

Social Work Scotland response to the Scottish Government consultation on the provisions of the Education (Scotland) Bill

Social Work Scotland is the professional leadership body for the social work and social care professions. We are a membership organisation which represents social workers and other professionals who lead and support social work across all sectors. Social Work Scotland welcomes the opportunity to comment on the provisions of the Education (Scotland) Bill.

1. The Headteachers' Charter will empower headteachers as the leaders of learning and teaching and as the lead decision maker in how the curriculum is designed and provided in their schools. What further improvements would you suggest to enable headteachers to fulfil this empowered role?

Social Work Scotland welcomes the overarching policy intention to close the unacceptable gap in attainment between our least and most disadvantaged children. We welcome the principle of empowering headteachers to ensure they have the means to work collaboratively with partners, staff and parents to achieve better outcomes for children. With the exception of the creation of the Education Workforce Council, we believe that these aims could be achieved without legislation although we note the importance of achieving consistently high practice across the country. The important condition for change is ensuring a culture and ethos in which headteachers, local authorities and other partners, work collaboratively and flexibly together around the needs of children. Social Work Scotland believes that the best interests of children and narrow the attainment gap, a whole system approach is required. Overall Social Work Scotland believes that the best means of achieving this is for local authorities to continue to provide the framework of support for schools and that the system continues to allow for flexibility to empower headteachers to best meet the needs of children.

Vulnerable Children and those requiring protection

While giving headteachers the powers they need to lead teaching and learning is vital in achieving this, Social Work Scotland believes that a charter would be strengthened if explicit account of how a child's attainment is improved when all aspects of a child's development and wellbeing are addressed effectively. A headteacher alone cannot enable every child to meet their potential and we believe that a multi-agency, holistic approach which puts the child at the centre based on the GIRFEC approach is the best means of closing the attainment gap.

Social Work Scotland therefore recommends that a headteachers' responsibilities to plan in partnership for vulnerable children and looked after children are included in the charter. Any decoupling of education from integrated children's services risks the GIRFEC approach and may impact negatively on disadvantaged children and so consequently lead to widening the attainment gap.

Equally headteachers have a crucial role to play in multi-agency child protection arrangements. Schools are part of a local system from which headteachers draw support for children in need of protection and to which they contribute expertise and resource. It is important that headteachers continue to see themselves as part of these local child protection arrangements and make a strategic contribution, through the local authority, to local Child Protection committees.

Social Work Scotland recommends that the charter should state a headteacher's responsibility to develop 'the whole child' and that arranging support for children should be rooted in the GIRFEC approach by working in partnership with the local authority and other services.

Looked After Children

In seeking to address the attainment gap, the charter should make explicit reference to the duties of a Headteacher in relation to looked after children.

The principle that corporate parents should make the needs of looked after children a priority is essential in order to address the attainment gap for this group of children, including the particular difficulties faced by children looked after at home¹. As employees of local authorities headteachers have duties as corporate parents under section 58 of the 2014 Act. It is vital that the focus on corporate parenting and planning in partnership to meet the needs of looked after children that has been achieved since the publication of *We Can and Must Do Better* is strengthened by the new arrangements for education governance. The Headteacher's charter is central to strengthening corporate parenting responsibilities as outlined in *These our are bairns*. Social Work Scotland proposes that the charter

- requires headteachers to fulfil their duties as corporate parents as outlined in Part 9 of the 2014 Act
- If, as intended, legislation is brought forward to empower headteachers the Scottish Government should consider amending the 2014 Act to add headteachers specifically and Regional Collaboratives to schedule 4 of the Act. Although headteachers will remain employees of the local authority, and as such are covered by the Act, the proposed increased autonomy for headteachers means that the specific inclusion of headteachers as a category of corporate parent is warranted.

2. The Headteachers' Charter will empower headteachers to develop their school improvement plans collaboratively with their school community. What improvements could be made to this approach?

Social Work Scotland recognises the importance of the National Improvement Framework in improving outcomes for all children and young people. Social Work Scotland also draws attention to the fact that Part 3 of the Children and Young People (Scotland) Act 2014 provides the statutory underpinning for community planning to improve outcomes for all children. In particular, the

¹ See This is addressed in government policy: <http://www.gov.scot/Publications/2015/11/2344/3>

statutory guidance makes clear that this planning should take a wide view of services and sets out how integrated children's services should ensure a holistic approach with a specific focus on preventive approaches and early intervention. Should legislation be brought forward schools and the leadership of the headteacher are key to prevention and the Charter should strengthen the role of headteachers in these planning arrangements.

