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04 June 2019

Dear Chief Executive

I am writing to make you aware of a number of issues following the introduction of the Care-Experienced Bursary (CEB) for students in Further (FE) and Higher Education (HE).

When the CEB was introduced, it was not intended that it would act as a replacement for any other financial support received by this group. I am sure you will agree with me that this particular group of students face a number of challenges and I am keen that local authorities take this into account when determining appropriate levels of discretionary support.

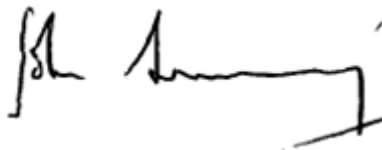
To clarify the policy intention of Ministers with regard to the CEB, a Policy Note concerning the interaction of the CEB with the financial support for care-experienced young people provided by local authorities across a range of settings, including Continuing Care and Aftercare, has been prepared and is attached. This note has been developed in collaboration with COSLA (Convention of Scottish Local Authorities) and CELCIS (Centre for Excellence for Looked After Children in Scotland).

By way of background, the introduction of the CEB supports the Commission on Widening Access' recommendation to replace loans with a non-repayable bursary for care-experienced students. The CEB is a non-repayable bursary for full-time care-experienced students in FE and HE which was increased this academic year following a recommendation by the Independent Review of Student Support (published in November 2017). The CEB is based on the Review's calculations of the Living Wage, and it is important to note that the policy intention of the CEB is not only to provide enhanced living cost support, adding value to the existing support provided by local authorities, but also to act as an incentive to enter FE and HE for people with experience of care.

The result of any reduction in discretionary financial support received by care-experienced students from local authorities could mean they do not have an adequate package of support to meet their particular needs and could be more likely to leave education. As Corporate Parents, the Scottish Government, FE and HE institutions and local authorities have a responsibility to help care-experienced students benefit from the opportunities, services and support available.

The Scottish Government, COSLA and CELCIS will be convening a meeting in the coming months to consider operational issues arising from the implementation of the CEB at a local level.

I hope this clarification has been helpful and I would ask that you consider this Policy Note in your role as a Corporate Parent.

A handwritten signature in black ink, appearing to read 'John Swinney', with a stylized flourish at the end.

JOHN SWINNEY

CARE-EXPERIENCED BURSARY – POLICY NOTE

Introduction

This Policy Note has been produced following feedback from advocacy groups on behalf of care-experienced students and in collaboration with COSLA (Convention of Scottish Local Authorities) and CELCIS (Centre for Excellence for Looked After Children in Scotland). It aims to support local authorities, post-16 education bodies, and other relevant Corporate Parents to continue to effectively and consistently support care-experienced students in Further (FE) and Higher Education (HE).

Following the Independent Review of Student Support, published in November 2017, the Care-Experienced Bursary was increased in the academic year 2018/19 to £8,100 per year for full-time care-experienced students in HE, and introduced to full-time care-experienced students in FE, also at £8,100 per year. The Student Awards Agency for Scotland (SAAS) administer the bursary to care-experienced learners undertaking HE courses, and the Scottish Funding Council (SFC) administer the bursary via individual colleges for care-experienced learners undertaking FE courses. The implementation of the increased bursary is a necessary step to ensure young people with care-experience are supported to access and sustain opportunities in FE and HE. It also acknowledges the financial precariousness and potential hardship that is disproportionately experienced by this cohort.¹ As such, this award is intended to **enhance** rather than replace any existing financial and practical support.

Supporting effective implementation

Statutory guidance is clear that the legal route by which a child becomes looked after has no bearing on their eligibility to their entitlement for corporate parenting support.² Given the financial constraints faced by Local Authorities in recent years, some care-experienced students in receipt of the Care-Experienced Bursary may have been subject to reduced financial support and for the students concerned, this will generate both practical issues and significant anxiety.

This Policy Note sets out how the Scottish Government expects local authorities, post-16 education bodies, and other relevant Corporate Parents to ensure that entitlement to the Care-Experienced Bursary does not have an unintended negative impact on the financial support received by care-experienced young people.

Scottish Government Guidance reinforces both the **legal and ethical** duties of Corporate Parents towards care-experienced young people; to re-emphasise local authorities' powers and duties towards them; and to **enhance and improve** personal support for these individuals.³

Relevant articles of the UNCRC state that care-experienced young people shall be entitled to **special protection and assistance** (Article 4); and that all appropriate legislative, administrative or other measures, where they cover economic, social and cultural rights, be undertaken to the **maximum extent of their available resources** (Article 20)⁴.

