Looked after children with additional support needs in Scotland
A scoping study

By Jessica Cundy and Mary Duffy
Barnardo’s Policy and Research Unit

Funded by the Equality and Human Rights Commission Scotland
This report is based on research carried out in autumn 2009 by Barnardo’s research staff Jessica Cundy and Morag Treanor, with support from Selwyn McCausland (Barnardo’s Scotland Participation Development Coordinator).

We would like to thank all the professionals and young people who took part in the research. We would also like to thank Barnardo's practice management staff who commented on drafts of the report.

If you require this guide in an alternative format and/or language please contact our helpline to discuss your needs.

Equality and Human Rights Commission Helpline - Scotland
Freepost RRLL-GYLB-UJTA

The Optima Building, 58 Robertson Street, Glasgow G2 8DU

Telephone: 0845 604 5510
Textphone: 0845 604 5520
Fax: 0845 604 5530
4.2 Advocating on behalf of looked after children ........................................ 55
4.3 Raising awareness of looked after children’s rights to ASL ................. 60

5. The views of looked after children and young people .......................... 65
5.1 Children and young people in foster care ........................................... 66
5.2 Children and young people in residential care .................................... 67
5.3 Children and young people looked after at home ............................... 69

6. Findings and Conclusions .................................................................... 71
6.1 Key findings ....................................................................................... 71
6.2 Overall comment ................................................................................ 73

Appendices ................................................................................................ 75
Appendix 1: Nature and content of Coordinated Support Plans .................. 75
Appendix 2: Policy context ......................................................................... 76
Appendix 3: Local authority telephone survey ......................................... 78
Appendix 4: Research participants from national bodies and other key organisations .................................................................................. 84
Appendix 5: Research participants in local authority case studies .......... 85
Appendix 6: Discussion guide for consultation with children and young people ....................................................................................... 86
Appendix 7: Responses to questions 1 to 3 of the local authority survey ...... 88
Appendix 8: Scottish Government Children Looked After Statistics 2008/09 . 90
Executive Summary

Background
The Equality and Human Rights Commission Scotland (the Commission) appointed Barnardo's Policy and Research Unit to carry out a scoping study into the rights of looked after children with additional support needs (ASN) in Scotland. The overarching purpose was to provide the Commission with a fuller understanding of the issues facing looked after children with ASN and the systems and processes that provide them with additional support for learning (ASL).

Wider context
When a child or young person becomes looked after, the local authority assumes a key role in their wellbeing and has a statutory duty to work across all departments and with other partners in the best interests of the child or young person. Children and young people become looked after by routes that are voluntary (for example at the request of a parent) or compulsory (on the decision of a children’s hearing).

Since they often face challenging life circumstances, looked after children generally have greater support needs and worse outcomes across a wide range of areas. Their educational outcomes are significantly poorer than those of their peers and as a result their longer term social and economic prospects are affected.

Numerous legislative and policy initiatives have allocated attention and resources to children requiring extra support to succeed in education. Recent developments have gone further in considering the specific education support needs of looked after children.

Through this study, the Commission aimed to understand current and planned processes for supporting looked after children in their education and to identify areas where legislation, policy or practice could be more effective.

Methods
This was a small scale scoping study, designed to seek in-depth views. Although not representative of the whole population of professionals or looked after children, a wide range of views were gathered. The study involved: a
telephone survey of 24 local authorities; 21 face to face and telephone interviews with national organisations and key stakeholders; case studies of 3 local authorities with 6 interviewees in each authority; a focus group with 5 children and young people in residential care; 5 interviews with children and young people in foster care.

Findings were analysed for key themes and were considered alongside wider data and research evidence in order to present a fuller picture.

**Key findings**

**Data on looked after children**

- At 31\textsuperscript{st} March 2009 there were 15,288 children looked after by local authorities, the majority (39\%) placed at home with parents.

- Although educational outcomes for looked after children are generally worse than for their peers, systems for tracking levels of need, types of support, and impacts of support are weak.

