

**The Educational Attainment of Looked After Children: Scottish Government Policy
A Briefing Paper for the Looked After Children's Strategic Implementation Group
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Introduction and background

The recent history of government policy in Scotland dates from the commissioning, by the former Scottish Office, of a review of research, policy and practice in the education of looked after children by the Scottish Centre for Research in Education (Borland, Pearson, Hill, & Bloomfield, 1998). As a result of the review, ministers decided that there should be an inspection in Scotland of the educational experiences of looked after children. The inspection, conducted jointly by HM Inspectorate of Education (HMIE) and the Social Work Services Inspectorate (SWSI) focused solely on children looked after 'away from home' (Her Majesty's Inspectors of Schools and Social Work Services Inspectorate, 2001). The *Learning with Care* report, which ensued from the inspection, had nine main recommendations, such as the proposal that 'a senior member of staff in each school should maintain an overview of looked after children's progress' (p.4), and these recommendations set the policy context for future developments.

It is worth mentioning in passing that this very specific policy area was itself set within a broader policy context which characterised the first decade of the 21st Century: defining and extending citizenship rights; combating social exclusion; tackling inequalities; and seeking to overcome the barriers to accessing services. The 'big ideas' of the new millennium were social justice and the aim of defeating child poverty. For example, one of the original twenty-nine milestones in *Social Justice: A Scotland Where Everyone Matters* (Scottish Executive, 1999) expressed the desire that 'All our young people leaving local authority care will have achieved at least English and maths Standard Grades' (Milestone 8). What was undoubtedly an achievement, in policy terms, in getting the attainment of looked after children firmly placed on the political agenda, was nevertheless roundly criticised by young people themselves. Speakers at the Who Cares? Scotland 25th anniversary conference in November 2003, said the milestone conveyed the impression that all looked after children and young people had low attainments and could simply confirm the low expectations of some professionals.

The *Learning With Care* report paved the way for a number of government initiatives. In October 2001, the then Education Minister, Jack McConnell, announced the distribution of £10m to be paid to local authorities, based on the allocation of £500 per child looked after 'in a family home' and £2,500 for each child in residential homes, schools and secure accommodation. The fund was intended 'to provide books, equipment and homework materials for every looked after child in Scotland.'ⁱ McConnell's successor, Cathy Jamieson, announced three priorities for action by local authorities:

1. 'All looked after children should receive full-time education. We should expect no less for our own children.
2. 'All looked after children should have a care plan which adequately addresses educational needs. This is a statutory obligation and has been since 1997.
3. 'All schools should have a teacher designated to championing the interests of these children.'ⁱⁱ

Jamieson also announced a programme of work to be undertaken during 2002-03 which became known as the *Learning With Care: Improving Outcomes for Looked After Children Project*. The project was concerned with raising awareness among, and providing training for, professionals who had opportunities to influence the educational experiences of looked after children and promoting the concept of the 'educationally rich environment' in foster and residential care settings. Three products were produced to support the first aim: a ring binder containing training materials and supporting video film, the *Care to Learn* report, based on consultations conducted by Save the Children Scotland and Who Cares? Scotland (Ritchie, 2003), and an information booklet for professionals (Connelly, McKay, & O'Hagan, 2003). A set of quality indicators designed to be used within the general framework of *How Good Is Our School?*, but aimed at all partners in children's services, was developed to support the second aim (Her Majesty's Inspectorate of Schools, 2003). In 2004, the Deputy Education Minister, Euan Robson, announced funding of £6m over two years for pilot projects 'to explore new ways of boosting educational attainment'.ⁱⁱⁱ

Current policy in relation to the education of looked after children

Current Scottish Government policy in relation to looked after children is defined by the *Looked After Children & Young People: We Can and Must do Better* report and a suite of supporting materials identifiable by a distinctive branding depicting a green swirl on a light blue background (Scottish Executive, 2007). The report's findings were framed within five key themes, deliberately to emphasise the rights of looked after children and young people and care leavers to the same good life prospects envisaged by Ministers for all of Scotland's children. The themes are:

- Working together
- Becoming effective life long learners
- Developing into successful and responsible adults
- Being emotionally, mentally and physically healthy
- Feeling safe and nurtured in a home setting