We therefore recommend that as well as aligning school improvement plans to the National Improvement Framework, headteachers should use their school improvement plans to contribute to, and be informed by, the statutory integrated children's services plan to ensure that services are provided holistically and any duplication of effort is avoided. Social Work Scotland believes this will support, and not conflict, with school improvement activity. For example, partnership working through the Scottish Attainment Challenge has enabled creative approaches to be developed to reduce inequalities of outcome.

The school community should be seen in its broadest sense and include local children's services, health services, the third sector, community groups and other relevant interests. We recommend that a Charter should make clear the responsibility of headteachers to participate in integrated children's services planning, and their wider duties under the 2014 Act, to provide services through schools that close the gap. We believe local authorities and health boards should not just consult with headteachers but involve them as active participants in planning – as they already do in many cases.

To fulfil their new responsibilities and close the attainment gap, headteachers will need to be involved in local strategic planning around services as well as being involved in setting the priorities of the Regional Collaboratives. The Headteacher's Charter could provide an opportunity to set the framework for the important and strategic role headteachers will need to play in the planning and delivery of services at a local level in collaboration with the local authority and partners. Local planning arrangements are crucial. For example, headteacher will be in stronger position to improve the mental wellbeing and health of children in their school, if they participate in the strategic needs analyses and planning which is part of statutory integrated children's service planning.

Scottish Government guidance for headteachers and the Regional Improvement Collaboratives should outline how school and regional improvement plans should be aligned to local integrated children's services planning.

3. The Headteachers' Charter will set out the primacy of the school improvement plan. What are the advantages and disadvantages of this approach?

While this may increase the accountability of headteachers for improvement, closing the attainment gap is complex and can only be achieved through collaborative, collegiate and whole system working at local level. While primacy is not defined here, asserting one plan's primacy over another is not helpful. It requires a strategic approach rooted in good analyses of need that see children

holistically. Responsibility and accountability in providing for additional support needs, and improving the wellbeing of vulnerable children, is shared across schools, children's services, health, the third sector and community. The school improvement plan must inform and be supported by the local integrated children's service plan. Schools look to local authority planning for strategic direction and to understand the wider implications of integrated children's service planning and local authorities draw on school plans. For example, headteacher will be in stronger position to improve the mental wellbeing and health of children in their school, if they participate in the strategic needs analyses and planning which is part of statutory integrated children's service planning. The focus of the Charter should be on increasing Headteacher autonomy to participate collaboratively and flexibly in planning for children and school improvement plans should be aligned with local strategic planning.

At times, the needs of individual children may come into conflict with other pupils in school or place considerable demands on a school. The school improvement plan must be consistent with corporate parenting policies and responsibilities and local priorities for vulnerable children as articulated in the integrated children's service plan. The local authority, as now, should continue to support headteachers meet the needs of **all** children in these circumstances. There may be parental pressure to focus resources on particular learners that may disadvantage vulnerable children. The local authority should have a role through its plans in supporting headteachers safeguard against this.

4. The Headteachers' Charter will set out the freedoms which headteachers should have in relation to staffing decisions.

a. What are the advantages and disadvantages of headteachers being able to have greater input into recruitment exercises and processes adopted by their local authority?

Headteachers already have a significant role in recruitment supported by local authorities. The advantages these arrangements are:

- It is consistent with their responsibility to create a school and teacher led system
- They have responsibility to input into local authority processes and influence how they fit with the needs of schools consistent with the law
- It increases headteacher accountability as well as autonomy

b. What are the advantages and disadvantages of headteachers' ability to choose their team and decide on the promoted post structure within their schools?

Social Work Scotland agrees that headteachers should have the power to deploy staffing resources in a way that best meets the aims for learning and teaching and the outcomes in the school improvement plan. Their ability to do so must, however, be consistent with their allocated budget, local authority procedures and employment law. The support of local authorities will remain important for headteachers to exercise this responsibility.

A disadvantage is to the wider system in circumstances where the local authority has to make staffing decisions for the system as a whole, for example in the allocation of posts to probationers or anyone needing to be re-deployed. Such decisions should, as is often the case now, be made in partnership between local authorities and schools but the final decision with regard to employment of teachers should remain with the local authority to mitigate the risk of any displaced teachers not being redeployed.