- There is no reliable local authority data collection on the number of looked after children with ASN, the type of ASN, or the ASL provided. This should change with Scottish Government plans to overhaul reporting processes but problems may remain.

- 56\% of looked after children had ASN in the eight local authorities that could provide complete data.

**Local authority policies and processes**

- No local authority we surveyed has a specific policy for providing ASL to looked after children. Planning processes do not comprehensively address the joint issues of ASL and being looked after.

- Coordinated Support Plans (CSPs) are rarely used to support looked after children. Looked after children are generally not considered to meet the criteria for CSPs. Many authorities use alternative ‘sub-statutory’ support plans which do not have the same legal status as CSPs, affecting the ability of children and parents/carers to challenge ASL provision.
• The local authority role as corporate parent may conflict with its service provider role, especially regarding challenges to assessment or provision of ASL to looked after children.

• The 2009 amendments to the ASL legislation should improve support for looked after children by ensuring that all are assessed for their ASN. However, clearer guidance and monitoring on implementation in local authorities is needed. Attention must also be paid to how to protect looked after children from feeling stigmatised because of their automatic ASN status.

Influencing and challenging the provision of ASL

• Up to the point when the research was carried out, only one reference had been made to the Additional Support Needs Tribunals for Scotland (ASNTS) on behalf of a looked after child.

• There is a lack of advocacy services with expertise in education matters to serve the needs of looked after children, especially where those with parental role are compromised in their ability to appeal ASL decisions. The new national advocacy service established under the 2009 ASL legislation should improve things, especially if local authorities fully implement their duties to consider all looked after children for a CSP.

• Although efforts are being made to include the views of looked after children in making decisions about their education, the processes to support this need strengthening. More child centred ways of engaging and making meetings less intimidating are needed.

• Children looked after at home may be especially vulnerable in terms of educational needs and outcomes. Disrupted schooling is also a major issue.

The views of looked after children

• There was little or no awareness of their specific rights in relation to the ASL legislation, but they were confident they knew their rights in relation to their home life and care.

• There was varying levels of awareness of what to do or where to go if they were having difficulties at school relating to their ASL.
• There was strong support for making the language and decision making around their education and ASL understandable and accessible.

• All wanted a range of support options to help them speak for themselves.

• There were worries about being bullied or stigmatised by peers as a consequence of receiving noticeable support for learning.

Conclusion

Overall our findings give weight to the Commission’s concerns about children not having a direct right of appeal about the level and nature of additional support for learning that they are provided with. This has a particular negative impact on looked after children, where if their parent is unable or unwilling to appeal they then have no opportunity to appeal against the decisions of the local authority.

An appeal to the tribunal is a last resort, but providing children with the right to appeal sets an important and clear standard about how children should be treated and involved in decisions about the provision of additional support for learning.

The looked after children and young people we talked to want to be given support to have their own voice. As the individuals who will be affected directly by any unfairness, discrimination and who may be in need of support at school, it is fundamental that children themselves should also have the right to challenge any lack of appropriate support.
1. Introduction

1.1 Background

The Equality and Human Rights Commission Scotland (the Commission) appointed Barnardo’s Policy and Research Unit to carry out a scoping study into the rights of looked after children with additional support needs (ASN) in Scotland. This report provides the findings of the research.

The overarching purpose of the research was to provide the Commission with a fuller understanding of the issues facing looked after children with ASN and the systems and processes that support them in their education. The aims of the research are listed in section 1.4.1.

