

## Summary: Intervention & Options

Department /Agency: <b>DCSF</b>	Title: <b>Impact Assessment of regs/guidance on qualifications/ experience &amp; role of designated teacher for LAC</b>	
Stage: Consultation	Version: 3	Date: 5 February 2009
Related Publications: White Paper: 'Care Matters: Time for Change' and Children and Young Persons Act 2008 (section 20)		

Available to view or download at:

<http://www.dcsf.gov.uk/publications/timeforchange/>

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What is the problem under consideration? Why is government intervention necessary?

As a group, looked after children (LAC) achieve significantly poorer educational outcomes than their peers. Looked after children themselves may not recognise this risk or the consequences for their adult outcomes. Thus, they are unlikely to access special educational help privately through the market. Also, credit constraints make it unlikely that they could afford to. This is inequitable, as these children will be denied educational opportunities that other children enjoy. Further, society loses the wider economic and social benefits of these children fulfilling their educational potential.

What are the policy objectives and the intended effects?

By having a designated person (who we shall specify through regulations must be a teacher) to promote the educational achievement of looked after children on the school roll will provide a strategic and operational focus through one person to champion the teaching and learning needs of these children. We expect this role to lead to a greater focus in school on the educational needs of looked after children, better understanding of how to support them and improved relationships between schools, social workers and carers - all key for creating a culture of promoting the education of LAC.

What policy options have been considered? Please justify any preferred option.

Three options have been considered:

- 1) making no policy change
- 2) putting the role on a statutory footing but specifying it had to be done by a teacher.
- 3) Putting the role on a statutory footing but not specifying it had to be done by a teacher

Ministers decided on option 2 given the significant teaching and learning challenges involved in promoting the educational achievement of LAC.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? Putting the role of the designated teacher onto a statutory footing is a commitment from 'Care Matters: Time for Change', which will be monitored via a published annual stocktake and OfSTED.

**Ministerial Sign-off** For SELECT STAGE Impact Assessments:

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister:



Date: 25/2/09

## Summary: Analysis & Evidence

<b>Policy Option:</b>	<b>Description:</b>
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<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' No associated costs with putting the role of the designated teacher on a statutory footing. The role has existed since 2000. However, to support training designated teachers extra funding of £3.3 million p.a. 2009-2011 is being made available based on an assumed supply cover cost of £200 per day.
	One-off (Transition)	Yrs	
	£ 0		
	Average Annual Cost (excluding one-off)		
	£ 3,300,000		Total Cost (PV) £
Other key non-monetised costs by 'main affected groups'			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' The impacts are not easily monetised. Given the lifetime returns to 5 A*-C GCSE grades compared to no GCSEs (£45,000), the benefits would outweigh the total costs if 144 extra looked after children gained 5 GCSE grades at C or above-an average of around 1 child per LA.
	One-off	Yrs	
	£		
	Average Annual Benefit (excluding one-off)		
	£		Total Benefit (PV) £
Other key non-monetised benefits by 'main affected groups' The estimate above is conservative. The extra number of looked after children gaining 5 A*-C GCSEs are, as a result, more likely to obtain further qualifications with higher financial returns. It also does not capture the non-financial benefits of education to the individual and society (e.g better health).			

**Key Assumptions/Sensitivities/Risks** Putting the designated teacher on a statutory footing will improve the service which already exists by raising the profile of the needs of looked after children on the school roll. There is a risk that schools don't take up training existing but the funding we are providing to pay for cover should encourage them to do so.