Social Work Scotland believes that there should be flexibility within the system for headteachers to employ non teaching staff to meet the needs of learners in the local context. However, Social Work Scotland believes this should only be done under the authority of the local authority who should remain the employer. This will ensure that appropriate safeguards are in place for the both the school and the employee. For example, if the headteacher wishes to employ a social worker, arrangements would have to be place to ensure that the employer's code of conduct is fulfilled, the worker receives appropriate professional supervision and the employment of the worker is done in way that promotes joint working with children's services.

5. Should headteachers be able to decide how the funding allocated to their schools for the delivery of school education is spent?

We believe that headteachers already make decisions about how to use allocated funds through DSM and more recent PEF allocation of funds. In principle, if headteachers have increased accountability for improvement and closing the gap, they should be able to deploy their agreed school budget in accordance with the priorities for learning and teaching in their school. However, closing the gap cannot be achieved by schools alone and funding for children needs to reflect the fact that a multi-agency, holistic approach which puts the child at the centre is the best means of closing the attainment gap.

Schools have a central role to play but any new scheme which roots funding through schools has the potential to create 'silo' working and may lead to some schools detaching from a whole systems approach. This risks fragmentation and inequity for some children. There may also be an issue of capacity and understanding for Headteachers which impacts on good decision making on the appropriate allocation of funds for vulnerable children and ASN.

The evidence for the impact of PEF money spending, which is driven by headteacher priorities, is not yet available. We note the submission of COSLA to the Fair Funding Consultation which stated that some local authorities believe that PEF has led to more bureaucracy and that extending a PEF model

of funding may lead to less integrated working. Decisions about funding for vulnerable children need to be driven by an alignment of priorities across school improvement plans and children's services planning and a whole system/local assessment of aggregated need. This is important to direct services and target resources, including cross authority services.

For example, a Head of Children's services/Chief Social Work Officer is having to save approximately £1 million coming out of children's social care and health (80% from social work) whilst over £3 million is directly to schools via Pupil Equity Funding. The anticipatory impact of this will be to compromise the capacity of statutory integrated children's service planning to identify and address gaps in need and levels of vulnerability. The money coming out of services will in the main be within preventative and early intervention services. The likely impact will be on significantly reduced supports available for these children and resultant reduction in outcomes for the most vulnerable children and young people in communities who are furthest from education. This will place increased demands on headteachers to commission and provide services in a more ad hoc way and potentially drive demands for high cost residential and specialist placements if children's needs are not met within schools.

We understand that the responsibility for providing for ASN will remain with local authorities (although this was not reflected in the organisational chart in the consultation paper). There needs to be flexibility in the system to allow local authorities and headteachers to agree the best way of deploying this money to improve outcomes for children who need additional support. It is right to give headteachers the flexibility to form local partnerships with the third sector to meet the needs of learners but this also puts pressure on schools and the third sector. Funding for attainment cannot lie solely with schools and flexibility, driven by strategic planning, is needed in the system to maximise the impact on children's wellbeing and attainment

Local authorities provide a range of services, such as specialist music provision, that would be more expensive or difficult to provide should individual schools have to purchase these services from the local authority or separately. The local authority may find the sustainability of such services difficult if there is any uncertainty about the demand for such services.

6. How could local authorities increase transparency and best involve headteachers and school communities in education spending decisions?

Financial priorities are also set out as part of broader strategic planning frameworks, including the Community Plan, the Integrated Children's Services Plan and the Health & Social Care Integration Plan. Being central to the local authority education service, headteachers play an active part in both the development and delivery of such plans. In addition, they are engaged in a broad range of multi-agency and corporate activity around transformation, with a focus on transforming communities as part of the Community Empowerment legislative duties and responding to the need to reduce public sector expenditure.

7. What types of support and professional learning would be valuable to headteachers in preparing to take up the new powers and duties to be set out in the Headteachers' Charter?

Social Work Scotland believes that because the education reforms are based on the premise that empowering headteachers will make a positive difference to outcomes to children, it is vital that support and professional learning is focused on the responsibilities that involve meeting the needs of children holistically.

Headteachers will require support and professional learning to enable them to fulfil their duties to close the poverty related attainment gap. Specifically, they will need support to undertake needs analyses at a school and individual pupil level to make robust decisions, based in evidence, on the deployment of resources and how best to support pupils. Headteachers will require professional support to develop a working knowledge of the legislation, policies and best practice around the provision of holistic support to children and young people – GIRFEC and the 2014 Act.