1.2 Definitions

1.2.1 Looked after children

There are two routes to becoming ‘looked after’, one voluntary, one compulsory. In either case, the duties and powers of local authorities are the same. A child may be looked after because parents ask a local authority to provide alternative care/accommodation for them, because there is no one with parental rights and responsibilities to provide care, or because it would better protect the child’s welfare. In addition, some young people over 16 may themselves ask to be looked after. Alternatively, children and young people may become looked after against their own or their parents' wishes because of the decision of a court or children’s hearing. In Scotland, unlike other UK jurisdictions, those under compulsory measures of supervision may be looked after while still living at home with their family.¹

1.2.2 Corporate parenting

When a child becomes looked after, the local authority assumes a key role in the child’s wellbeing. Corporate parenting refers to the formal and informal partnerships between local authorities and partner agencies, who are responsible for working together in the best interests of the child, both in

---

¹ Being looked after at home means that, in theory, children retain the familiarity of their home environment, while they and their parents/carers benefit from additional supervision and support from the local authority.
general\textsuperscript{2} and therefore in relation to education.\textsuperscript{3} There are three key elements in corporate parenting\textsuperscript{4}:

- A statutory duty on local authorities to work across all departments for the welfare of looked after children, and a duty on other agencies to cooperate with local authorities in fulfilling that.
- Coordinating the actions of all professionals and carers in a child’s life, taking a strategic, child centred approach.
- Shifting the emphasis from corporate to parenting and doing all that is possible and necessary to support every aspect of child development and wellbeing from birth until adulthood.\textsuperscript{5}

1.2.3 Additional Support Needs (ASNs)

ASNs relate to the field of education. A child is deemed to have ASN where, for whatever reason, he or she is likely to be unable to benefit from school education without extra support. This extra support is generally termed ‘Additional Support for Learning’ (ASL). Proportionately more looked after children have ASN because of their sometimes challenging personal and life circumstances. As section 1.3.3 describes, legislative changes in 2009 mean that all looked after children will be deemed to have ASN unless local authorities demonstrate otherwise.

1.3 Legislative and policy context

Various legal and policy initiatives have been developed to support looked after children and to address the evidence that many looked after children have worse educational outcomes than their peers (see chapter 2).

\textsuperscript{2} Scottish Executive (2007) \textit{Looked After Children and Young People: We Can and Must Do Better}. Edinburgh: The Scottish Executive
\textsuperscript{4} The Scottish Government (2008) \textit{These Are Our Bairns: A guide for community planning partnerships on being a good corporate parent} \url{http://www.scotland.gov.uk/Publications/2008/08/29115839/0}
\textsuperscript{5} The local authority delegates this function to those providing daily care for the child.
1.3.1 The Children (Scotland) Act 1995

The Children (Scotland) Act 1995 is the key legislation concerning the care and welfare of children. Part I presents the legal rights and responsibilities of parents for their children, while Part II deals with public services for children who need protection and support. Other primary and secondary legislation, as well as statutory guidance and standards, also shape the support provided for looked after children by the public sector.

1.3.2 The Education (Additional Support for Learning) (Scotland) Act 2004

The Education (Additional Support for Learning) (Scotland) Act 2004 provides the legal framework underpinning support for children in their school education. The Act replaced the concept of 'special educational needs' with the more broadly defined concept of additional support needs. Among other things, it placed duties on local authorities to:

- Identify whether any child whose education they are responsible for has ASN
- Provide for any additional support needs, subject to their powers and at reasonable cost
- Monitor the support provided and any changing needs
- Take into account relevant information from appropriate professionals and others, including the child and the child's parent/carer
- Respond to requests for assessments from parents/carers or from young people.¹

The Education (Additional Support for Learning) (Scotland) Act 2004 also established the Additional Support Needs Tribunals for Scotland (ASNTS). Under the Act, parents and young people aged 16 and over can appeal to the Tribunals against decisions made about the additional support for learning provided by local authorities. However, such appeals can only be made under

certain grounds, in which documents called Coordinated Support Plans are key (see Box 1).

There is no right of appeal, in their own name, for children under 16. The Act is therefore inconsistent with the rights afforded to children that are set out in the Age of Legal Capacity (Scotland) Act 1991. This legislation presumes that children of, or over the age of 12 have the legal capacity to instruct a solicitor. The refusal to give children a legal right of appeal about the lack of support or related issues is also inconsistent with the Children (Scotland) Act 1995 which provides children with the right to appeal to the Sheriff Court against the decision of a children’s hearing.