Price Base Year 2009	Time Period Years 2	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?		England		
On what date will the policy be implemented?		September 2009		
Which organisation(s) will enforce the policy?		N/A		
What is the total annual cost of enforcement for these organisations?		£ N/A		
Does enforcement comply with Hampton principles?		Yes/No		
Will implementation go beyond minimum EU requirements?		Yes/No		
What is the value of the proposed offsetting measure per year?		£ 0		
What is the value of changes in greenhouse gas emissions?		£ 0		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)		
Increase of £	Decrease of £	<b>Net Impact</b>		£

Key:      Annual costs and benefits: Constant Prices      (Net) Present Value

## Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

### Background and rationale

1. Outcomes for looked after children are strikingly poor. For example, in 2007:
  - 13% of looked after children gained five GCSEs A\*-C compared to 62% of all children.
  - Only 64% of looked after children achieved at least 1 GCSE at A\*-G compared to 99% of all children.
  - 46% of looked after children achieved level 4 in English at Key Stage 2 compared to 80% for all children.
  - 44% of looked after children achieved level 4 in mathematics at Key Stage 2 compared to 77% of all children.
  - 29% of former care leavers were not in education, employment or training at 19 compared with 13% of all young people.
2. The factors that contribute to these poor outcomes are complex, reflecting the children's pre-care experiences and personal needs. For example:
  - 62% of children looked after are in care because of abuse or neglect, which has a profound effect on a child's ability to engage in education.
  - 45% of 5-17 year olds in care are assessed as having a mental health disorder according to a 2003 ONS survey. This is four times higher than for other children.
  - 28% of looked after children have a statement of special educational needs compared to 3% of the population and if those on school and school action plus are taken into account the number with some form of special needs is around 60%.
3. Because of the complexity of the looked after population and the number of professional adults involved in providing support for them communications between social workers, foster carers and schools can be poor, particularly where children move placements and schools. This contributes to a lack of understanding among professionals about what needs to happen to ensure that education is seen as a priority for looked after children. Designated teachers therefore provide an important link between the school, the child's social worker and others involved in the child's care arrangements.
4. Non statutory guidance issued in 2000 recommended that all schools should appoint a designated teacher to hold a watching brief on looked after children on the school's roll,

to act as a champion for the educational attainment of looked after children and as a source of advice and expertise for other staff. The guidance also set out the important role of the designated teacher in contributing to the development of the child's Personal Education Plan (PEP) which forms part of his/her overall Care Plan.

5. A report by the Social Exclusion Unit (SEU) published in 2003 indicated that most schools had a designated teacher but that there was a somewhat mixed economy of provision. In some schools the role was undertaken by teachers; in other instances it was provided by those performing a more pastoral role.
6. During consultation on the *Care Matters* green paper children and young people expressed mixed views on the current effectiveness of designated teachers and some did not even know they existed. There was wide support for the role expressed from professionals who felt that much could be learned from schools which already had designated teachers in place. They felt, however, that it was important that whoever undertook the role should have sufficient authority to be able to bring about change. The designated teacher proposal was also endorsed by members of the post-Green Paper working group on Best Practice in Schools Working Group chaired by Dame Pat Collarbone. Our conversations with children showed that they do not feel that schools always understand their needs and that sometimes this can result in them being singled out or bullied. Nearly half of respondents to the consultation thought that the designated teacher role was well placed for liaising between the looked after child, his/her carer and various professionals and agencies involved in the child's care. It was thought that the designated teacher could fulfil a pastoral role for the child i.e. maintaining regular contact to talk through any difficulties, discussing their learning and reviewing their personal education plan. Respondents felt that they should also keep lines of communication open between school and home by keeping the child's carer apprised of their progress, flagging up any issues and discussing ways to resolve them.
7. In view of this and to ensure more consistency in the quality and effectiveness of the service delivered by designated teachers the Government took forward its proposal to legislate to put the role of the designated teacher onto a statutory footing. We shall use the statutory guidance to emphasise that the designated teacher has a key role to ensure that there is a clear focus on teaching and learning needs of looked after children on roll. It will say that the school governing body will need to ensure that the designated teacher has the appropriate training needed to carry out the role and the support needed to carry out or arrange to have carried out, for example, with appropriate use of support staff, functions such as ensuring that the child's personal education plan is up to date and available for his/her statutory review.
8. Given the central importance which Ministers attach to the quality of teaching and learning experienced by looked after children and the relationship that has to the standards they achieve, the Government has decided that the role should be carried out by a qualified teacher, head teacher or acting head teacher.
9. Section 20 of the Children and Young Persons Act 2008 places a duty on the governing body of a maintained school to designate a member of the staff at the school as having responsibility for promoting the educational achievement of looked after children who are registered pupils at the school. Section 20(3) gives the appropriate national authority to make regulations about the qualifications and or experience expected of the designated person. The Education (Designated Member of Staff for Pupils Looked After by a Local Authority) (England) Regulations 2008 therefore specify that the designated person should be: a) a qualified teacher, the head teacher or acting head teacher or that the person has been co-ordinating provision for looked after children on the school's roll for six months prior to the Regulations coming into force and that the

