

SPICe Briefing

Educational Attainment of Looked After Children

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This briefing has been produced to support an inquiry by the Education and Culture Committee into the educational attainment of looked after children. Despite ten years of policy effort to improve the educational attainment of looked after children, national statistics show that attainment and school attendance is still much lower and exclusions much higher than the average for all pupils. This briefing sets out the legislative context for looked after children, summarises policy developments since devolution, and pulls together common themes from the various policy reviews and guidance issued over that period. It also notes where these reports have found progress.



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EXECUTIVE SUMMARY

In 2001, HMle and the Social Work Inspectorate published 'Learning with Care' which highlighted the need to improve the education of looked after children (HMle and SWSI, 2001). Over the next two years training materials and guidance were issued to assist all those involved in the education of looked after children. Funding was provided for educational equipment and for pilot projects, and local authorities were asked to prioritise this issue. Attainment statistics remained low and few looked after children stay on at school. A Ministerial working group in 2005 commissioned further reports to identify 'what works'. This led to the 2007 report 'We Can and Must Do Better' (Scottish Executive, 2007a). Training and information materials were revised, new guidance issued on subjects such as corporate parenting, the role of the designated senior manager and managing exclusions. The approach was broadened to consider health, care leavers and the home setting. The Looked After Children Strategic Implementation Group, set up by the Scottish Government in 2010, is now leading efforts to implement policy and deliver sustainable improvements in the outcomes for looked after children.

In parallel with these developments, there have been significant changes in education and social work more generally. These include, Curriculum for Excellence, the child protection review, the 21st century review of social work and implementation of Getting it Right for Every Child (GIRFEC). In addition, there has been legislative change. New requirements for assessment and planning for looked after children were introduced in 2009, and Additional Support for Learning legislation was introduced in 2004 and amended in 2009.

Reports and guidance have varied in their specifics but some over-arching and interconnected themes are repeated throughout. These include:

- The need for everyone working in relevant public services to understand their responsibilities to looked after children but also the need for someone to have specific responsibility – such as the 'designated senior manager' in schools
- The need for integrated working in assessment, planning and provision, particularly across education, social work and health and most particularly at points of transition. This links to common issues of improving communication, staff training and data management. It also links to the need for a holistic approach to supporting vulnerable children which underlies the GIRFEC approach.
- The need for stability – to reduce the number of placement changes, or to reduce their potential adverse effect.
- The need to work with parents and carers to help them support the looked after children in their care.

Information is not published on the implementation of all the recommendations made over the years, but the following lists some areas where progress (or lack of it) can be identified from national publications such as inspection reports and Government statistics.

What has improved

- Awareness of corporate parenting amongst senior council staff and members (HMle, 2010)
- Almost all looked after children have care plans (Scottish Government, 2011a)
- There has been some progress on S4 attainment for looked after children but they are still far behind the average for all pupils (Scottish Government, 2011b) [trend table 1.6]
- Local authority statistical returns to the Scottish Government are more robust
- Where GIRFEC has been implemented it appears to have strengthened joint working arrangements (HMle, 2010a)
- Looked after children feature in most local authorities' strategic priorities (HMle, 2008)
- Generally, there are systems in place so that staff are aware of which children are looked after (however, staff in schools were not always aware of children who are being looked after at home or in kinship care) (HMle, 2010a)
- Education staff are 'making good efforts' to involve parents and carers (HMle, 2008).
- Exclusion rates have improved since 2007/08 from 445 per 1,000 to 365 cases per 1,000 looked after pupils (Scottish Government 2010a, 2011c). They are much higher for those looked after at home than those looked after away from home

What has not changed or has worsened

- Few care plans over the period 2005-09 took a long term view of the needs of the child (SWIA, 2010)
- There are weaknesses in identifying individual support needs, and the majority of care plans do not focus clearly enough on outcomes (HMle, 2010a)
- There were fewer support staff in schools in 2010 than in 2007 (Scottish Government, 2008a, 2011d).
- Schools are not always sufficiently aware of relevant training materials and are not always confident in addressing the needs of looked after children and young people (HMle, 2010a)

Evidence submitted to the Committee's inquiry suggests that integrated and joint working still needs to be improved¹ and that GIRFEC is not being implemented consistently or extensively enough.² Some raised concerns about the implementation of Additional Support for Learning legislation³. Some contributors considered that teachers needed more training relevant to looked after children⁴. While a number of submissions stated that there was no need for more policy or legislation⁵, Fife council recommended that it should be simplified. There was a general theme in many submissions, particularly from children's organisations that focusing on educational attainment in a school setting is not enough to improve outcomes.

In considering these issues it should be remembered that there is considerable variation between different local authorities. This includes variation in attendance rates, attainment, placement types, use of exclusions and provision of services to care leavers. Reports (SWIA 2010, HMle 2010a) have also found variation in care assessments and planning, and in approaches to additional support needs.

¹ Eg Falkirk and Fife Councils, ADSW, Quarriers and Aberlour.

² Eg EIS, Education Scotland, Aberlour and the children's commissioner

³ Eg Quarriers, Children's Commissioner and Aberlour

⁴ Eg Quarriers, Barnardos, Aberlour

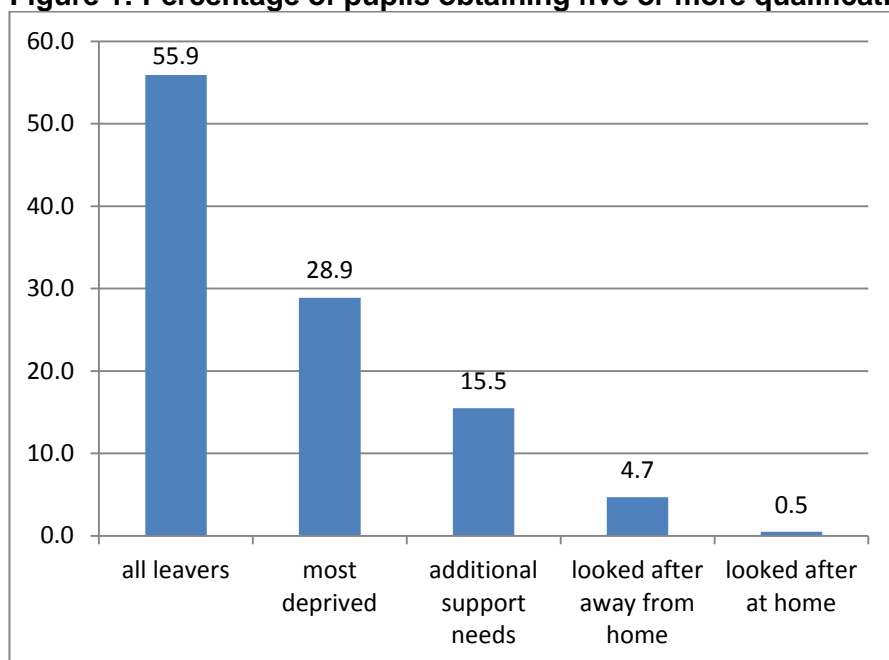
⁵ Eg Children's Commissioner, Falkirk Council

INTRODUCTION

'Looked After Children' are those who are 'looked after' in terms of the Children (Scotland) Act 1995 (the 1995 Act). They are either living at home under a supervision requirement issued by a Children's Hearing or placed by the local authority in kinship care, foster or residential care. The term also includes children on various warrants and orders such as child protection orders⁶.

On average, the educational attainment level of looked after children is significantly lower than that of other children. One measure of this is the number of qualifications gained at various levels. In 2009/10, 56% of school leavers had gained five or more qualifications at SCQF level 5 or better (standard grade credit or better). The equivalent figures were 0.5% of school leavers who were 'looked after at home', and only 4.7% of leavers looked after away from home. As Figure 1 shows, this is lower than the attainment for pupils with additional support needs and for those from the most deprived areas (Scottish Government, 2011b).

Figure 1: Percentage of pupils obtaining five or more qualifications at SCQF level 5, 2009/10



