



the National Parent Forum of Scotland

*Evidence to the Education and Culture Committee
Education (Scotland) Bill
May 2015*

Introduction

The National Parent Forum of Scotland has been involved in discussions with the Scottish Government regarding the Bill, and contributed comments to the parents' leaflet produced by the Scottish Government which provides parents and carers with an overview of the provisions in the Bill.

This evidence draws on recent surveys and focus groups that NPFS has undertaken with parents in order to gather and represent a broad range of views. For example, we held a roundtable meeting with organisations working in the field of Additional Support Needs in January 2015 and, following on from this, undertook a survey for parents of children with ASN, which ran from February-March 2015 and had 423 responses.¹

Inequalities of Outcome

Q.1. Our view is that a desirable level of improvement is that all children can achieve their potential, regardless of their background. In order to achieve this, priority needs to be given to reducing inequalities of outcome for children from low-income households. While the Scottish Parliament has introduced measures to tackle poverty, nevertheless around one in five children in Scotland are living in poverty and this number is expected to rise by 2020, according to the Institute of Fiscal Studies². Since socio-economic disadvantage is projected to increase, the attainment gap is likely to widen even further unless action is taken.

Parents have told us that they would like to see wider achievement included in the definition of attainment. Attainment should encompass a 'whole child' approach: that is, there is a need to recognise the strengths and aptitudes and interests of each child in the round and provide experiences that help them identify opportunities to take these forward (e.g. FE/HE, work experience, volunteering opportunities and outdoor experiences). These experiences help to provide context for school and help parents and teachers to answer the question: 'Why are we learning?' Parents do however acknowledge that there are challenges around how to measure some of these achievements in a meaningful and comparable way.³

In relation to the improvements that the Bill could make, the benefit of legislation is that it could help prevent cuts to school budgets, as education authorities will be required to comply with the duties on reducing inequality. The duties would provide a strong argument against making cuts to provision that supports children who are at

¹ Survey report available at <http://www.npfs.org.uk/wpcontent/uploads/2015/04/ASN-survey.pdf>

² <http://www.ifs.org.uk/comms/comm121.pdf>

³ See the focus group report for further discussion. Available on request from NPFS

risk of not achieving their full potential. For instance, the budget cuts proposed by many local authorities across the country this year included reductions in the numbers of learning assistants and English as an Additional Language support – which is precisely the sort of additional support that can make the difference to many children who are otherwise at risk of under-achieving. It will be vital for the statutory guidance accompanying the Bill to provide clarity for local authorities about the types of support and interventions that have been proven to help improve children’s learning experiences.

In addition to the benefits that the new legislation could bring, it is essential to ensure that the existing statutory right to additional support for learning (ASL) is being met, and is being met properly, in full consultation with parents and pupils. Of the parents who responded to our online survey, less than half agreed that the ASL resources and support in their child’s school met their child’s needs’ (45%), and 38% of respondents said that their child had been directly or partly affected by changes to ASL provision in their school. The changes included reduction of support staff/auxiliary numbers (92%), equipment (26%), learning materials (20%) and transport (6%)⁴. Only 9% said that they had been consulted about this change in provision.

We have previously raised the importance of parents’ role in supporting better educational outcomes for children, and are pleased to see that the evidence about parents’ contribution is strongly reflected in the Committee’s letter to the Scottish Government of 13th May. We endorse the suggestions made by the Committee, i.e. a greater focus on parental engagement in inspection and feedback and in initial teacher training and CPD; a national approach to sharing evidence on what works; and all schools being required to have a parental engagement strategy. We also agree with the Committee’s view that, in addition to this universal approach, there is a need for targeted support for parents whose children are not achieving their full potential. We would be happy to participate in further discussion about how best to take forward these suggestions.

Q.2. NPFS would suggest rephrasing this to read ‘have due regard to reducing inequalities of educational outcome’. The inclusion of ‘desirability’ weakens the provision and could potentially result in education authorities arguing that they paid regard to the desirability of taking measures to reduce inequalities of outcome, and made the decision that it was undesirable to do so. However, the requirement to report every two years would help to ensure that educational authorities would fulfill the duties and that the desired policy effect would be achieved, as educational authorities and Ministers would have to specify what actions they have undertaken, and it is unlikely that they would wish to report that nothing had been done and no progress had been made.

Q.4 NPFS welcomes the decision to address inequality of educational outcome through legislation, as well as through specific programmes, as legislation will carry more weight and have a greater impact than local and short-term programmes and good practice materials alone.

At 2(3)(b), the Bill places duties on education authorities to work in partnership with parents (as well as schools, pupils and other relevant partners). NPFS welcomes

⁴ Percentages add up to more than 100% as some respondents selected more than one answer.

this, as it will help support parental involvement. We support the Committee's suggestion (in the letter to the Scottish Government of 13th May) that all schools should have a parental engagement strategy, which should cover both the school's approach to formal parental involvement through the parent council (including the approach that will be taken if there is currently no parent council at the school), and parental engagement more broadly, including opportunities for parents to get involved in the life of the school and information and advice on how to support their child's learning at home. In order to ensure that communications between parents and schools are effective, it is important that parents are involved in the development of the engagement strategies. NPFS would welcome the opportunity to contribute our expertise to this process.

Q.5 The National Priorities in Education do not specifically mention inequalities of educational outcome for children from low-income families, so the provisions in the Bill are to be welcomed.