**Box 1: The role of Coordinated Support Plans (CSPs) in appeals to the Additional Support Needs Tribunals for Scotland (ASNTS)**

The ASNTS consider appeals (references) against local authority decisions about the provision of educational support. References can be made by those with parental responsibility and by young people aged 16 and over. The ASNTS can only deal with references that relate to CSP, which are statutory documents detailing the type of additional support for learning required. CSPs are potentially key assessment, planning and review tools and local authorities must have arrangements in place to identify which children and young people with ASN require them.

CSPs are central to the grounds on which parents and young people can make a reference to the ASNTS. The specific grounds are the following:

- The authority’s refusal to assess a child or young person for a CSP.
- The authority’s decision on whether a child or young person should have or continue to have a CSP.
- The time taken to prepare a CSP.
- The information in the CSP.
The authority’s failure to review the CSP.

The authority’s refusal of a placing request in some circumstances.\(^7\)

The 2009 amendments to the ASL legislation state that authorities must consider whether each looked after child for whose education they are responsible requires a CSP. (See Appendix 1 for more on CSPs.)

The ASL system in Scotland which denies children a right to appeal to the ASNTS is potentially compounded in relation to looked after children because of the local authority’s status as corporate parent. Research has highlighted a range of potential problems with how corporate parenting roles can be carried out, including that some staff within local authorities are not fully aware of their corporate parenting responsibilities.\(^8\) In relation to ASNTS appeals, looked after children who want to challenge local authority decisions about their education may need that same local authority to act as parental figure in such a challenge. Due to this joint role as both education provider and as corporate parent, there is a potential conflict of interest that may not result in the best outcome for the child.

The fact that children who are capable of expressing their own views do not have the right to appeal has been raised by the Commission and by a coalition of voluntary organisations (including Barnardo’s Scotland and led by Govan Law Centre). These concerns have raised also the particular situation facing looked after children, where if their parent is unable or unwilling to appeal there is no opportunity to appeal against the decisions of the local authority. The UN Committee for the Rights of the Child has also raised concerns and has recommended that the Scottish Government take steps to ‘ensure that children who are able to express their views have the right to appeal … to special educational need tribunals.’\(^9\)

However, the Scottish Government believes that the rights of looked after children with ASN are adequately served by existing legislation and that no review of the age restriction in the 2004 Act is required. This differs from the


\(^8\) See footnote 3.

\(^9\) CRC/C/GBR/CO/4 20 October 2008
approach of the Welsh Assembly and Westminster Governments. In Wales, pilot schemes were launched in September 2009 providing children with the right to appeal to the Special Education Needs (SEN) Tribunal for Wales before the new appeals process is rolled out across Wales in 2013. In England, the Government launched a 12 week consultation in April 2009 on the age for children to appeal SEN decisions through the equivalent tribunals system in England. These steps elsewhere in Britain followed on from the observations of the United Nations Committee on the Rights of the Child that across the UK ‘participation of children in all aspects of schooling is inadequate, since children have very few consultation rights, in particular they have no right to appeal their exclusion or to appeal the decisions of a special educational needs tribunal’.  

1.3.3 Amendments to the 2004 ASL Act

The above 2004 Act was amended by the Education (Additional Support for Learning) (Scotland) Act 2009. The impetus for change stemmed from two Court of Session judgments which questioned interpretations of the 2004 Act, and from two reports published by HMIe which highlighted concerns about the implementation of the Act by local authorities. In particular HMIe found that:

- Many parents and carers are not aware of their rights
- Some professionals do not know what is required under the legislation it is very difficult to arrange an ASN assessment and the right to an assessment is tied up in bureaucracy
- Resources are not following the right children at the right time
- Children without a CSP are less likely to receive additional support.