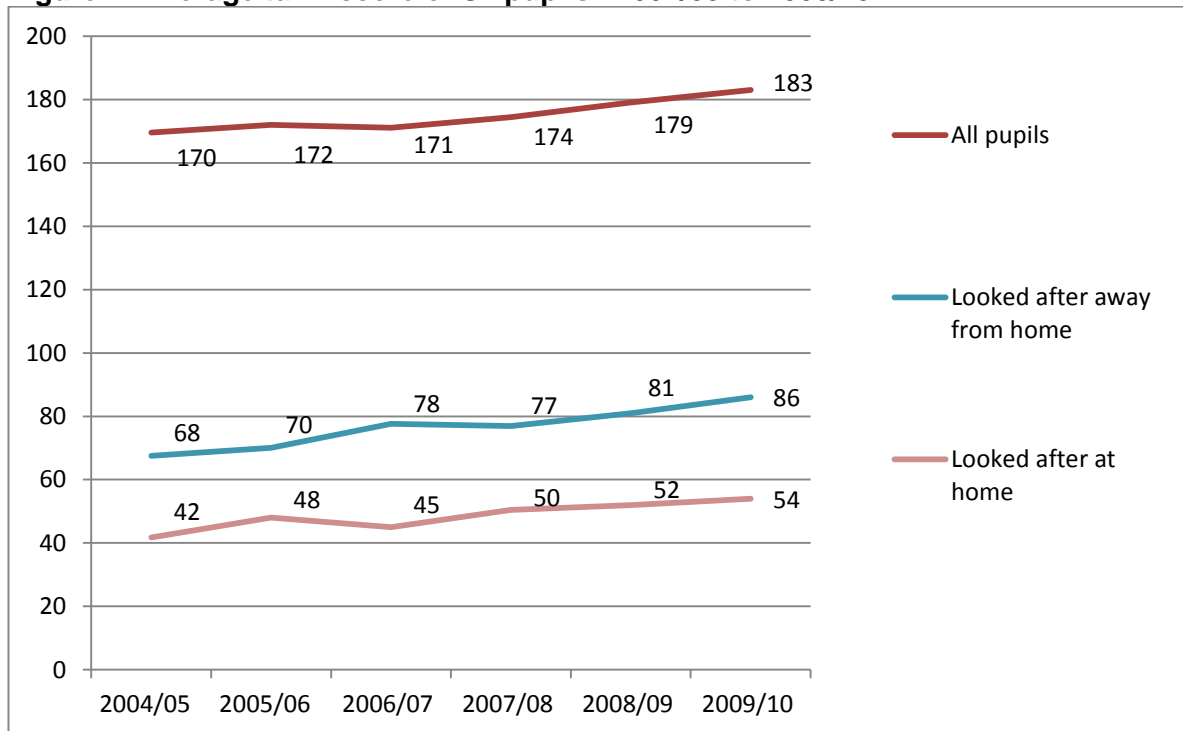
(Scottish Government, 2011b)

Another measure of exam attainment is the tariff score. In 2009/10 the average tariff score⁷ of all school leavers was 372. For looked after children leaving school that year it was 67. Part of the large difference reflects the fact that most looked after children do not stay on at school (Scottish Government, 2011c). However, even comparing attainment by S4, there are still large gaps between those who are and are not 'looked after.' Figure 2 below shows that the tariff score achieved by all pupils by the end of S4 increased from 170 to 183 since 2004/05. For children looked after at home it has increased from 42 to 54 and for those looked after away from home it increased from 68 to 86 (Scottish Government, 2011b).

⁶ For more detail on the legal definitions see Kidner, C. 'Children's Hearings (Scotland) Bill'

⁷ Tariff score assigns points to different qualifications, enabling a comparison of educational attainment across different qualifications.

Figure 2: Average tariff score of S4 pupils. 2004/05 to 2009/10.

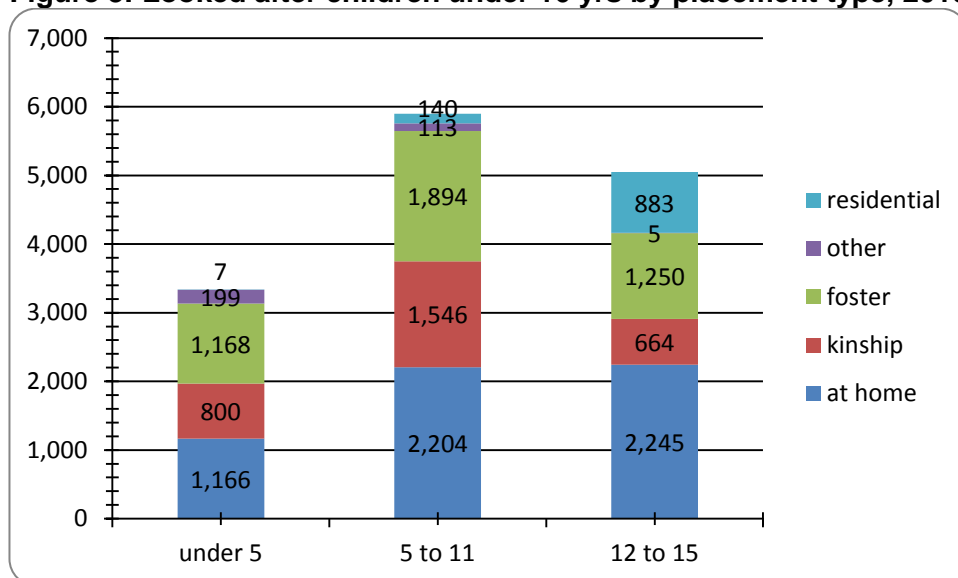


(Scottish Government, 2011b) n.b The way the statistics were collected changed for 09/10, so the chart uses the old method in order to compare across years

Since 2001, the number of ‘looked after’ children has increased from 10,897 to 15,892. There has been a particular increase in the number of younger children looked after. In 2009, 37% of children who became ‘looked after’ were aged under 5, 30% were of primary school age and 32% were of secondary school age. There is considerable movement through the system. In the same year, 20% of those under 5 stopped being ‘looked after’, as did 25% of looked after children of primary school age. (Scottish Government 2011a).

Placement types vary by age. Figure 3 below shows that up until the end of primary school, most looked after children are either in foster or kinship care (58%). However, this drops to 38% for 12 to 15 year olds. Forty four per cent of this secondary school age group are on supervision orders at home, and this is also where use of residential care is highest (Scottish Government, 2011a). This is the age group studying for exams, where exclusion statistics are highest and attendance lowest. Tariff score varies by placement type from 160 for those in foster care to 32 for those ‘at home’ (Scottish Government 2011c).

Figure 3: Looked after children under 16 yrs by placement type, 2010.



(Scottish Government, 2011a) n.b: there are also 1,607 young people looked after who are over 16.

Measuring educational attainment of those who are looked after towards the end of secondary school is only a proxy measure of the effect that a period being 'looked after' can have on a child's education. Partly this is because these tariff scores only measure exam attainment and not wider achievement and progress, but also because they only measure those young people who happen to be looked after during their S4 school year or when they leave school – and do not record the attainment of all those children who move in and out of the 'looked after' system at other times of their childhood.

This paper summarises the legal framework in this policy area before outlining the chronology of policy development in relation to the educational attainment of looked after children and identifying some common themes from reports and guidance over the last 10 years. In general terms, developments flow from two reports – 'Learning with Care' (2001) and 'We Can and Must Do Better' (January 2007). A large number of policy documents, guidance and training materials have flowed from these reports, along with funding for educational materials and pilot projects. The area is complicated by parallel developments in closely related fields such as additional support for learning, school behaviour and assessment and planning for vulnerable children.

LEGAL FRAMEWORK

The legal framework for looked after children is based around the Children (Scotland) Act 1995 (the 1995 Act) but it has developed considerably over the last ten years, particularly with the introduction of new regulations for assessment, planning and placements in 2009 and the interaction with additional support for learning legislation. Recent changes have clarified the requirement to provide a care plan and put more emphasis on the need to include education in care plans.

CHILDREN (SCOTLAND) ACT 1995

The local authority has a duty to safeguard and promote the welfare of looked after children, and to take their views into account in decisions made about them (s.17).

At a strategic level, the local authority must produce a children's services plan (s.19) and can request the assistance of health boards and other local authorities in carrying out any of its functions under the Act (s.21).

A local authority can take a child into care under s.25 and provide accommodation (eg foster care, kinship care or residential care) under s.26. Their case should be reviewed at regular intervals (s.31).

A care leaver is entitled to "advice, support and guidance" from the local authority (this can include cash payments) until they reach the age of 19 and, if they request it, until the age of 21 (s.29, in force since 2004). In addition, a local authority can make payments to a care leaver to support them in education and training. They can also make payments for accommodation near to where a care leaver is employed or seeking employment or is in education or training. These payments can continue until a person is 21 or finishes the course of education or training (s.30, in force since 1997).

Part III of the 1995 Act sets out the requirements for the Children's Hearings system and child protection procedures. This includes provision for children's panels to make compulsory orders of supervision (s.70), and for these orders to be reviewed at least annually (s.73). Where a supervision order states that a child is to stay with his or her parents then the child is termed "looked after at home." Where the supervision order states that the child is to live away from his or her parents, then this is termed "looked after away from home", as is accommodation under s26 of the Act. There is also provision for various temporary orders and warrants under which the child is also deemed 'looked after.' The provisions on Children's Hearings have been replaced by the Children's Hearings (Scotland) Act 2011, although this is not yet in force. The basic way in which supervision orders work has not changed.

Since 2009 there has also been the possibility of applying for a Permanence Order. This was introduced by the Adoption and Children (Scotland) Act 2007. It is a very flexible order that is intended to provide for when a child needs to be 'looked after' in the long term. It can be a prelude to adoption, but equally, it could enable long term fostering or kinship care. Parental rights and responsibilities can be shared between the local authority and the carer.

Regulations issued under the 1995 Act set out in more detail the assessment and planning requirements for looked after children. Although these have been superseded by the 2009 regulations, it is worth noting some of their requirements in relation to care plans and education, given that they were in force for most of the period covered by this paper.

ARRANGEMENTS TO LOOK AFTER CHILDREN (SCOTLAND) REGULATIONS 1996

In these regulations a local authority had to make a care plan 'as far as reasonably practicably' (reg 3). If they did so, it had to address the services that would be provided (reg 4) having regard to the child's educational history and current arrangements for providing their education (Schedule 1 para 10). A care plan for any looked after child had to cover "the educational history and current arrangements for provision of education" (reg 6 with Sch 1 para10).

If the child was to be 'placed' by the local authority (i.e not including supervision at home), then the plan had to include: "the means of achieving any educational need and the means of achieving continuity in the child's education;" (reg 5). The local authority was also required to give written notice to the education authority if the placement was to be of more than 28 days (reg 7).

