

Response to consultation on Standards In Scotland's Schools Act 2000 - Draft Statutory Guidance

Introduction

Children in Scotland is the umbrella body and collective voice for the children's sector. Our membership is made up of over 500 organisations and individuals working in the public, private and voluntary sectors in a variety of fields, including education, health, social care and childcare.

We aim to play a leading role in creating a Scotland where children are valued, every child thrives and every childhood is a good one.

We welcome the opportunity to contribute to this consultation, which has been informed with our partner The National Parenting Forum of Scotland and Enquire, the national advice service on additional support for learning, managed by Children in Scotland.

Chapter 2

1. Do you have any comments on the definition of 'decision of a strategic nature'?

We welcome the examples of strategic decisions, which give helpful details. We are pleased this includes the definition of 'Decisions taken at authority level which impact on the ability of children and young people to access and participate in education'.

2. Do you have any comments on the definition of 'due regard'?

This seems clear:

- 'Due regard' is explained in the various points in Chapter 2 regarding education authorities and decision making.
- Detail is given with 'will continually consider whether they can do more to help those pupils impacted' and that this is a 'legal responsibility' which operates in the context of coherent and complementary policies and financial thresholds, including their responsibility to 'provide appropriate challenge, support and opportunities for all learners'.

It also includes examples of approaches and potential sources of evidence:

- We welcome point 2.11 where education authorities, to fulfil their 'due regard', 'must seek and have regard to the views' of pupils and parents and 'education authorities will also wish to consider how they involve pupils in the development of their plans'. This reflects Article 12 of the UNCRC - the right to have a say.
- We question the wording of 'b) such pupils as the authority thinks appropriate' and request this is rewritten to be more inclusive of reaching the pupil voice in as wide a way as possible, thus ensuring that all children and young people consistently have the opportunity to meaningfully engage in preparing, planning and scrutinizing. It should also recognise that some children and young people will need extra support and this must be considered and planned for.

This would also be true for 'the parents of such pupils as the authority thinks appropriate':

- The National Parenting Forum of Scotland indicate that at present there is considerable variation across the country with regards to the quality of parental involvement and how information is shared with parents.
- NPFS is happy that parental involvement has its own 'basket' within the Framework but suggests particular consideration needs to be given to parents who face barriers to

involvement, whose voices are less often heard, thus improving accessibility.

- One solution would be to work closely with NPFS and others, to provide greater encouragement for parental engagement with schools and learning within home settings.

Furthermore, the need to consult does not set out detail around closing the feedback loop back to those they do consult. In our experience when engaging with children and young people (including in our recent engagement role in the 'excite.ED' project, linked to Governance) they often feel they are missed out in this final step and are unaware of how their input has had an impact. We therefore recommend that standards include specific reference to how they will feedback, again in an inclusive and accessible way.

3. Do you have any comments on the definition of 'inequalities of outcomes'?

In Children in Scotland's response to the Education and Culture Committee's call for views on the Education (Scotland) Bill at Stage One, we highlighted the fact that 'inequalities of outcome' was neither adequately defined nor set against any meaningful or measurable benchmarks.

The inequalities that stem from socio-economic disadvantage are complex and multifaceted. The key factors in unequal educational attainment also relate to early experience and home learning environment. We need to support families more effectively in providing this, if we are to achieve meaningful change we need to ensure that all children get the best 'inputs' in early life. This should include action to support families to engage in their children's learning, learning at home as well as in early years settings and schools.

Children in Scotland believes that 'inequalities of outcome' should be interpreted as broadly as possible and should encompass academic attainment as well as a range of other indicators and achievements that influence inequalities of outcome, such as those

set out in Curriculum for Excellence, in the direction of travel outlined in the senior phase benchmarking tool and beyond.