10 Consultation on Giving Children and Young People a Right to Appeal. 
http://www.dcsf.gov.uk/consultations/index.cfm?action=conResults&external=no&consultationId=1607&menu=

11 Committee on the Rights of the Child 49th Session, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, Section 66(a). 
http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf


The 2009 Act extends the rights of young people with ASN and parents to request a specific assessment of ASN at any time and education authorities must take into account the results of the assessment. The Act will also have the effect that all looked after children will be deemed to have ASN unless the local authority determines that they do not require ASL. All authorities will be required to carry out an assessment of every looked after child's ASN, including whether or not the child needs a CSP.

New revised regulations and a revised Code of Practice should be issued in Autumn 2010.

1.3.4 The Equality Bill

The Equality Bill passed through Parliament in March 2010 and will come into force from October 2010. The Bill continues to prohibit disability discrimination in the provision of school education. However, the Bill also proposes to move these cases from the Sheriff Court to the ASNTS. Therefore, this means that children with legal capacity will soon have the right to bring these more complex disability discrimination claims relating to school education to the ASNTS but will not be able to bring an additional support needs case to the same tribunal.

A further consequence of the proposed change is that children may stop being able to obtain civil legal aid to help fund the cost of a solicitor in a disability discrimination education case. The current system allows children to apply for civil legal aid if they are making a claim in the civil courts. However, civil legal aid is not available to help fund the cost of taking a case under the ASL legislation to the ASNTS.

1.3.5 Major policy initiatives

Getting It Right For Every Child\textsuperscript{14} applies across all children’s services. It aims to improve outcomes for children and young people by streamlining and coordinating systems and improving data sharing, thereby providing more timely and effective interventions. It seeks more child centred, joined up and accessible services, especially for children who need multi-agency support. It

\textsuperscript{14} http://www.scotland.gov.uk/Topics/People/Young-People/childrensservices/girfec
also seeks to connect with adult services working with parents to ensure that the child's needs are considered.

Curriculum for Excellence\(^\text{15}\) is about improving educational outcomes for all children, providing the best learning opportunities to build their capacities in four areas: successful learners, confident individuals, responsible citizens and effective contributors. This should help them to develop the skills they need for learning, work and life in general. It takes a child centred approach to the nature and pace of education and to the provision of extra support to ensure effective learning.

Included, Engaged and Involved\(^\text{16}\) recognises that in order to build the four capacity areas above, children need to be better engaged in education. Since attendance at school is critical to engagement, and since looked after children may face particular challenges, guidance on attendance and absence includes specific reference to this group.

All these key policy documents apply in the context of the Early Years and Early Intervention Framework\(^\text{17}\), which focuses on providing all children with the best start in life and thereby reducing the need for later intervention.

1.4 The purpose and approach in this research

1.4.1 Research aims

Given the education challenges faced by many looked after children, and in light of concerns about legislative and other developments, the Commission wanted to understand more about current and potential support for looked after children. It had the following aims for this research:

- To identify the number of looked after children with additional support needs (ASN) in Scotland.
- To identify the type and range of additional support for learning (ASL) required by looked after children.


\(^{17}\) [http://www.scotland.gov.uk/Publications/2008/03/14121428/0](http://www.scotland.gov.uk/Publications/2008/03/14121428/0)
To understand the experiences of looked after children in accessing suitable ASL provision.

To identify any differences between the experiences of looked after children belonging to particular groups or based in different locations.

To identify how local authorities manage their role as corporate parents and in particular how they balance their duties and responsibilities as education provider and corporate parent.

To explore with professionals working with looked after children their experiences and views on what support is required by looked after children with ASN. In particular, to identify and understand how looked after children are provided with the support required to address their additional support needs.

The above aims were adapted and further areas of interest were identified as the research progressed. For example, we looked at responses to legislative change occurring during fieldwork, as well as asking more questions about complaint and advocacy processes.

1.4.2 Methods

This research was a scoping study and therefore relatively small in scale. It is important not to present or interpret the findings as representative of all views and experiences of looked after children with ASN. However, within the limits of the study, we consulted widely to gain an overview of local authority policies and processes for providing ASL to looked after children, and to consider the experiences of looked after children in accessing support. As well as a survey of all local authorities, we selected three local authorities to carry out more in-depth case studies and we spoke directly to a small number of looked after children and young people. Overall we used the following methods:

- A telephone survey of 24 local authorities (see Appendix 3).
- Face to face and telephone interviews with 21 individuals from national bodies and other key organisations (see Appendix 4).
- Telephone interviews with 6 individuals in each of the 3 local authority case studies (see Appendix 5).
A focus group with 5 children and young people in residential care.