LOOKED AFTER CHILDREN (SCOTLAND)(REGULATIONS) 2009

These regulations replace the 1996 regulations mentioned above and set out the current legislative requirements for assessment and planning for looked after children. The following are of particular relevance to educational attainment.

Regulation 4 requires an assessment to be made when a child becomes or is about to become looked after. This should include information about the child's educational history and the current provision for his/her education (Schedule 1, para 10). Among the list of things that must be assessed is: "the child's educational needs, the proposals for meeting those needs, and the proposals for achieving continuity in the child's education"(regulation 4(j)).

Regulation 5 requires that the assessment leads to a child's plan. This plan must include arrangements concerning "details of any services to be provided to meet the care, education and health needs of the child" (Regulation 5(3)(b) with Schedule 2, para 2).

This plan must be given to certain people including "anyone who ordinarily has charge or control over the child" (reg 5(4)(d)).

Finally, the agreement between the local authority and a foster or kinship carer must include a statement from the local authority which includes information on the child's educational needs (Schedule 4).

The guidance on these regulations states that:

"Strong links should [...] be formed and sustained with designated teachers for looked after children in schools, and with others in the authorities' education department responsible for additional support needs services and for looked after children. In planning for the child, local authorities should have regard to continuity of education, take a long-term view of the child's education, provide educational and developmental opportunities and support and promote potential and achievement." (Scottish Government, 2011e)

Where the child is looked after at home:

"education will often be a significant element in the child's plan and the local authority should aim to work with parents to promote the child's education."

Local authorities should notify the education department of all placements, except those shorter than 28 days and the social worker should clarify with the school the respective responsibilities of the parents and the carers:

"With the help of the carer, and through school reports and direct contacts with the school, the child's educational progress must be kept under review along with other aspects of the child's welfare. Difficulties should be addressed and help provided, including, where appropriate, access to specialist services within the local authority's educational provision. If a child is excluded from school, the local authority and/or the parents should pursue all the avenues open to them to try to get the child re-instated. If this proves impossible, and the child is permanently excluded, the local authority should ensure that the child receives appropriate education as soon as possible."

EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004 AS AMENDED IN 2009

Since November 2010, all looked after children are presumed to have additional support needs unless an assessment finds that this is not the case (s.1 2004 Act as amended 2009, in force 2010). They are also required to be assessed for whether they need a Co-ordinated Support Plan (s.6 2004 Act as amended). As the guidance on the 2009 care regulations states: “Looked after children should be considered as having additional support needs just because they are looked after even if there are no other reasons” (Scottish Government, 2011e).

Local authorities are also required to collect data on the number of children with additional support needs, the factors giving rise to those needs, the supports put in place and the cost of providing that support. This information must be published by Ministers (s.27A, 2004 Act as amended).

POLICY DEVELOPMENT 1999 TO 2010

In March 1999, Helen Liddell MP, then Minister for Education and Industry at the Scottish Office, requested that SWSI⁸ and HMle undertake joint consideration of the educational attainment of children looked after away from home. The inspection took place over 1999/2000 and was published in March 2001 as ‘Learning with Care’ (HMle and SWSI, 2001). Its nine recommendations covered issues such as data management, meeting legislative requirements, integrated assessment and planning, monitoring educational progress and the “educational environment” in residential care.

Following this report, the then education minister, Jack McConnell, MSP wrote to local authorities to ask what action they were taking to address these issues, and in October that year provided £10m for books, equipment and homework materials (Scottish Executive, 2001a). In November, Cathy Jamieson, MSP took over as education minister. In January 2002, based on the returns provided by local authorities to Jack McConnell’s request the previous April, she asked councils to ensure that, by the end of 2002: all looked after children were in full time education, all had a care plan which adequately addressed their educational needs and that there was a teacher designated in each school to champion the interests of these children. Councils were to report by the end of the year⁹ (Scottish Executive, 2002). Training materials were developed and disseminated – including the learning with care training materials issued by HMle in 2003 (Connelly et al 2003) along with a guide to self evaluation (HMle, 2003).

In October 2003, the poor educational attainment statistics for looked after children were again highlighted by the Minister (now Peter Peacock, MSP) (Scottish Executive, 2003) who also introduced new legal duties for local authorities to provide assistance to care leavers (see legal framework above).

In 2004, the Executive again wrote to councils about the educational attainment of looked after children and announced £6m for pilot projects to improve the situation (Scottish Executive, 2004). There was low uptake of this funding from councils as by the following June only 18 councils had put in acceptable bids¹⁰ (Scottish Executive, 2005).

⁸ Social Work Services Inspectorate. They were replaced first by the Social Work Inspection Agency (SWIA) and in 2010 by Social Care and Social Work Inspection Scotland (SCSWIS or the Care Inspectorate).

⁹ No record of this publication of this report is apparent.

¹⁰ Findings from the evaluation of these projects (Connelly et al 2008) were used extensively in a guide for service providers published in 2009. This guide focused on four themes: raising the profile of looked after children,

While the pilot projects were being developed, another strand of activity began. In 2005, the Executive commissioned a small group to review policy and practice from the standpoint of highlighting factors which contribute to achievement. 'Celebrating Success' (Happer et al, 2006) reported on discussions with 32 young people who had been looked after away from home. The young people identified the following factors that had helped them succeed: having people who care about them, experiencing stability, being given high expectations, receiving encouragement and support and being able to participate and achieve. 'Extraordinary Lives: creating a positive future for looked after children and young people,' (SWIA, 2006) drew on the work of 'Celebrating Success.' While it was still clear about the challenges, it took the more positive approach of highlighting factors which contribute to resilience. It emphasised the importance of corporate parenting, of high expectations, tackling discrimination and ensuring stability in young people's lives. On education, it re-iterated much of the findings of the 2001 learning with care report but emphasised the need to be aspirational. Overall, the report pinpointed improvements in corporate parenting as the best way to achieve progress.

While the 'Extraordinary Lives' review was underway in 2005, a Ministerial working group was formed. It met five times between November 2005 and June 2006 and its findings were published in January 2007 as 'We Can and Must Do Better' (Scottish Executive, 2007a). This report reviewed progress since 2001 and also drew heavily on 'Extraordinary Lives'. 'We Can and Must do Better' reflected the broad approach of 'Extraordinary Lives' in the way it looked not just at educational attainment, but the things which enable it. It identified five key themes: working together, education, transition to adulthood, health, and being secure in a home setting. Under education it recommended greater clarity on the role of the designated senior manager (action 9), guidance on transitions (action 10) and guidance on exclusions (action 11). An implementation working group oversaw the development of various products which included:

- 'Core tasks for designated managers in educational and residential establishments in Scotland' (Scottish Government, 2008b)
- 'A New Reporting Framework' (Scottish Government, 2009b) – requirements for local government statistical returns
- 'These are our bairns' – guidance on corporate parenting (Scottish Government, 2008c)
- Revising the 2003 learning with care training materials and development of a website (2008)
- New exclusion guidance (Scottish Government, 2011f) and ensuring that looked after children were addressed in new guidance on attendance (Scottish Government, 2007).

There have been a number of reports on progress. In 2008, HMIE published 'Count us in: looked after children' which reported on an inspection of 15 local authorities and provided useful information about progress since the earlier inspection in 2001. In 2010, HMIE published an inspection of additional support for learning implementation which included a particular focus on looked after children. This found that:

"Authorities and schools have continued to strengthen their arrangements for supporting children and young people who are looked after away from home, including corporate parenting. However, there is considerable scope to improve approaches to supporting those who are looked after at home or in kinship care."

Also in 2010, SWIA (now SCSWIS or the Care Inspectorate) published a review of social work services, based on its inspections from 2005 to 2009. It found considerable variation in approaches in care plans but also that: "A number of councils were working hard to meet the

monitoring educational outcomes, providing advice on setting up and running a project and focusing on achievement and aspiration.

challenge of closing the gap between attainment levels in the general population and their looked after children.”

SWIA identified that contributory factors in effective services included: educational attainment being a shared strategic and operational priority for education and social work, having a designated teacher; having good support from educational psychologists; ensuring effective tracking of progress; and having multi-agency forums to agree support and resources. Taking co-ordinated action to reduce exclusion rates, initiatives to maximise attendance and mentoring arrangements also featured in examples of successful improvement.

Current policy is based around the ‘Looked After Children Strategic Implementation Group’ which was formed in May 2010 as an implementation group for the findings of the National Residential Childcare Initiative. However, its remit is not restricted to residential care. It is “to lead and drive forward an implementation programme to improve the outcomes for looked after children and young people in Scotland”. It has five themes to its work, one of which is on education. The others are care planning, workforce, commissioning and health. In its first year, its work on education, termed ‘The Learning Activity Hub,’ included, circulating research on educational attainment, running training for designated senior managers and holding events on education planning for looked after children. Its work is supported by the Centre for Excellence for Looked After Children in Scotland (CELCIS), based at Strathclyde University. The centre was launched in September 2011, having previously focused on residential care. It will support policy implementation, oversee the looked after children strategic group and provide training, information resources and consultancy.