The report's themes and 19 key actions for improvement highlighted the crucial link between wellbeing and success in education. These report also made explicit use of the concept of the 'corporate parent',^{iv} a term encapsulating the duties and unwritten obligations of local authorities sharing the parenting of looked after children. Significantly the report also makes explicit that government policy, and therefore professional practice, in relation to educational experience and attainment refers to all looked after children. In the work which supported the implementation of the report's actions, a briefing note was prepared to explain the legal context and this brief abandoned the use of the confusing term 'looked after and accommodated' children in favour of the distinction between looked after 'at home' and 'away from home'.^v

An Implementation Board, chaired by senior civil servant Colin MacLean, was established by Scottish Ministers to oversee progress in relation to the 19 recommendations of *We Can and Must do Better*, supported by several working groups. A number of products were developed as a result of this work. These products included guidance documents and information and training materials.

The Scottish Government published guidance for corporate parents in *These are our Bairns: A Guide for Community Planning Partnerships on being a Good Corporate Parent* (Scottish Government, 2008c). The policy guide introduces the notion of the wider 'corporate family' and 14 of the guide's 17 chapters outline actions and outcome measures for services. Good corporate parenting is defined as: '[accepting] responsibility for the council's looked after children and young people; [making] their needs a priority; [and seeking] the same outcomes any good parent would want for their own children' (p.3). The guide states that education services staff: 'have an important role as corporate

parents and unique opportunities to support and guide looked after children and young people and care leavers through their everyday interactions' and requires schools to: 'appoint a designated senior manager (DSM) with specific responsibility for looked after children and young people' (p.37). In referring to a 'senior manager', the government was clearly emphasising the importance of the role. In order to help children's services to evaluate their effectiveness as corporate parents, HMIE has developed a self-evaluation guide, *How Good is Our Corporate Parenting* (Her Majesty's Inspectorate of Education, 2009).

A companion guide, *Core Tasks for Designated Managers in Educational and Residential Establishments in Scotland* (Scottish Government, 2008a) was published to enumerate the responsibilities Ministers expected schools to undertake in fulfilling their role as corporate parents. This second guide identifies 27 'core tasks' for DSMs and suggests that the manager should attend 'multi-agency training' and should act as an advisor to colleagues. Two important features of the guide demonstrate how thinking about policy in relation to looked after children had progressed since 2003. Firstly, guidance is provided for the entire spectrum of education, from early years to further and higher education. Secondly, for the first time, the role was extended to encompass residential homes and residential schools. A sample extract from a 'task' is quoted below.

The designated manager must work closely with the educational establishments (including further and higher educational establishments) to ensure that the educational needs of the children and young people in their establishments are clearly identified and that the appropriate support plans are in place and that these plans are closely linked to the child or young person's care plan (p.19).

Training materials to support the aims of *We Can and Must do Better* were provided by means of a DVD-ROM, giving the dual facility of substantial storage capacity for multi-media presentations and also the possibility for updating locally by downloading new information. This updating facility was assisted by collaboration with Learning and Teaching Scotland to develop a Looked after Children website.^{vi} In a further example of collaboration, an information leaflet for teachers and related professionals was prepared and is hosted on the General Teaching Council for Scotland website.^{vii}

The policies outlined above relate more generally to the expectations of government which have implications for local authorities, health boards and their partners in seeking to improve the educational experiences of looked after children and young people, and to provide support for families and carers. Policy has also been developed in some specific areas, notably in relation to data collection about attainment, and also about additional support needs. Improvements in the quality of data gathering, presentation and analysis were proposed in *The educational outcomes of Scotland's looked after children and young people: A new reporting framework* (Scottish Government, 2009). In future, statistics will relate to the academic year and will be based on an individualised rather than group return. The latter facility has been made possible by using the Scottish Candidate Number (SCN), a unique identifier provided to individual young people when they start primary school. This will allow a greater degree of monitoring in future, with the possibility of longitudinal tracking of the progress of children.

The provisions of the Education (Additional Support for Learning) (Scotland) Act 2009 give legal force to the entitlement of looked after children and young people to have 'additional support' in relation to their education.