Face to face interviews with 5 children and young people in foster care.

Fieldwork took place from August to November 2009. We agreed that none of the individuals who took part in the research would be personally identified. Although those who took part remain anonymous, their professional roles or their looked after status is given where relevant.

The fieldwork with young people used creative methods to build rapport and seek their views. These methods were informed by our expertise working with children and young people facing challenging issues (see Appendix 6).

1.4.3 Analysis

Analysing qualitative data from a relatively small number of cases can raise challenges. However, speaking directly to those involved is important in understanding the underlying processes and emotions that statistical information cannot provide. This matters when attempting to understand how things work.

In this research project, interview and focus group data were analysed by a researcher for key themes, which were then grouped conceptually. A second researcher provided further analysis of these themes. Finally, a third researcher worked with the main fieldworker and with the research commissioners to identify what themes were most relevant for inclusion in this report. All interviews were recorded and were analysed using NVivo. The statistical data collected through the local authority telephone survey was analysed using Excel.

1.4.4 Structure of this report

Following this chapter, chapter two presents wider research evidence on looked after children and education, as well as demographic data from national sources and from this scoping research. Chapters three to five contain the bulk of the findings from our qualitative interviews and chapter six draws out the main issues and their implications. Throughout the report, wider sources of evidence are cited where relevant.
2. Evidence on looked after children with additional support needs

KEY FINDINGS

- At 31st March 2009 there were 15,288 children looked after by local authorities. The number has increased every year since 2001 and is at its highest since 1983.

- The majority of looked after children (39%) are placed at home with parents.

- Looked after children in general have poorer outcomes across a range of personal, social and economic indicators.

- The educational outcomes for looked after children are generally worse than for others; those looked after at home may be especially vulnerable.

- There is no reliable local authority data collection on the number of looked after children with ASN, the type of ASN, or the specific support (ASL) provided (including numbers with a Coordinated Support Plan).

- In the eight authorities that could provide data, 56% of looked after children had ASN.

- Data sharing across departments is inadequate and unsystematic. As a result, neither local authorities nor Scottish Government can easily say at any given point what the exact picture is regarding looked after children. This may well compromise planning and support processes.

- Scottish Government plans to overhaul reporting processes are positive. Making data available on an ongoing basis rather than annually would further increase its usefulness.

2.1 The educational needs and outcomes of looked after children

Looked after children are a heterogenous group with different characteristics and backgrounds. However, despite their differences, they typically
experience more challenging life circumstances than their peers across many areas, including general health and emotional well being.\textsuperscript{18, 19}

Evidence that looked after children may struggle more with education and are generally less successful in terms of educational performance has been clear for decades.\textsuperscript{20} Scottish Government figures for 2006/7\textsuperscript{21} show the following:

- 60\% of looked after children gained at least one Level 3 qualification, whereas 90\% of all young people aged 16-17 gained at least five Level 3 qualifications.\textsuperscript{22}

- Only 34\% of looked after young people achieved at least English and Maths Level 3 qualifications.\textsuperscript{23}

- 21\% of continuously looked after children were excluded at least once in the academic year 2007/8, compared with just 2\% of their non looked after peers.\textsuperscript{24}

- School attendance in 2007/8 for all looked after children was 87.8\%, compared to 93.3\% in the non looked after population (for those looked after at home it was 83.7\%).\textsuperscript{25}

Exclusion rates and truancy are often the result of higher levels of social, emotional and behavioural difficulties, as is placement in special schools, all of which are more frequent for looked after children.\textsuperscript{26}