Reports and guidance have varied in their specifics but some interconnected themes are repeated throughout. These include:

- The need for everyone working in relevant public services to understand their responsibilities to looked after children but also the need for someone to have specific responsibility for the issue – such as the ‘designated senior manager’ in schools
- The need for integrated working in assessment, planning and provision, particularly across education, social work and health. This links to common issues of improving communication, staff training and data management. It also links to the need for an holistic approach to supporting vulnerable children which underlies the GIRFEC approach.
- The need to work with parents and carers to help them support the looked after children in their care.

Learning with Care is specifically about looked after children away from home, and Extraordinary Lives (SWIA, 2006) also tends to focus on this group. However, later guidance emphasises the need to consider all looked after children and this is one of the future priorities for the new Centre of Excellence. There has been considerable work done on other aspects of the looked after children policy area in particular, child protection, kinship care, children’s hearings reform and residential child care. However, for reasons of space, this paper focuses on the work that relates most closely to educational attainment.

Policy on looked after children is closely related to policy for vulnerable children more generally, which means the following policy initiatives and legislative changes are particularly relevant.

- Additional support for learning, which saw significant legislative change in 2004.
- Better behaviour better learning, policy on behaviour in schools since 2001
- Getting it Right for Every Child since 2005

- 16+ learning choices/ opportunities for all, developed out of policy on those not in education, training or employment which has been a priority since around 2005.

In addition, there are general policy approaches which cover a wide range of public policy, but which reviews on looked after children have highlighted as being of particular value for that group.

- Integrated and partnership working
- Improving workforce quality and capacity
- Improved data management, communication and sharing
- Parental/carer involvement in education – and the quality of the home learning environment
- Personalisation of services

Finally, there is Curriculum for Excellence, which in its emphasis on flexibility, personalisation and choice reflects many of the above themes. The following section provides further detail on some of these developments.

OTHER RELEVANT POLICIES

There have been several major policy developments which, although not specifically on looked after children should enable better support to be provided for them. The following summarises the development of the main ones relevant to education and looked after children. These are: Getting it Right for Every Child, Curriculum for Excellence and 16+ learning choices.

GETTING IT RIGHT FOR EVERY CHILD

‘Getting it Right for Every Child’ (GIRFEC) is a broad policy initiative seeking to improve the operation of children’s services. It has developed since 2005 and seeks to change cultures, systems and practice. As such it forms the backdrop to many of the policies which more specifically address the educational attainment of looked after children. GIRFEC has been developed through policy rather than legislation (proposals for legislation in 2006 were not pursued). Development has focused on ‘pathfinder’ projects in various local areas which means that GIRFEC is embedded to varying degrees across different local areas.

The core of the approach is to create a common language of assessment and planning for children in order to ensure an effective multi-agency response. GIRFEC has 10 ‘core components’ which include: effective multi-agency working, streamlined decision making and focusing on outcomes for children and families. The full list is available in annex 2. There is a ‘national practice model’ which is based on staged intervention and holistic consideration of a child’s needs (see annex 3). In terms of looked after children it is necessary to apply GIRFEC within the statutory frameworks for looked after children assessment (as specified in the 2009 regulations) and additional support for learning (as specified in the 2004 Act, as amended in 2009).

CURRICULUM FOR EXCELLENCE

Curriculum for Excellence offers considerable scope for the flexible and personalised approach to education that many looked after children may require. One of the main policy documents – ‘Building the Curriculum 3’ states that:

“Every learner is entitled to personal support to enable them to gain as much as possible from the opportunities that Curriculum for Excellence offers. The reduction in prescription provides the flexibility to take greater account of individual needs. [...] It encourages schools to take steps towards the personalisation of learning through the personal support that they offer to learners, including the necessary support in moving to positive and sustained destinations when they leave school.” (Learning and Teaching Scotland, 2008)

16+ LEARNING CHOICES

In 2009/10 only half of school leavers who were ‘looked after at home’ were engaged in employment, education, training or voluntary work compared with 65% of those ‘looked after away from home’ and 87.5% of those who were not ‘looked after’ (Scottish Government, 2011c).

‘16+ learning choices’ is the commitment to offer every young person a place in education, training or employment until the age of 19. It grew out of work on improving outcomes for those not in education, employment or training, subsequently known as the ‘more choices more chances’ group. As such, there is a particular emphasis on young people who face barriers to learning and employment:

“Although a universal offer, 16+ Learning Choices gives added focus to young people who face significant barriers to learning and need more choices and chances to enable them to achieve positive and sustained destinations. Building on early identification and tracking mechanisms - a priority for local MCMC Partnerships - partners should be aware of the circumstances and needs of these young people; be alert to specific issues likely to arise in relation to post-16 transitions; and put in place relevant supports to ease their passage.” (Scottish Government, 2010b).

In its pre-legislative paper on post 16 learning, the current Government propose that all 16 to 19 year olds will be offered a place in education or training and that activity agreements¹¹ will be extended throughout Scotland (Scottish Government, 2011g).

LOCAL AUTHORITY VARIATION

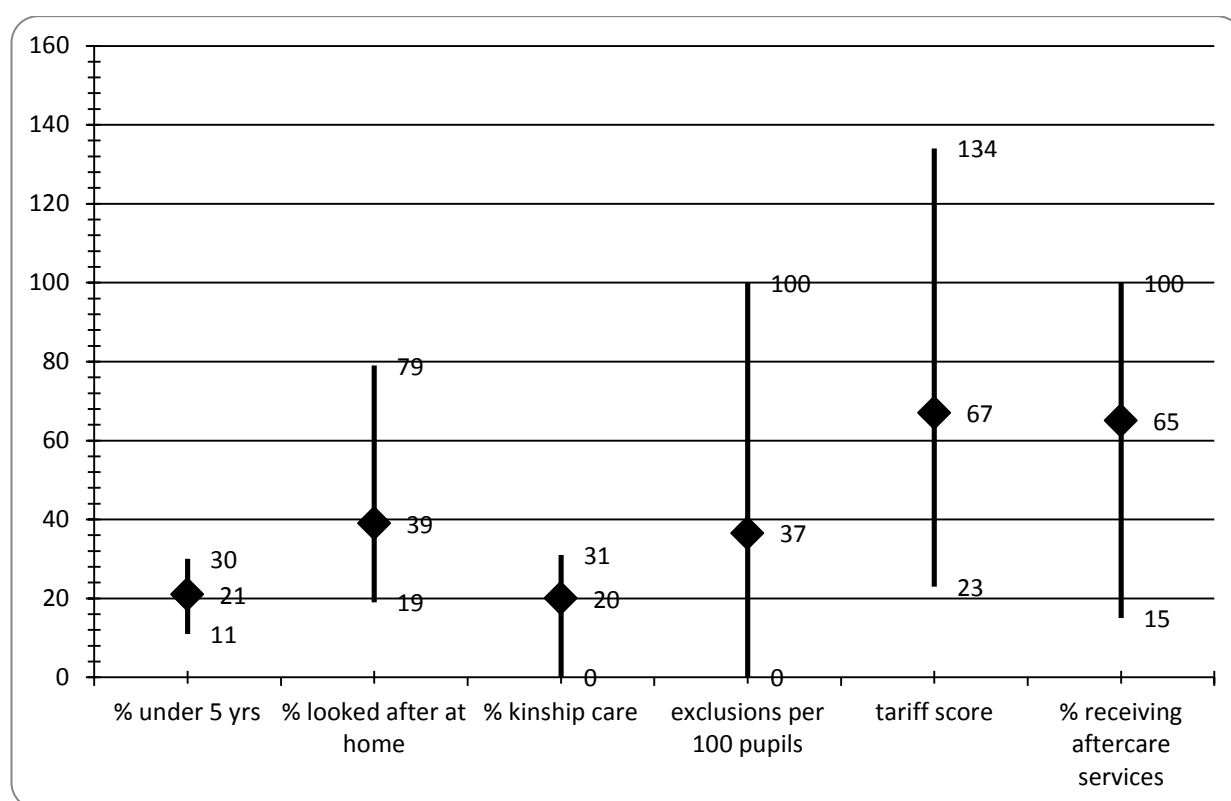
Available statistics show considerable variation between different local authority areas in measures including exclusion, attendance, tariff score and moving into education, work or training on leaving school. In addition, in its inspections of social work services SWIA has found significant variations in the changing numbers of looked after children (the range over the three years to 2008 was +86% in one council, compared to -10% in another). There has also been considerable variation in the pattern of placement types. The inspection noted that: “the reasons for these differences were not well understood within social work services.” It also

¹¹ Activity agreement is an agreement by a young person that they will engage in a programme of learning that will help them become ready for formal learning and employment. £12m was spent on a pilot in 10 local authority areas, equivalent to £8,507 for each person who moved into subsequent learning or employment. It is not clear from the evaluation what proportion of participants were or had been ‘looked after.’ (Scottish Government, 2011h).

found variations in risk thresholds when supporting vulnerable children and families; different approaches towards kinship carers; and delays or missed opportunities for permanence planning which resulted in more children continuing to be looked after away from home (SWIA 2010). It should be noted however, that this report refers to inspections that took place before the introduction of the 2009 regulations described above (p.8).

Figure 4 below illustrates the range between Scottish local authorities in relation to placement type, exclusions, educational attainment (tariff score) and services for care leavers. It shows, for example, that while for Scotland as a whole, 39% of children are 'looked after at home, this varies from 19% in some authorities to 79% in others. Variation between looked after children may relate to different policies, but can also reflect differences in rurality, deprivation and size of local authority.