governing body is satisfied that the designated person is taking steps to become a qualified teacher and has a reasonable chance of meeting this requirement by September 2012.

### Options considered

10. Three options have been considered:

- i. Making no policy change (i.e. reiterating that it is good practice for schools to have a designated teacher but not making it a statutory requirement).
- ii. Putting the role on a statutory footing and requiring it to be performed by a qualified teacher.
- iii. Putting the role on a statutory footing but not specifying it had to be done by a teacher.

11. Ministers decided to make the role statutory and to require that it should be undertaken by a teacher (**option ii**). This option was selected for the following reasons:

- In spite of guidance about the importance of the role being around since 2000 there continues to be a lack of understanding and communications among schools and social workers about the impact of being looked after on education. This is particularly the case in relation to the respective roles of the local authority and school in developing and implementing the child's personal education plan. However, the success of designated teachers where schools and local authorities operate this function is the basis for putting the role on a statutory footing because of improvements in communication and understanding about the education of looked after children.
- Educational outcomes for looked after children have improved (from 7% in 2000 to 13% in 2007). We need outcomes to improve at a faster rate.
- Provision in relation to the status of the designated teacher's role is patchy. By specifying that the role should be carried out by a teacher there would be a sharper focus on teaching and learning issues and not exclusively or mainly on coordination of or involvement in day-to-day pastoral issues.

12. In relation to **option (i)** conversations with children showed that they do not feel that schools always understand their needs and that sometimes being looked after can result in their being singled out or bullied. According to the Social Exclusion Unit report *A Better Education for Children in Care* (2003), while most schools had a member of staff undertaking this role universal provision was variable in terms of the time, status and ability to influence. Given the very poor outcomes of looked after children and that they are eight times more likely to be excluded than their peers it is important that Government finds ways to give looked after children better support in schools. Putting the role of the designated teacher on a statutory footing sends a strong signal to schools about the importance of making sure that they did their best to help them realise their ambitions without making them feel stigmatised.

13. In relation to options ii and iii, we weighted up the advantages and disadvantages of whether or not the role of the designated person should be required to be a teacher. Government wants the role of the designated teacher to have a core focus on teaching and learning. As part of informal consultation with teachers they have commented that it is vital that the role is carried out by a teacher to ensure that the

person has sufficient authority to ensure, for example, that personal education plans are maintained. While structures in schools are changing post the Workforce Agreement it is still true that in some cases only teachers have authority in a school. Given this is a national role it is vital that the role has universal status in all schools. It will, of course, still be for schools to decide how to deliver the various aspects of the role: the designated teacher will lead but may delegate tasks to others such as teaching assistants.