Planning for services around the needs of children in schools requires a strategic focus and the capacity to undertake the necessary information and data gathering, assessment and analysis in order to work in partnership with the community and the children's sector. Headteachers face considerable day to day operational demands that may compromise this capacity and the policy intentions of the Bill. Therefore, they will require professional support and learning to manage these pressures to ensure they can meet their new responsibilities. However, we are concerned that the proposed reforms may create a situation in which demands for additional business support within schools diverts resources from direct services to children.

Social Work Scotland also supports the recommendation made by the National Parent Forum in their review of the 2006 Act that resources should be developed to support school staff engage with parents who face additional barriers to engaging with their children's learning, or with the life and work of the school.

Headteachers will require robust support from local authorities in order that they can address performance issues in a timely and confident way. Equally, the Charter, if introduced, should make clear a headteachers responsibility to take up and use the support in place from local authorities and the regional collaboratives.

8. Are the broad areas for reform to the Scottish Schools (Parental Involvement) Act 2006 correct?

Yes. Social Work Scotland welcomes the recognition that some parents will not be able or may not wish to join the Parent Council and that headteachers will need to take other steps to work in partnership with parents and involve them in school improvement. The proposed reforms present an opportunity to strengthen the role of parents and communities in improving the experiences and attainment of pupils.

It is positive that the consultation document draws attention to the plans for a home link worker to promote parental and community engagement and that schools will have a dedicated teacher or professional for this purpose. Research on support services for children, such as Sure Start Children's centres² for example, suggests that on their own such services cannot be expected to overcome the adverse effects of being part of a disadvantaged family, and/or living in a disadvantaged neighbourhood. Children of particularly vulnerable, hostile or avoidant parents will require the support of a range of services from the local authority, third sector and health services to engage positively with schools. Headteachers will need the capacity to plan strategically for the use of dedicated home link workers.

9. How should the Scottish Schools (Parental Involvement) Act 2006 be enhanced to ensure meaningful consultation by headteachers with parents on substantive matters of school policy, improvement planning and curriculum design?

The 2006 Act requires headteachers to report to the Parent Council. Social Work Scotland agrees with the recommendation of the National Parent Forum that the duties in relation to headteachers' relationship with Parent Councils should be strengthened to encourage a partnership approach and stronger involvement of parents and Parent Council members when reviewing or developing school policies, curriculum or improvement activity. The reforms and/or policy changes should encourage headteachers and the Parent Council to involve parents and/or carers of looked after children in these activities. A measure of success for parental involvement strategies should include increase in the numbers of parents of looked after children and children in need whom the school has involved in improvement planning.

10. Should the duties and powers in relation to parental involvement apply to publicly funded early learning and childcare settings?

Yes. Given the primary importance of the role of parents in the learning of young children, duties and powers in relation to parental involvement should apply to publically funded early learning and child care settings.

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485347/DFE-RB495_Evaluation_of_children_s_centres_in_England_the_impact_of_children_s_centres_brief.pdf

11. Should the Bill include a requirement that all schools in Scotland pursue the principles of pupil participation set out in Chapter 3?

Yes. Given the evidence that is presented as to the impact on effective pupil participation in better outcomes, it should be included in any plans for a Headteacher's Charter. Again, Social Work Scotland recommends that particular reference is made to specific strategies to involve looked after and vulnerable children in their learning and school life.

12. What are your thoughts on the proposal to create a general duty to support pupil participation, rather than specific duties to create Pupil Councils, committees etc...?

Social Work Scotland supports the proposal to create a general duty to support pupil participation in order that headteachers, in dialogue with pupils, can choose the best method that promotes good outcomes in their local school context. The effectiveness of these approaches should be assessed in terms of outcomes through self-evaluation and inspection. Education Scotland and the Regional Improvement Collaboratives should have a role in reporting thematically on pupil participation and sharing good practice.

13. Should the Bill include provisions requiring each local authority to collaborate with partner councils and with Education Scotland in a Regional Improvement Collaborative?

Social Work Scotland does not believe that legislation is required to underpin collaborative working. We believe that the requirement for collaboration between all the parties involved in education provision is sufficient and sends the right message about partnership working.