Figure 4: Local authority variation. Range and Scottish average for placement type and educational outcomes. 2009/10



Source: Scottish Government 2011a, 2011c)¹².

¹²Tariff scores and after care services often relate to very small numbers of people. Exclusions statistics are given in Government statistics per 1000 pupils. They have been rebased to per 100 in the figure above. One local authority had over 1,000 cases of exclusions per 1,000 pupils. This highlights the fact that one child can have more than one case of exclusion per year and so does not necessarily mean that all the looked after children in that authority were excluded.

THEMES IN LOOKED AFTER CHILDREN POLICY AND REVIEWS

The previous sections of this paper set out the broad legislative context for looked after children and outlined policy development over the last 12 years. This section looks at some of the common themes in the reviews, reports and guidance and shows in more detail how these have developed noting, in particular, where subsequent reports have found evidence of progress.

CORPORATE PARENT AND DESIGNATED SENIOR MANAGER

Corporate Parent

The idea of the 'corporate parent' is that local authorities should act as 'good parents' towards the children in their care. It was referred to in 'Learning with Care' but was given particular prominence in the 2006 'Extraordinary Lives' report which stated that:

“the single most important thing that will improve the future of Scotland’s looked after children is for local authorities to improve their corporate parenting skills” (SWIA, 2006).

In 2007, the Ministerial working group recommended guidance and training on corporate parenting (action 3) as well as 'robust scrutiny' by council members, who should all be briefed on their role as corporate parents (action 2).

“they need to put and keep the needs of the child or young person at the centre of everything they do” (Scottish Executive, 2007a)

In their 2008 inspection report, HMle described corporate parenting as “challenging but crucial.” Inspectors found that all local authorities were making good progress and that chief executives, senior officials and members showed strong commitment. However, some elected members remained a little unclear and not all staff were aware of corporate parenting responsibilities especially regarding those looked after at home. Guidance was issued in 2008 as 'These Are Our Bairns' which describes corporate parenting as having three main elements:

- the statutory duty to promote the welfare of looked after children, and the duty on other agencies to co-operate with councils in fulfilling that duty.
- co-ordinating the activities of the many different professionals and carers who are involved in a child or young person's life, and taking a strategic, child-centred approach to service delivery.
- shifting the emphasis from 'corporate' to 'parenting' which is delegated to those providing day-to-day care for the child or young person (Scottish Government, 2008c).

SWIA's overview of social work inspections from 2005 to 09 recommended that: “More councils needed to translate a stated commitment to corporate parenting into practical ways of making a difference to young people’s lives” (SWIA 2010). In 2010, HMle found that while senior staff had an awareness of corporate parenting, overall, staff in schools: “do not yet have a clear understanding of their corporate parenting responsibilities.” They recommended that:

“Those in leadership positions, at authority and establishment level, need to implement more effectively corporate parenting strategies and continue to promote positive attitudes and high expectations for looked after children “(HMle, 2010a).

Designated senior manager in school

One part of good corporate parenting is to provide a dedicated post in schools. The creation of a designated senior post for looked after children was recommended by 'Learning with Care' in 2001 and suggestions for tasks they would undertake were made in the 'How Good Is Our School' self evaluation guidance in 2003 (HMle, 2003). These included being knowledgeable about the care system and relevant national policies, participating in care planning and reviews, providing progress reports and liaising with social workers and carers.

By 2007, the Ministerial working group reported that all local authorities had a senior manager with responsibility for looked after children, but they recommended that the role needed to be clarified (Action 9). It also considered the need for a reciprocal role in the residential care setting, so that a child had someone in school and in their care home who was focused on their education (Scottish Government, 2007).

In 2008, guidance set out the role of the designated post for pre-school, schools, colleges, universities and residential care (Scottish Government, 2008b). In relation to schools, there were over 20 core tasks for designated senior managers including raising awareness of the child's needs amongst the staff, working with carers/parents and relevant agencies, ensuring appropriate sharing of information and being a point of contact for each looked after child in the schools. In addition, these senior managers should ensure that co-ordinated support arrangements are in place, that care plans take education into account and that they, and any additional support for learning plans, are properly implemented.

In 2009, a guide for services was issued based on the experience of running pilot projects (Scottish Government, 2009c). This stated that: "Designated managers in schools and residential establishments have a crucial role in helping to provide a stable environment as the basis for achievement." The guide drew attention to various aspects of their role, for example, in transferring records between social work and education, monitoring pupil progress, encouraging communication between education and social work and facilitating continuous personal development (CPD).

In 2010, HMle found that "most" local authorities have emphasised the need for establishments to have a designated member of staff in a coordinating role to help ensure that children are being well supported and making progress. (HMle, 2010) Also in 2010, the 'looked after children strategic implementation group activity hub on learning' ran seminars for designated senior managers (CELCIS, online).

The idea of specialist posts was not limited to schools. The above guidance also covers residential care, further and higher education. The Ministerial working group recommended that NHS Scotland should consider developing 'nurses for looked after children' (action 15) and a national post was created to work with chief executives and senior officials in each local authority and to provide twice yearly reports to the Scottish Cabinet (action 1 (Scottish Executive, 2007a).

INTEGRATED AND PARTNERSHIP WORKING

Corporate parenting and designated posts are both intended to facilitate effective joint, integrated working for looked after children. Improving integrated working is a fundamental policy theme across all public services. In children's services it has been at the forefront since at least 2001 with the publication of 'For Scotland's Children' (Scottish Executive, 2001b). In requiring support from a range of different services, policy on looked after children and young people is one area where the effectiveness of joint working arrangements will become evident.

Relations between education and other agencies

In 2001, 'Learning with Care' reported that partnerships between social work and education were of 'mixed quality' and that social workers didn't always understand the curriculum or qualifications system. The pilot projects (2006-08) found 'a lack of informed understanding between different professional groups' although the existence of a project created better links between education and social work processes (Connelly et al, 2008).

In its 2008 inspection report HMle found that "most" authorities had well developed partnership working and there had been "some" improvements in sharing information. In the school setting, many policy recommendations on integrated working have focused on the designated senior manager. This can be seen in the list of key tasks published in 2008 (Scottish Government, 2008b) and in the guide for local authorities (Scottish Government, 2009c). This guide highlights "the importance of good communication between agencies and professionals, particularly between schools and social workers" as a crucial part of corporate parenting which can be taken forward by the designated senior manager. Similarly, guidance on corporate parenting states that: "education staff must work effectively in partnership with other agencies, involving children and their families, to provide appropriate, timely responses. Information-sharing and communication are central to achieving better outcomes for all children and young people. [...] The designated senior manager has a key role in guiding and supporting school staff and linking with the wider multi-agency network." (Scottish Government, 2008c).

In 2010, HMle found an increased sense of shared responsibility and that where GIRFEC is properly established it has a positive effect on joint working (HMle, 2010).

Service planning

'Learning with Care' recommended that local authorities develop an integrated education and social work policy on the educational needs of looked after children and that they should include the issue in their children's services plans (secs 5, 8). The 2007 Ministerial working group noted that all local authorities had either developed or revised joint policies in this area (Scottish Executive, 2007). Since 2007, the Scottish Government has developed a national performance framework which includes 'single outcome agreements' at a local level. The guide for services (2009c) recommends that:

"Practitioners should advocate to ensure that Single Outcome Agreements and Integrated Children's Services Plans encompass improving the educational experiences and outcomes of all looked after children"

In 2008, HMle found that: "overall, there were good efforts to improve joint planning of children's services, involving health, police, Careers Scotland, the children's report and the voluntary sector." "Almost all" had a post with responsibility for the leadership of integrated children's services and "most" included looked after children in their strategic priorities.

ASSESSMENT AND PLANNING FOR INDIVIDUAL CHILDREN

There are legal requirements for assessing and planning for individual children. However, 'Learning with Care' found that:

"It was unusual for any form of assessment to have been carried out on the 50 sample children at the time they became looked after. It was even more unusual to find an assessment which addressed educational needs. Where educational progress was described it was often inaccurate" (Scottish Executive, 2001)

The report recommended multi-disciplinary assessment when a child becomes looked after and that local authorities “ensure that all looked after children have a care plan and placement agreements as specified in legislation” (Recommendations 1, 2). Similarly, Extraordinary Lives (SWIA 2006) recommended that all looked after pupils have a comprehensive and integrated assessment of their needs, which identifies any learning difficulties and puts in place appropriate help for them.

In 2009/10, almost all (94%) looked after children had a care plan (Scottish Government, 2011b). However, there may still be issues with their content. A report on children’s social work covering the years 2005 to 09 found that:

- three quarters of (care) plans mostly addressed the child's assessed risks and needs but one in four only partially addressed them or failed to do so at all
- few care plans took a long term view of the needs of the child and it was rare to find a plan that linked actions to anticipated outcomes. Many focused solely on what activity was to take place before the next review (SWIA, 2010)

More specifically on education, HMle reported in 2008 that:

“While good progress was being made in devising models for supporting looked after children, more needed to be done to improve the joint assessment of these needs so that support and resources can be more effectively targeted, in line with the *GIRFEC* national programme.”

