e.g. Aberdeen City (PC 23.4%; Looked After Children 28%), while in other authorities there is a wide discrepancy, e.g. Fife (PC 27.4%; Looked After Children 9%).

These inconsistencies would suggest that looked after children are not receiving the Additional Support for Learning (ASL) that they are not only entitled to by law, but that they require to allow them to fully engage with the curriculum. In order for head teachers to appropriately and robustly measure the impact of the interventions and resources they are providing, these issues around data will need to be addressed.

**Question 7: What factors should be taken into account in devising accountability and reporting measures to support greater responsibility at a school level?**

The use of evidence based interventions, effective implementation practices and appropriate data recording and usage are all crucial when devising accountability and reporting measures. The role of Education Scotland, Regional Improvement Collaboratives and the Scottish Education Council will have a role to play in consulting with Head Teachers around the support that they require to commission and deploy resources effectively.

The role that local authorities currently fulfil in providing support and scrutiny to schools in regard to additional resourcing and impact of intervention will need to be carefully managed in the move to regional improvement collaboratives to ensure that service provision is not duplicated and that there remains flexibility to deliver services in line with local area context and demographics.

Additionally, the educational engagement and attainment of looked after children should form part of local authority (or regional/multi-agency) corporate parenting reports, and plans to meet this group of children's educational needs should form a coherent part of corporate parenting plans.

**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). [Children's Social Work Statistics Scotland 2015/16](#). Edinburgh: Scottish Government.
- <sup>2</sup> Hill, L., Baker, C., Kelly, B. & Dowling, S. (2015). Being counted? Examining the prevalence of looked-after disabled children and young people across the UK. *Child and Family Social Work* 2017, 20(3)
- <sup>3</sup> SWIA (2006). *Extraordinary Lives: Creating a positive future for looked after children in Scotland*. Edinburgh: Social Work Inspection Agency.
- <sup>4</sup> Scottish Government (2017) [Education Outcomes for Looked After Children 2015/16](#), Edinburgh: Scottish Government
- <sup>5</sup> Scottish Government (2017) [Teacher Workforce Planning for Scotland's Schools](#) Edinburgh: Scottish Government
- <sup>6</sup> Coram Voice (2015) Children and Young People's Views on Being in Care: A Literature Review, Hadley Centre for Adoption and Foster Care Studies, <http://www.coramvoice.org.uk/sites/default/files/Children%27s%20views%20lit%20review%20FINAL.pdf>
- <sup>7</sup> OECD (2015) *Improving Schools In Scotland: An OECD Perspective* <http://www.oecd.org/edu/school/improving-schools-in-scotland.htm>
- <sup>8</sup> Scottish Government (2017) [Education Outcomes for Looked After Children 2015/16](#), Edinburgh: Scottish Government
- <sup>9</sup> Scottish Government (2017) [Education Outcomes for Looked After Children 2015/16](#), Edinburgh: Scottish Government
- <sup>10</sup> <http://www.gov.scot/Topics/Education/Schools/Raisingeducationalattainment/pupilequityfund>
- <sup>11</sup> [http://www.parliament.scot/ResearchBriefingsAndFactsheets/S5/SB\\_16-68\\_Closing\\_The\\_Attainment\\_Gap\\_What\\_Can\\_Schools\\_Do.pdf](http://www.parliament.scot/ResearchBriefingsAndFactsheets/S5/SB_16-68_Closing_The_Attainment_Gap_What_Can_Schools_Do.pdf)
- <sup>12</sup> <https://www.celcis.org/knowledge-bank/search-bank/looked-after-and-learning/>
- <sup>13</sup> <https://scot.educationendowmentfoundation.org.uk/>