## **Costings**

14. We do not expect that making the designated teacher a statutory role in schools will have any significant cost implications on local authorities. Local authorities have a duty on local authorities to promote the educational achievement of looked after children (section 22(3)(a) of the Children Act 1989) and guidance issued under section 7 of the Social Services Act 1970 which they must act under says that they should ensure there is training provided for designated teachers. We know from the education of looked after children education regional networks that local authorities already provide such training.
15. To support training costs of making the role statutory, £3.3 million p.a. over the period 2009-2011 is being made available. This is based on the number of maintained schools in each local authority and the assumption that the designated person in each school will receive two day's training. Not every designated teacher will need training every year. Costs of training are based on around one third of designated teachers having training each year.
16. While local authorities may operate a general policy of charging for courses they will often provide courses free of charge in areas which are a strategic priority. All local authorities have a statutory duty to promote the educational achievement of looked after children and must also set annual targets for Key Stage 2 and Key Stage 4 in relation to the attainment of the children they look after. We know that they already provide training for designated teachers because they see it as a priority that schools have a proper understanding of the needs of looked after children and the role of the local authority as their corporate parent. Increasingly a multi-professional approach is being adopted with joint training provision for social workers and designated teachers. There will not, therefore, be any significant additional costs. On the basis of a third of teachers taking up training two days training annually the cost of supply cover at £200 per day comes to £2.8 million p.a., which leaves £500,000 split across LAs to top-up costs of training they already provide.

## **Benefits of putting the role of designated teacher on a statutory footing**

### **Lifetime earnings**

17. Local authorities have had a specific duty to promote the educational achievement of children they look after since 2004 but hitherto there has been no requirement on schools in relation to the designated teacher role. The designated teacher has an important role in what more schools can do to promote the educational achievement of looked after children on the school's roll.
18. On average, the additional lifetime earnings associated with gaining 5 GCSEs at A\*-C compared to no GCSEs is £45,000.
19. In order for the benefit of the Children and Young Persons Act provisions to outweigh the costs of what it is proposing would require only around 144 looked after children

who currently get no GCSEs or equivalent to instead get five or more GCSEs at A\*-C grades – an average of around one child per local authority.

### **Improved communications between schools, local authorities and social workers**

20. As a result of putting the role of the designated teacher on a statutory footing and setting out in broad terms the role and responsibilities of the position in statutory guidance we expect there to be an enhanced level of understanding and communication between professional involved in supporting the educational achievement of looked after children.

### **Increased value for money in provision of local services**

21. There are benefits in relation to public expenditure savings. Research has shown that looked after children of compulsory school age tend to incur greater costs due to the proportion who attend more expensive types of provision. One study estimates that the public expenditure saving on education if looked after children had the same incidence of types of educational provision as all children is £2,780 per child. On the basis that there are around 60,000 children looked after at any one time this could lead to savings of a maximum of £168 million.

22. Jackson and Martin (1998, 1998b and 2002) found that factors most strongly associated with later educational success for looked after children were: stability and continuity of school and home placements – where possible remaining in the same school when a placement change is unavoidable; regular school attendance; a significant adult (not necessary a parent or carer) who offered consistent support and encouragement was identified as an important factor for high achieving care leavers.

23. With the increased focus on the role of the designated teacher we estimate that:

- there is likely to be an impact in relation to the understanding of the educational needs of looked after children and better communication between the school, social worker and foster carer.
- there will be a marked improvement in the quality of personal education plans for looked after children and in discussions which take place about the child's educational needs.
- the improved focus on teaching and learning needs of looked after children in school will lead to better outcomes at Key Stage 2 and Key Stage 4.

24. The increase in lifetime earnings of someone who, as a result of a policy intervention, gains 5+ GCSEs A\* to C is estimated using the assumptions and sources below:

- All analyses based on Labour Force Survey data (LFS) for 2004 and 2005 (pooled) for England only
- Working age span of 18-64 years for males and 18-59 years for females
- A comparison group which pools together those with no qualifications and those with below L2 qualifications as their highest qualification level [source: internal analysis]

- 2% Real Earnings growth. Page 25, Paragraph 5.44, Bullet 3, Footnote 7 of *The Green Book (2003)*.
- 25% Non-wage labour costs, the additional cost of employment.
- 3.5% Discount Rate for the first 30 years, 3.0% thereafter as per HMT's *The Green Book (2003)*. The discount rate has been included in the calculation so that lifetime earnings are given in NPV terms.



## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

<b>Type of testing undertaken</b>	<b><i>Results in Evidence Base?</i></b>	<b><i>Results annexed?</i></b>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