At that time, only “a few” local authorities combined care assessment with additional support for learning. In 2010 HMle published a report on the application of additional support legislation to looked after children, carers and young people with mental health issues. This covered the period 2007-10 and found that:

“There are positive signs that the [additional support for learning] Act, sitting alongside the national policies of Curriculum for Excellence and Getting It Right for Every Child (GIRFEC), is contributing to staff in schools, and staff in partner agencies, having an increased sense of shared responsibility for identifying and addressing learning needs. There is, however, considerable scope to have more effective approaches to identifying the more hidden needs of those who are looked after, young carers and those with mental health issues. This applies at both authority and establishment levels

On the whole, authorities and schools have good arrangements in place to ensure that staff are aware of the children and young people who are looked after. However, weaknesses remain in identifying individual support needs, particularly when needs relate to emotional and mental wellbeing”

The report found that a GIRFEC approach was being used but that: “the majority of care plans for young people do not focus clearly enough on the outcomes intended for a child” and that staff are not always sufficiently alert to the multiple barriers to learning that children who are looked after may be experiencing.” (HMle, 2010a) It recommended that local authorities improve their approaches to identifying and addressing needs.

In September 2010, 5,223 pupils were both ‘looked after’ and recorded as having additional support needs (Scottish Government, 2010i). This is around one third of looked after children. In November that year the legislative presumption came into force that all looked after children should be considered to have additional support needs.

Learning support arrangements

A survey in 2004 asked 180 looked after children and young people what they thought should be done to improve education. Thirteen per cent wanted more teaching and support staff, and a similar proportion wanted increased participation and choice and greater understanding by teachers (Who Cares? Scotland, 2004). This was particularly true for those disengaged from education.

In 2001, Learning with Care found that “looked after children being “settled” was often seen as a sufficient end in itself rather than as a foundation for improving their educational attainment” and that: “Where educational difficulties were identified, plans were not always made to alleviate them.” Around half of looked after children were receiving additional learning support and, in 2003, HMLe noted that children often do not receive the educational support they need to enable them to do well at school.

On a more positive note, the 2001 report found that children had good access to extra-curricular activities which, in the main were well funded, although looked after children may need extra encouragement to take part. The value of extra-curricular activities in sport, music and culture for looked after children was emphasised in a guide for schools’ self evaluation published by HMLe in 2003 and in ‘Extraordinary Lives’ (SWIA 2006).

‘Learning with Care’(2001) recommended that schools should take particular care to identify the learning needs of all their looked after children, set them challenging but realistic educational targets and systematically monitor progress made.

The pilot projects (2006-08) emphasised that skilled teaching can have a huge effect in a short time, highlighting an example of a girl moving from the bottom to top of the class. The evaluation report (Connelly et al, 2008) did however express concerns about the need to sustain the effort and the availability of long term resources. The pilot projects were very varied but many involved learner support and used funding for a home-link worker or specialist teacher. It was found that the motivation and passion of individual practitioners was crucial to success. Common lessons included the importance of:

- individual, flexible approach, delivered in a non-stigmatising way
- spending time and effort on the parent and carer as well as the child
- having high, but realistic expectations,
- being ‘organisationally robust’ – have clarity of purpose, detailed planning and good data management.
- being holistic. One interviewee commented: “a very important perception that has to be challenged is that children should be able to leave their emotional baggage at the school door”

In 2008, HMLe found there was good use of curricular flexibility in addressing complex learning needs. It found that “most” local authorities were making “significant investment in enhancing the mainstream educational experience of looked after children with additional support needs.” “Most” local authorities had a range of alternative curriculum arrangements and “some” had nurture groups.

Recommendations from HMLe (2010) echo earlier findings – that “there is still much work to be done to ensure that barriers to learning were removed or minimised, as far as possible, and that children are engaged in relevant, enjoyable and stimulating learning experiences. Staff are not always sufficiently alert to the multiple barriers to learning that children who are looked after may be experiencing.” The report noted that although designated teachers were in place,

schools were not always confident in addressing the range of needs that looked after children may have.

Although support staff do not only work with looked after children, trends in their numbers give an indication of the levels of support that might be available. Numbers of behaviour support and home school link workers have been dropping since 2007. Numbers of additional support for learning assistants are much higher and have remained more consistent over the period.

Figure 5: Support staff in schools, 2006-10

Staff Group	2006	2007	2008	2009	2010
behaviour support	184	220	207	201	190
home school link	108	147	134	129	113
additional support for learning auxiliary or care assistant	5,509	6,023	6,046	6,015	6,017

(Scottish Executive 2007b, Scottish Government 2008a, 2010c, 2011d).

ATTENDANCE AND EXCLUSIONS

Effective learning support can help avoid exclusions which are particularly high amongst looked after children and improve attendance rates which are also lower than average. 'Learning with Care' recommended that, except in exceptional circumstances, all looked after children should have permanent, full-time education.

Figure 6 below show how exclusion rates have been falling over the past few years but remain much higher for looked after children than for other pupils.

Figure 6: Exclusion rates per 1,000 pupils. 2007/08 to 2009/10

	<i>All pupils</i>	<i>Looked after pupils</i>		
		<i>All Looked after</i>	<i>At home</i>	<i>Away from home</i>
2007/08	57	445	522	359
2008/09	50	384	433	325
2009/10	45	365	427	Varies from 0 to 866 depending on accommodation type

Sources. Scottish Government 2010d, 2010e, 2011c n.b: exclusions data for earlier years is not comparable as the way the data is collected has changed.

Exclusion rates for looked after pupils vary considerably by age, gender, local authority, type of care placement and number of placement moves. Rates in 2009/10 were particularly high in local authority and voluntary sector care homes (866 and 697 per 1,000) (Scottish Government 2011c).

Attendance is far less variable, and for some placement types (foster care, local authority residential care and residential schools) it is better than the average for all pupils. The lowest attendance rates are found among children looked after at home (79%) and in local authority homes (85%) (Scottish Government 2011c). There are some issues about the way attendance is recorded. The evaluation report of the pilot projects noted that, in some local authorities, there was a lack of co-ordination between the school and 'off-site' provision and differences in recording attendance "a pupil can be attending as little as 2 hours a week, and their attendance is registered as 100%". Alternatively, some full attendance at off-site provision was marked as absence, and national units attained 'off-site' were not always recorded by the school (Connelly et al, 2008).

HMIe (2003) noted that there was often insufficient planning or support to avoid non-attendance and exclusion. They highlighted a number of factors which helped schools and carers avoid exclusion. These included: good communication, working together on care and education plans, a 'whole school' and consistent approach to discipline and promoting positive behaviour, not allowing problems to escalate and being vigilant with regards to bullying. 'We can and must do better' (Scottish Executive 2007b) recommended that the guidance on exclusion be reviewed with special consideration of the needs of looked after children and young people.

HMIe found in 2008 that exclusions were too high and that there was "variable quality" of off-site provision. The report noted that "some" local authorities had a policy of not excluding looked after children, and "several" local authorities gave all looked after children individual education programmes (or similar) and this helped avoid exclusions for challenging behaviour. While "some" local authorities provided teachers for children who couldn't attend school (for example due to exclusion) some young people who weren't attending school only got a couple of hours tutorial support a week. The report recommended that local authorities ensure that education was provided to excluded pupils.

Guidance on attendance issued in 2007 highlighted the importance of corporate parenting, communication with the pupil's social worker and the role of the designated senior manager: "who should be aware of any particular issues which may impact on attendance and should look to find ways of supporting the young person through these" (Scottish Government, 2007). Some of the pilot projects (2006-08) were successful in preventing exclusions and improving attendance with average attendance improving from 78% to 81% (Connelly et al, 2008).

New guidance on exclusions issued in March 2011 included a specific section on looked after children. It emphasised the links between promoting positive behaviour, providing additional support for learning, implementing GIRFEC and preventing and managing exclusions. In relation to looked after children, it repeats key requirements for care planning and assessment (see p.8) and the additional support for learning legislation. In addition, it recommended that:

- school staff should try to avoid excluding looked after children and the impact of any exclusions should be carefully considered by the multi-agency team.
- assessment and planning for all looked after children could include an assessment of risk of behaviour likely to lead to a possible exclusion; support and provision to prevent this arising; and plans including who to contact in the event of this situation arising.
- a possible exclusion should be discussed with the lead professional or designated social work, the carer and the Head of Service with responsibility for education

It also recommended that alternative education provision should be in place for all excluded children within 3 days. Previous guidance had specified 10 days. The use of part time hours should be an "interim step to expedite a prompt return to full time education and should have a clear timescale attached" (Scottish Government, 2011f).

TRANSITION SUPPORT

Transitions refer to the changes between the stages of formal education (pre-school to primary, primary to secondary), the transition to education, training or work on leaving school and the transition between different care placements. The 2007 Ministerial working group emphasised the importance of: "providing flexible and appropriate support before, during and post transitions, the vital importance of stability and continuity within education and care settings and the importance of clear advice and a range of emotional, practical and financial support for looked after children and young people as they make the transition to adulthood" (Scottish Executive, 2007a).

Placement moves

In 2003, HMle noted that placement moves which lead to a change of school can disrupt education and in 2008, the Inspectorate reported that placement changes were not uniformly managed with the required care and attention. In 2007 the Ministerial working group “was extremely concerned about the anecdotal evidence” of placement and school moves close to examination time. “The group saw continuity, stability a sense of security and support as key.” Similarly, guidance on corporate parenting notes that: “stability is crucial” (Scottish Executive, 2007a).