The current planning and reporting requirements do not cover socio-economic disadvantage as they refer to 'equal opportunities requirements' as defined in UK legislation, and this does not currently include socio-economic disadvantage.

One potential disadvantage is that the new duty to report on reducing inequalities due to socio-economic disadvantage will stand alone from the existing reporting requirements. Schools are required to produce the existing plans; the new duty places the responsibility on education authorities and Scottish Ministers. This could potentially create confusion as to why the planning and reporting for this particular duty is separate from planning and reporting for other equalities duties, especially as inequalities can be multiple and overlapping.

Q.6 There needs to be clarity and consistency in the language used. If we are unclear about what it is that we are trying to change, and what precisely we are measuring and collecting data on, then it will be difficult to achieve the policy objectives. The Policy Memorandum makes reference to raising attainment for all children, but the Bill is specifically about reducing inequality of outcome.

NPFS' view is that regulations and statutory guidance accompanying the legislation should define the target group as children from low-income households, rather than disadvantaged areas, particularly if 'disadvantaged' is defined in relation to the Scottish Index of Multiple Deprivation (SIMD). As discussed in previous evidence, targeting using the SIMD could exclude pupils who are living in poverty, but who are not resident in the areas classified as the most disadvantaged. For instance, inner city areas in which a significant proportion of residents are living in privately rented accommodation are often not included in the index.

Q.8 NPFS welcomes the requirement that education authorities must consult with parents. It is important that consultation with parents is undertaken in a way that is meaningful and supports all parents to participate and have their views heard and taken into full account. The mechanisms for consultation should address the different needs of parents and be at a time and in a format that does not discourage parents from taking part and sharing their views.

Q.9 As discussed above, socio-economic disadvantage is a priority given the well-established link between poverty and lower educational outcomes, and is an even more pressing issue given the projected rise in the number of children living in lower income households. However, we know from research that there are many groups

who experience educational inequality, but who do not necessarily fall into the category of socio-economic disadvantage. Disability, race, refugee/asylum-seeker status and looked-after status are some of the factors that may have an impact on children's educational potential, and consideration should be given as to whether the existing duties in relation to these inequalities are sufficient. At the same time, it is important to bear in mind that inequalities can overlap and be multiple.

Gaelic Medium Education

Q.12 NPFS welcomes the proposed statutory process for parents to request an assessment of the need for Gaelic medium primary education (GMPE).

NPFS is named on the face of the Bill as a statutory consultee, although we are not required to provide views (unlike Her Majesty's Inspectors of Schools or Bòrd na Gàidhlig, who are the other named consultees). We welcome our inclusion, are currently looking at ways to address the issue of representation from parents of children attending Gaelic medium schools. Our structure is such that we have one parent representative (plus the option to have a deputy) per local authority area. We also have subgroups, currently: early years; primary; secondary and ASN. NPFS' Chair and Vice-Chair have met with the chair of the Glasgow Gaelic School parent council, and the issue of GME representation will be taken to our Forum members for further discussion.

Q.15 The requirement to implement the duties on GMPE could result in some parents raising questions about why resources are being directed to providing Gaelic medium education, which only a small minority of children currently attend. However, the duties in the Bill on reducing socio-economic inequality in educational outcomes could go some way to ensuring a balance and addressing such concerns. As discussed above, other inequalities could also be addressed in the Bill, and again this would support those most in need.

Additional Support for Learning

Q.16-18 The extension of rights will be successful if this is supported by information, advice, support and advocacy, as required. Children and young people need to be aware of their rights, and supported to access them. The definition of capacity needs to be clear and should not be discriminatory. If guidance is created to accompany the legislation, it should provide clarity on how capacity is assessed.

It is important that ASL tribunals have the capacity to deal with a potential increase in the number of cases, and that the process is as child-friendly as possible.

The decision about whether a child has capacity is made by the local authority, then the tribunal if there is a dispute. There is a potential for conflict of interest, as it is the body that children and/or parents may be in dispute with that makes the decision about whether they have capacity or not.

There is a potential difficulty for families in that child advocacy and parental advocacy will be delivered by different agencies, which raises capacity issues but also the potential for conflicting views within the family. The proposed support service will need to give consideration as to how to help resolve potential disagreements within families.

One issue which parents who responded to our survey about ASL raised was that ASL is often unavailable in Gaelic medium education. Parents told us that provision is so rarely available that the usual option put forward is to transfer the child to

English medium education.

“I had asked for my son to be assessed for dyslexia in P3 only to be told that it would not be possible until he was in P5 and could read an English book, leaving him with 2 further years of struggling on when things could of [sic] been put in place sooner.”
(Parent of a child in GME).

It may be that this Bill is not the place to address these issues, but nevertheless the lack of ASL provision in Gaelic medium education is a rights issue, and we would ask the Committee to consider how this could be addressed.

Chief Education Officer

Q.19-20 The Scottish Government has explained that, in many cases, the existing Director of Education would meet the criteria for the Chief Education Officer (CEO) role, and that it will also be possible for local authorities to have a shared CEO. We would welcome this, as although we recognise the importance of having a CEO with relevant skills and experience in education, we have concerns about the cost of recruiting and remunerating these strategic-level posts.

Complaints

Q.23 The introduction of a statutory timescale is welcome, as this is an improvement on the current situation. However, the 112 working day deadline for investigations could equate to 5 or 6 months, which is a long time for a child to have to wait, particularly if they are not attending school for this period (although it is hoped that alternative measures would be in place).

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