...a child or young person has additional support needs if the child or young person is looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c36).^{viii}

The effect of this change in the law is that there is an assumption of the entitlement to an assessment of additional support needs where a child or young person is looked after. This means that there is a requirement for the local authority which provides a looked after child or young person's education to conduct an assessment. Such an assessment may conclude there are no individual needs or may specify needs implying varying degrees of professional intervention. Assessed requirements place obligations on other organisations, such as health authorities and private fostering agencies. It is the responsibility of the 'home' local authority to meet the financial requirements of any assessed additional requirements.

Related policy

The policy landscape in relation to the education and attainment of looked after children intersects with a range of complementary policies, the most significant of which is the *Getting it Right for Every Child* framework which is concerned with ensuring that children's services are child-centred and collaborate effectively.^{ix} A related policy is concerned with *Early Years and Early Intervention* and this emphasises the importance of support at the level of the individual child and his or her family. This policy is leading to a range of initiatives and related research, including, for example, parenting programmes, treatment foster care and specialist literacy interventions (Scottish Government, 2008b).

The National Care Standards also emphasise a child or young person's right to a good standard of education.^x For example, in relation to foster care the standard confers the following entitlement upon the young person:

You know that the agency makes sure that your foster carer:

- provides you with an educationally-rich environment
- helps to meet your educational needs; and
- helps you to develop the skills, ability and knowledge that you will need when you become an adult.

In relation to residential care, the recommendations of the National Residential Child Care Initiative (NRCCI) have been accepted in their entirety by Scottish Ministers and are therefore effectively government policy (Bayes, 2009). More generally, the NRCCI called for a commitment to 'clear, shared expectations about the planned outcomes for individual children and young people' and said that 'children and young people's views and aspirations must be taken seriously at every stage and support and advocacy provided' (p.21). Specifically in respect of education, the NRCCI made two main recommendations: firstly, providers 'must be able to demonstrate that their staff actively support and engage in the education' (p.23) of children in residential care; and secondly:

As part of their cycle of inspections the current Inspection agencies and the future scrutiny body ...should be asked to report on the educational outcomes achieved by local authorities and other providers of residential child care in each establishment, and on the action plans aimed at improving educational outcomes and experiences, use of training materials, and self-evaluation (p.23).

The *We Can and Must do Better* report recognised the importance of the aspiration to post-school educational opportunities for young people who are looked after and gave a commitment to work with further education colleges and universities to 'raise awareness and responsiveness to the issues faced by care leavers' (p.34). In particular, the government collaborated with The Frank Buttle Trust in relation to the launch in Scotland of the Trust's Quality Mark for higher education^{xi}. Nevertheless, only eight of Scotland's 19^{xii} higher education establishments have so far gained the award. The Scottish Funding Council is collaborating with the Trust in relation to a pilot of an FE award which is currently being conducted in five Scottish further education colleges.

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- ⁱ Scottish Executive News Release: *Special schoolbooks' fund for kids in care* (March 22, 2001).
- ⁱⁱ Scottish Executive News Release: *Better deal needed for looked after children* (January 10, 2002).
- ⁱⁱⁱ Scottish Executive News Release: Further steps to improve education for children in care. (October 26, 2004).
- ^{iv} Elected Member Briefing Note No 2 Corporate Parenting:
<http://www.improvementservice.org.uk/library/589-elected-members-development/625-briefings/view-category/>
- ^v Children (Scotland) Act 1995: Looked After Children and Young People – A Brief Summary.
- ^{vi} See: <http://www.lookedafterchildrenscotland.org.uk/index.asp>
- ^{vii} See: http://www.gtcs.org.uk/web/FILES/FormUploads/looked-after-children-and-young-people1660_222.pdf
- ^{viii} See: http://www.legislation.gov.uk/asp/2009/7/pdfs/asp_20090007_en.pdf
- ^{ix} See: <http://www.scotland.gov.uk/Topics/People/Young-People/childrenservices/girfec/programme-overview>
- ^x See: <http://www.scotland.gov.uk/Topics/Health/care/17652/National-Care-Standards-1-1>
- ^{xi} See: <http://www.buttletrust.org.uk>
- ^{xii} Note, this figure excludes the Open University in Scotland