‘Celebrating Success’ showed how highly young people value stability, commenting that: “stability gives children the opportunity to learn, to feel they belong to someone and to be nurtured.” (Happer et al, 2006). It observed that placement breakdown can happen for many reasons. Children’s histories, changing circumstances of foster families or birth families and lack of support from social work can all contribute. If there is a change of placement, then keeping the child at the same school can provide some stability. HMle (2003) recommended that where necessary, transport should be provided so that pupils do not have to move school because of a placement move. The Ministerial working group recommended ensuring fewer placement moves around exam time (action 18) and encouraging children to stay in foster care beyond the age of 18. In this regard it noted the introduction of the Permanence Order by the Adoption and Children (Scotland) Act 2007.

SWIA’s review of children’s social work inspections over 2005-09 found problems with achieving permanency for children:

“Social work services were not achieving long term security for children quickly enough. Timescales for assessments were not clear, the quality of evidence presented to support decisions was variable and there were delays in implementing plans after a decision had been made” (SWIA, 2010).

As the number of placements increases, tariff score and attendance decreases and exclusions increase. Amongst the 513 looked after children leaving school in 2010, 118 had had more than one placement in that school year and 12 had had more than 4 placements (Scottish Government, 2010c).

Research by SCRA (2011), tracked 100 children through the system and found that fifty five (55%) had two placements (including their final placement), and 13% of children experienced four or five placements. One of the report’s ‘areas for improvement’ was on the number and length of placements:

“There are few standards or guidance on numbers or length of placements and we should use this opportunity to discuss, consider and agree the numbers of moves and placements a child should experience which takes into account age and stage of development. Agreement and monitoring of these would allow local authorities to assess their performance in minimising them.”

Stages of education

In 2008, HMle found that transitions in “some” local authorities were well managed from pre-school to primary and primary to secondary. They noted good practice which included using mentors, family support workers and specialist teachers supported pupils, parents and carers. They recommended that local authorities develop clear transition plans starting in P6 for primary and S3 for secondary.

Leaving school

If a young person is in care when they reach school leaving age, then the local authority is legally required to provide advice, guidance and assistance until they reach 19 and, if the young person requests it, until 21. (See legal framework p.7-10). The policy of '16+ learning choices' is of particular relevance to care leavers and is summarised on p.13.

In 2003, HMle noted that: "the transition from school to further or higher education or employment and/or care into independent living can be an extremely difficult and stressful time for young people."

A number of reports have recommended encouraging participation in further and higher education. HMle in 2003 suggested encouraging attendance at open days and summer schools, ensuring that young people receive advice about financial support and that all young people receive career education and participate in work experience. Similarly, 'Extraordinary Lives' (SWIA, 2006) recommended that local authorities and schools support the aspirations of those looked after children who want and are able to go on to further or higher education and ensure that all care leavers know what resources they can access.

The 2007 Ministerial working group placed particular emphasis on support for care leavers stating that "young people need timely financial and practical advice and support when making decisions on employment, further or higher education and independent living."

Recommendations included:

- that local authorities use s30 of the 1995 Act to make payments to care leavers (Action 12)
- encouraging colleges and universities to apply for the Frank Buttle Trust Quality Mark (Action 13)
- developing a resource pack for care leavers (Action 14)
- clarifying local authority duties up to the age of 18 (Action 18) and up to 21. Commission a review on the transition to independent living and ask inspectorates to report on destinations after leaving care (Action 19) (Scottish Executive, 2007a).

In its 2008 inspection, HMle found that supporting the transition into further and higher education was a key area for improvement and recommended that local authorities should:

- ensure throughcare and aftercare arrangements are both put in place and followed by staff in all agencies.
- ensure there are pathway co-ordinators and pathway plans for each young person
- provide the option to remain in care after 16
- support children who drop out of learning
- engage parents, carers and staff in transition arrangements
- rigorously track longer term outcomes for LAAC

In 2010, 59% of the 539 care leavers who left school that year were in 'positive destinations' compared with 87% of all school leavers. Around a third went to further education, 18% were in training and 1% were in higher education. There are problems with sustaining these positive destinations for care leavers. For example, in the March following leaving school, only 25% of care leavers were still in further education, although 33% had initially started a college course.

In 2010 HMle reported that: "A few colleges are proactively responding to the call to improve services for looked after young people and care leavers and are targeting provision and resources to better meet their needs and circumstances. Dumfries and Galloway, Dundee,

Coatbridge and John Wheatley colleges are making a strong contribution to addressing the needs of these learners.” (HMle 2010b). In contrast, the Buttle Trust Quality Mark has been taken up by 8 of the 19 higher education institutions (Connelly, G. personal communication).

DATA COLLECTION

In 2001, ‘Learning with Care’ found that many head teachers, particularly in secondary schools, did not know how many looked after children were on their roll. The pilot projects (2006-08) found some difficulties with data management including, sharing information, education and social work records not matching, and different practices in the recording of ‘off-site’ education (Connelly et al, 2008). In 2007, the Ministerial working group stressed that “the collection, reporting and sharing of accurate information in relation to looked after children and young people underpins policy and practice development” (Scottish Executive, 2007a).

One of the learning with care recommendations had been that local authorities should keep accurate statistics (HMle and SWSI, 2001). The 2007 Ministerial working group found that “most local authorities had developed systems to gather relevant information in relation to the care and broad educational outcomes of their looked after children.” However, in 2008, HMle found that data management was still a problem in local authorities and recommended that tracking, monitoring and information sharing be improved (HMle, 2008). Following this, the role of the ‘designated senior member of staff’ as outlined in 2008 guidance included responsibility for data recording (Scottish Government, 2008b). In 2010, HMle found that staff in schools were still not always aware of children who are being looked after at home or in kinship care. They recommended that relevant data and information be collected and managed effectively.

Returns to the Scottish Government from local authorities have improved following development of a new reporting framework for data collection in 2009 (Scottish Government, 2009b). This follows a recommendation from the 2007 Ministerial working group (Action 7) and the results can be seen in the looked after children statistics published in 2011. One of the potential future developments mentioned in the new framework was: “Support for local authorities around improving data collection, sharing and reporting about looked after children and care leavers with a view to improving how this data is used to enhance service planning and delivery” (Scottish Government, 2009b).

TRAINING

In 2003, HMle reported on the views of children and young people about being looked after. They highlighted the importance of teachers’ attitudes and that they needed greater awareness of what it means to be looked after. There were similar messages from the ‘Celebrating Success’ report (Happer et al, 2006).

In 2001, ‘Learning with Care’ had recommended joint professional development for education and social work staff and carers. This led to the publication of the ‘learning with care’ materials in 2003 although HMle found in 2008 that these were not used consistently. In 2007, the Ministerial Working Group again stressed the importance of raising awareness of the educational needs of looked after children and of improving training for all foster carers, residential workers, lead professionals, support workers and associated professionals (action 6). This included revising the 2003 ‘learning with care’ materials. The new materials were produced as a DVD and launched in 2008. In addition, the 2007 group commissioned a new section of the Learning and Teaching Scotland website (Action 8), <http://www.lookedafterchildrenscotland.org.uk/>

In 2008, HMle found that: “local authorities were at different stages in providing training and development related to looked after children and that “some” had used and adapted the learning with care materials. “Almost all” interviewees recognised the importance of multi-agency training. However, training on plans tended to be single agency, and as a consequence: “opportunities were being missed to integrate planning mechanisms”

The report also noted that, in some authorities, designated senior managers had not had training prior to taking on this role. One of the core tasks for designated senior managers, specified in the 2008 guidance, is to attend multi-agency training and to ensure that other staff attend relevant training.

In 2010, HMle reported that: “schools are not always confident in addressing the range of needs that looked after children and young people may have. They are not sufficiently aware of relevant training materials, such as those issued to support We Can and Must Do Better” (HMle, 2010a). From this year, the Centre of Excellence for Looked After Children (previously the Scottish Institute for Residential Childcare) has a remit for CPD and training for all those working with looked after children.

The Scottish Government is currently funding ‘Who Cares? Scotland’ to run a national training programme for corporate parents. To date, 18 sessions have taken place across Scotland (Scottish Government, personal communication).

PARENTAL AND CARER INVOLVEMENT

The various reports have recognised the importance of the place of education in the home – whether that home is with parents, or in residential, foster or kinship care. For example in 2003, HMle recommended that local authorities support the efforts of carers, link teachers and others to provide an educationally rich home environment. The self evaluation guide, ‘How Good is Our School’ (HMle, 2003) noted that carers can help support learning by, for example, checking homework diaries, ensuring children understand what is expected of them and should feel able to approach teachers. The 2007 Ministerial working group placed considerable emphasis on the home setting including the need for a “supportive home setting which promotes education.” However, carers and parents may themselves need support in providing this. ‘Learning with Care’ had noted that carers are often unsure how to help children with their studies. In many of the pilot projects (2006-08) workers supported the carer/parent as well as the pupil (Connelly et al, 2008).

Where children are living away from their parents, they will often still be involved in their children’s lives. ‘Celebrating Success’ noted that: “however much the stability and routine of a care placement meets the needs of a looked after child, they also need (whenever possible and appropriate) reliable contact with their own family” (Happer et al, 2006). ‘Learning with Care’ (2001) and HMle (2003) have recommended that parents who still had contact with their children should receive school reports. Similarly, guidance on corporate parenting (Scottish Government, 2008c) recommended that parents should be kept informed.

In 2008, HMle found that “most” authorities made a priority of partnership with parents, carers and young people and this eased communication. It found that education staff were “making good efforts” to involve parents and carers and “some” local authorities had trained foster carers in supporting the education of looked after children.