¹ https://www.childrensociety.org.uk/sites/default/files/pcr073_care-leavers-financial-exclusion-final.pdf

² <https://www.gov.scot/publications/statutory-guidance-part-9-corporate-parenting-children-young-people-scotland/>

³ <https://www.gov.scot/publications/guidance-part-10-aftercare-children-young-people-scotland-act-2014/>;

⁴ https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.25952765.1123872582.1548250590-164657242.1548250590

Additionally, the Scottish Care Leavers Covenant⁵ calls on Corporate Parents to demonstrate their commitment to excellence by transforming practice, culture and outcomes for all care leavers. Many local authorities and FE and HE providers have endorsed the principles of the Covenant. Of particular relevance is the '**assumption of entitlement**' principle which assumes all care leavers are entitled to services, support and opportunities, up to their 26th birthday. Where **discretion** exists this will be in favour of care leavers. This specifically includes access to bursaries and grants and housing and accommodation options.

Fully supporting care-experienced young people to engage and sustain FE and HE is an investment in Scotland's young people. Taken together, these considerations set the context of expectation that local authorities will ensure that all financial, practical and personal support to care-experienced young people in FE or HE is implemented in the full spirit and intention of the policy.

The Care-Experienced Bursary

The Scottish Government developed the Care-Experienced Bursary in collaboration with the sector as a stand-alone incentive and support. Where existing entitlement to financial support exists (e.g. financial assistance provided to care leavers under Section 30 of the Children (Scotland) Act 1995) the Care-Experienced Bursary is awarded **in addition** to those statutory entitlements. It is not merely to offset living costs for all care-experienced students, but crucially to **act as an incentive to enter FE and HE**, and to sustain this, without experiencing poverty and social exclusion. In the specific case of care leavers, it is not intended to replace other statutory entitlement to funding support provided, for example, under Part 10 (Aftercare) of the 2014 Act.

In its response to the Scottish Government's consultation on the Independent Review of Student Support, CELCIS stated that, as Corporate Parents, local authorities, colleges and universities '*must promote the interests of looked after children and care leavers, and enable them to make use of supports and services they provide, working collaboratively wherever necessary*'.

Where care-experienced students have financial support reduced as a direct effect of receiving the Care-Experienced Bursary, the result could be that they do not have an adequate package of support to continue in FE and HE.

Actions to ensure financial support is maximised

For a number of reasons, care-experienced students do not necessarily have the 'safety net' of support from parents should they get into financial difficulties. As such, many face financial insecurity. Statutory guidance on corporate parenting⁶ also sets out a series of related expected outcomes. The list is not exhaustive, but includes:

- Securing positive educational outcomes for looked after children and care leavers; and
- Increasing the number of care leavers in education, training and employment.

Corporate Parents should therefore strive to achieve positive cultural change by:

⁵https://static1.squarespace.com/static/55c07acee4b096e07eeda6e8/t/562790f6e4b0cf8fdb35d5b4/1445433590610/Scottish_Care_Leaver_s_Covenant.pdf

⁶ <https://www.gov.scot/publications/report-corporate-parenting-turning-legislation-practice-together/pages/3/>

- Ensuring that care-experienced students, including care leavers, are in receipt of all available financial support, ensuring maximum use of discretionary powers and funds
- Providing ongoing person-centred, non-judgmental and non-punitive support for all care-experienced students.
- Proactively removing financial and practical barriers for those with experience of care who wish to enter and sustain a place in FE or HE
- Reducing any negative impact on the financial security and wellbeing of all care-experienced students.
- Proactively taking action to reduce the impact of financial precariousness on the emotional wellbeing of care-experienced students
- Aiming for consistent practice across all local authorities

In Summary

The Care-Experienced Bursary should be recognised as a means to remove barriers including debt and to incentivise entry into HE and FE for care-experience learners. The Care-Experienced Bursary should be seen as part of a wider suite of support that can be provided to improve outcomes for people with experience of care. As such, this award is intended to **enhance rather than replace** any existing financial and practical support provided by Local Authorities and other relevant Corporate Parents.

For further information contact:

Further and Higher Education Student Support Teams
Advanced Learning and Science Directorate

or

Corporate Parenting and Formal Care Team
Children and Families Directorate