4. Do you have any comments on the definition of 'socio-economic disadvantage'?

Children in Scotland would like to draw attention to the links between children with ASN being more likely to be in socio-economic disadvantage and highlight the gap between children with additional support needs and their peers. Looking at attainment statistics, the gap is often bigger for SCQF results and positive destinations between children without ASN and those with is often bigger than the socio-economic gap.

As we stated previously in our response to the National Improvement Framework (November 2015) we are dismayed that pupils with additional support for learning needs are not mentioned in the Framework. This must be redressed. As the provider of Enquire, Scotland's national advice service for additional support for learning, we strongly advocate for greater emphasis to be placed within the Framework on additional support for learning needs. This should be something considered in the annual review in December 2016.

We welcome the focus on reducing inequalities of outcomes for pupils as a result of socio-economic disadvantage and the recognition that 'poverty is accepted to be the most common driver for socio-economic disadvantage' but 'not all children and young people who experience poverty live in disadvantaged communities'.

We recommend that reference should be made to the Child Poverty Bill and ensure dovetailing in approach and themes.

Long-term, sustained and evidence-led strategies that are targeted on improving every aspect of the lives of those affected by poverty are required. The Framework must form part of a series of measures aimed at tackling this longstanding issue if it is to achieve the outcomes that are desired. This should also include:

1. include the implications for all children and young people with additional learning support needs and how this Framework will address these
2. include provision for children and young people who require Additional Support for Learning

Chapter 4

- 5. The legislation is intentionally silent on how education authorities should report on the fulfilment of their duties. The draft statutory guidance reflects the legislative position and leaves it open to education authorities to determine how best to report against their duties. Do you agree that education authorities should determine how they report? Would you fine some form of template helpful?**

We recognise that this represents a difficult balance to strike, as it is important that the measures do not become too prescriptive to allow for public agencies to respond in ways that best meet local needs.

A template may be too prescriptive. However, some guidance on aspects to be covered in reporting may be welcomed by practitioners and ensure a national consistency.

We welcome the inclusion of 'The plans must be underpinned by consultation with pupils and Parent Council', p40, which reflects the words of the legislation. We refer you to our comments for question 2 regarding inclusive and accessible engagement.

- 6. The draft statutory guidance sets out proposed planning period dates for the Scottish Ministers and education authorities: 1st January - 31st December; 1st September-31st August for education authorities. The planning period for Ministers has been identified to align Ministers' reporting with education authorities' planning processes. This is designed to maximise the information available to education authorities, in particular the national priorities they will be expected to take account**

of and contribute to through-out their own planning period. The information that the Scottish Ministers will assess and that will be included in national reports will evolve over time as more sources of evidence become available. It is anticipated that future reports will include data and evidence which tell us how we are making progress against the four NIF priorities covering all of the six NIF driver areas.

Do you have any comments on the proposed planning period for the Scottish Ministers of 1st January-31st December? Do you have any comments on how this proposed planning period timeframe will work with that proposed for education authorities (1st September-31st August)?

The time period planned appears to be appropriate and aims to dovetail SIPs, education authorities and the work of Ministers.

It clearly sets out some advice on the school improvement plans and ASN is mentioned briefly in this section. We would like to highlight that ASN is an aspect that needs to be considered for raising attainment and being part of SIPs.

We would also like to draw attention to the fact that SIPs will need to be accessible for all stake holders, including all in the parent forum.

7. Bearing in mind that the purpose of statutory guidance is to reflect legal provisions, do you find Chapter 4 clear in relation who it is aimed at and what its purpose is?

Yes – clearly for Ministers, education authorities and Head Teachers.

General

8. Did you find the draft statutory guidance to be of assistance when read in the context of the relevant legal duties that will apply? Do you find it strikes a balance between offering flexibility and meaningful support? If not, how could it be improved?

Yes - we believe it will be of assistance to Ministers, education authorities and Head Teachers.

9. Do you have any other comments about the draft statutory guidance?

To reiterate, we welcome that the guidance often refers to meeting the needs of every child and does refer to engaging children, young people and parents.