14. Should the Bill require each Regional Improvement Collaborative to maintain and to publish annually its Regional Improvement Plan?

Yes. This should be done with reference to other relevant local planning cycles (integrated children's service planning, community planning, local outcome improvement plans, the local authority education plan) as closing the gap is not solely a school based issue.

This should be done three yearly. It will not be realistic for the RIC to build a plan based on the school improvement plans, and other children's service plans, in its area on annual basis given the size of this task.

15. If we require Regional Improvement Collaboratives to report on their achievements (replacing individual local authority reports), should they be required to report annually?

Social Work Scotland also draws attention to the fact that Part 3 of the Children and Young People (Scotland) Act 2014 provides the statutory underpinning for community planning to improve outcomes for all children. In particular the statutory guidance makes clear that this planning should take a wide view of services and sets out how integrated children's services should ensure a holistic approach with a specific focus on preventive approaches and early intervention, for example in the area of children's mental health. The support given to schools and headteachers by the Regional Improvement collaboratives will be important in how schools play a key role in closing the attainment gap and improving outcomes. Scottish Government guidance for headteachers and the Regional Collaboratives should outline how school and regional improvement plans should be aligned to integrated children's services planning.

Social Work Scotland also recommends that local authorities should retain their duty to produce an education plan. We do not believe this would duplicate efforts as local authorities have some very specific duties (around ASN, ensuring sufficient places for example) and a local authority plan would provide meaningful links between children's service planning, community planning and Regional Improvement Collaborative plans. There is big gap between a local school and the size of the new Regional Collaboratives.

Social Work Scotland believes that planning cycles should be longer than annual. Three years with a progress report would be more practical and is consistent with integrated children's service planning.

16. In making changes to the existing planning and reporting cycle, should we consider reducing the frequency of national improvement planning and the requirement on Ministers to review the National Improvement Framework?

17. Are the proposed purpose and aims of the Education Workforce Council for Scotland appropriate?

Social Work Scotland agrees with the proposed aims for the Education Workforce Council.

18. What other purpose and aims might you suggest for the proposed Education Workforce Council for Scotland?

The Council should also aim to promote the advancement and value of teaching and its associated professions.

The Council should promote the value of teachers working in an integrated and holistic way to meet the needs of children.

19. Are the proposed functions of the Education Workforce Council for Scotland appropriate?

Yes

20. What other functions might you suggest for the proposed Education Workforce Council for Scotland?

21. Which education professionals should be subject to mandatory registration with the proposed Education Workforce Council for Scotland?

Education Welfare Officers should be included.

Early Years Practitioners

To meet the needs of pre-school children holistically, Early Years Practitioners need a skills and knowledge base that crosses social care and learning. EYPs have a specific role in working to meet a

child's needs in terms of each of the wellbeing indicators (SHANARRI), and play a key role for children who have a Child's Plan. In doing this they also work with, and provide interventions to, parents, carers and families. Early Years Practitioners already have a strong and effective professional identity supported by the standards and codes of practice under current regulation. The case for changing this is not made. We need to guard against any message that EYPs are educators in a narrow sense. The standards for EYPs, as for all professionals, should be governed by the needs of children and not focused on the establishment in which they work.

Home/School Link Workers

The stated aim of home to school link worker is to work with parents who find it challenging to engage with their child's learning. There are multiple barriers affecting the capacity of some parents to engage with schools and learning. For example, these may include health issues, poverty, addiction, experience of trauma, and a poor personal experience of education. Home link workers will require a robust and broad set of knowledge and skills that will enable them to provide effective interventions and work in partnership with parents and across agencies.

Social Work Scotland therefore recommends that these posts should be open to appropriately qualified professionals who will continue to be regulated by the regulatory body for their profession (for example SSSC , HCPC or NMC).

Teachers taking up this posts should continue to be regulated by the GTC and its successor.

Some home link workers may not be registered with an appropriate professional body. Social Work Scotland believes that there is a case for the regulatory function to reside with the SSSC for this post given the skills, knowledge and values that will be required for this group of workers.

22. Should the Education Workforce Council for Scotland be required to consult on the fees it charges for registration?

Yes. This would be consistent with the good practice of other regulators of professional groups.

23. Which principles should be used in the design of the governance arrangements for the proposed Education Workforce Council for Scotland?

24. By what name should the proposed Education Workforce Council for Scotland be known?

Social Work Scotland does not have a strong view on what the name of the Council should be.