For some children, ‘home’ is a residential school or care home. There are national care standards against which residential care providers are inspected. These cover a range of

issues seeking to ensure that staff in residential care support young people's education and have good links with schools and colleges (Care Commission, online).

In 2001, £10m had been provided by the Government to improve the educational environment in community placements and residential homes and schools (Scottish Executive, 2001a). A similar grant of £5m was made in 2006/07, although this time it was focused on residential placements only. An evaluation of this later grant found that it had been spent on a very wide variety of things, but most commonly on IT, landscaping, arts or sports equipment. It also paid for things like a caravan, a car, kitchen equipment, a washing machine, bikes and a shed. The managers of the units felt that the grant had been useful in improving the educational environment (Scottish Government, 2008d).

In 2008, guidance recommended that residential care homes have a designated manager whose role would complement that of the equivalent post in school. The manager: "holds a co-ordinating brief in relation to promoting the positive educational experience and outcomes for all the children and young people in their establishment" (Scottish Government, 2008b). However, it is not clear the extent to which this post has been established.

CHILDREN AND YOUNG PEOPLE INVOLVEMENT

Taking the views of all children and young people into account in decisions which affect them is one of the main principles of UNCRC¹³ and is also reflected in the Children (Scotland) Act 1995.

In 2003, HMle recommended that one of the roles of the designated teacher (later known as the designated senior manager) should be taking into account the views of looked after children and young people and in 2006, 'Extraordinary Lives' recommended greater involvement of children and young people in developing their personal learning plan (SWIA, 2006).

In 2008, HMle found that a 'few' authorities had effective structures for looked after children to express their views. These included forums to speak directly to senior officials and elected members. There was also evidence of views being considered in care planning meetings. However, it found that advocacy support for children in kinship care and at home needed to improve.

In 2009, new regulations on assessment and care planning for looked after children increased the requirements to take the views of children and young people into account when developing their care plans. In addition, Who Cares? Scotland and other voluntary organisations provide advocacy services to looked after children in many local authorities.

¹³ United Nations Convention on the Rights of the Child

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ANNEX 1: POLICY AND LEGISLATION SINCE DEVOLUTION

DATE	LAAC specific	Other relevant
1996	<i>Looked after children regulations</i>	
1997	<i>1995 Act duties in force re: care plans</i>	
1999	Helen Liddell announces looked after children inspection	Devolution
2000		Standards in Scotland's schools etc Act
2001	Scottish Executive target that all looked after children should achieve, as a minimum, a Standard Grade in both English and mathematics Learning with care inspection report £10m for books and equipment	For Scotland's Children School discipline task group reports as 'Better behaviour better learning' Creation of Care commission Start of curriculum for excellence development
2002	Cathy Jamieson announced 3 priorities and learning with care projects	Child protection review starts
2003	Learning with Care training materials	Children's commissioner created
2004	£6m announced for local authority pilot projects Care leavers regulations	Education (Additional support for learning)(Scotland) Act
2005	Ministerial working group established	Development of Getting it Right for Every Child (GIRFEC) starts Adoption policy review group starts
2006	Local authority pilot projects 2006-08 Extraordinary Lives report of SWIA review Children's hearings reform process starts June 2006 Ministerial working group concludes	Policy on those not in education, employment or training (NEET) 21 st century social work review Draft children's services bill Joint inspections of child protection between HMle, Care Commission, SWIA and others.
2007	Ministerial working group reports: We Can and Must Do Better £5m funding for residential units Getting it right for children in foster and kinship care published.	Adoption and Children (Scotland) Act 2007 New school attendance and absence guidance
2008	Core tasks for designated managers published HMle Count us in published (based on inspections between 2006 and 08). Examples of good practice using s.30, 1995 Act published Evaluation of local authority pilot projects published. 'These are our bairns' guidance on corporate training published Revised training materials DVD produced Looked After Children website created National residential child care initiative starts	
2009	New duties in ASL amendment act Guide for services published Looked after children regulations 2009 (replacing the 1996 regulations)	Care Commission and SWIA replaced by SCSWIS Additional support for learning legislation amended.
2010	Audit Scotland report: getting it right for children in residential care Looked After Children Strategic Group started Looked after children provisions in Additional support for learning legislation in force	New child protection guidance New school exclusions guidance
2011	Children's Hearings Act (not yet in force) Centre of Excellence for Looked After Children launched	Education Scotland replaces Learning and Teaching Scotland and HMle

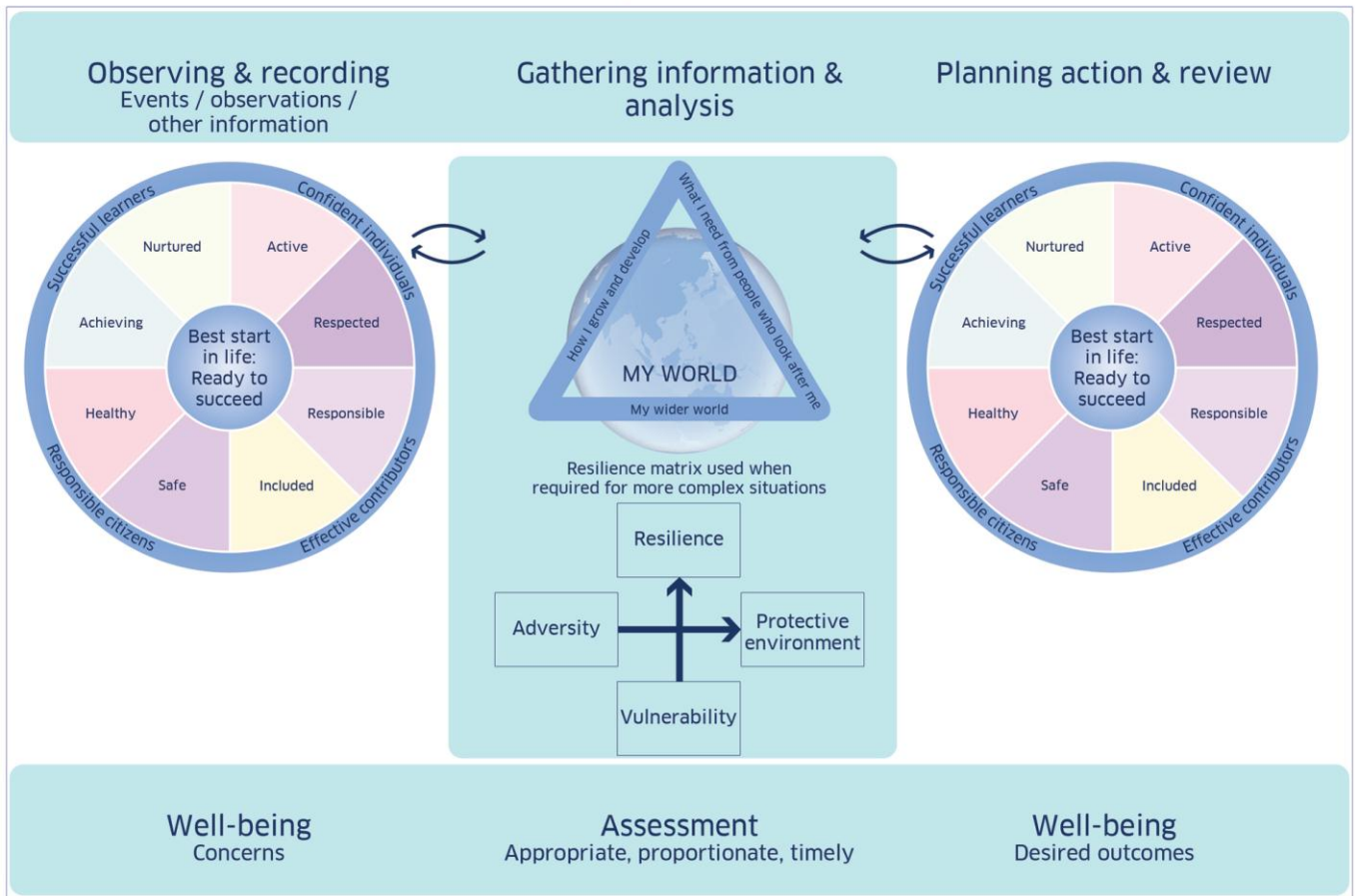
ANNEX 2: CORE COMPONENTS OF GIRFEC

1. A focus on improving outcomes for children, young people and their families based on a shared understanding of well-being
2. A common approach to gaining consent and to sharing information where appropriate
3. An integral role for children, young people and families in assessment, planning and intervention
4. A co-ordinated and unified approach to identifying concerns, assessing needs, agreeing actions and outcomes, based on the *Well-being Indicators*
5. Streamlined planning, assessment and decision-making processes that lead to the right help at the right time
6. Consistent high standards of co-operation, joint working and communication where more than one agency needs to be involved, locally and across Scotland
7. A *Lead Professional* to co-ordinate and monitor inter-agency activity where necessary
8. Maximising the skilled workforce within universal services to address needs and risks at the earliest possible time
9. A confident and competent workforce across all services for children, young people and their families
10. The capacity to share demographic, assessment, and planning information electronically, within and across agency boundaries, through the national eCare programme where appropriate.

(Scottish Government, 2008e)

ANNEX 3: NATIONAL PRACTICE MODEL OF GIRFEC

National practice model



(Scottish Government 2011j)

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