\textsuperscript{21} No information on the qualifications of care leavers has been collected since 2006/07. See note 13 in http://www.scotland.gov.uk/Publications/2010/02/22133946/8
\textsuperscript{22} University of Strathclyde (2008) \textit{The Educational Attainment of Looked After Children: Local Authority Pilot Projects}. http://www.scotland.gov.uk/Publications/2008/09/12095701/0
\textsuperscript{24} This does not include informal exclusions, which are likely to be much higher and have the same pattern. The exclusion rate per 1000 pupils for children and young people looked after at home was 552, for those looked after away from home it was 359 and for all looked after children and young people it was 445, compared to 52 for the non looked after population. http://www.sco
\textsuperscript{25} The http://www.scotland.gov.uk/Publications/2008/12/18120723/0
Various factors may make it less likely that looked after children will do well at school compared to their peers. These can be grouped into the following two main themes.

2.1.1 Children’s experiences before they become looked after

Children often become looked after for care and protection reasons stemming from challenging family circumstances. For example, looked after children are more likely to:

- Come from deprived backgrounds
- Experience abuse and neglect
- Experience parental (or their own) substance misuse
- Be involved in criminal behaviour (or experience parental offending)
- Have had poor parenting or a chaotic/disruptive family life.

Any of these circumstances is likely to impact on a child’s educational experience and performance. It may even be that problems with behaviour, attendance, or academic performance at school first alerted authorities to wider issues, prompting the initial admission to the looked after system.

---

27 Department for Children, Schools and Families (2009b) Breaking the link between disadvantage and low attainment: everyone’s business, London: DCSF.
29 Department for Children, Schools and Families (2009b) Breaking the link between disadvantage and low attainment: everyone’s business, London: DCSF.
2.1.2 Children’s experience after they become looked after

Being looked after does not inevitably lead to poor educational (or other) outcomes. Depending on their placement and how it is managed some children can do well at school and progress may even be enhanced due to increased stability, safety and support.

However, more often outcomes for looked after children are poorer than their peers. This can be because the looked after and education systems fail to adequately support children and meet their often complex needs. Since being looked after may be a short term situation, may be repeated several times during a child’s life, or may involve multiple changes of care, outcomes may also be poor because of the disruption created. There may be delays in finding a new school when children enter the care system or move to a new placement and children may struggle to fit in and to catch up once in their new school.

The strength of the evidence on outcomes for looked after children has led to multiple and ongoing policy and other initiatives, some outlined in chapter 1 (see appendix 2 for further information).

2.2 Data on looked after children and education

2.2.1 Scottish Government data

There are two national sources of data on looked after status and additional support needs. The Children Looked After Statistics publication reports on data from local authority social work departments. The Pupil Census reports on data from schools and includes the reasons for support for pupils with ASN. The most recent data from each are used below.

---

39 See footnote 35.
The number of looked after children in Scotland has increased steadily since 2001 and was 15,288 in 2008/09 (see Table 1, and Appendix 7 for a more detailed breakdown). Placement types vary, the most common arrangement being that children are looked after in their own homes. Nearly 40% of children are in this category, which is unique in the UK to Scotland. Residential care places account for 10% of all placements and may be at a site within the local authority (usually preferable) or outside it. Since many looked after children experience multiple placements, even over short time periods, these figures provide a snapshot of a fluid situation.

Table 1: Looked after children by placement type (Scottish Government Children Looked After Statistics 2008/9)

<table>
<thead>
<tr>
<th>Placement type</th>
<th>Percentage of LAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Looked after at home</td>
<td>39%</td>
</tr>
<tr>
<td>In foster care</td>
<td>29%</td>
</tr>
<tr>
<td>In kinship care</td>
<td>20%</td>
</tr>
<tr>
<td>In residential care</td>
<td>10%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>15,288</strong></td>
</tr>
</tbody>
</table>

Table 2 shows that more boys (55%) are looked after than girls (45%) and that the majority of all looked after children are aged between 5 and 11 years (see table 2). We also know that boys in general are less likely to be adopted or fostered, especially as they get older, and are more likely to be in residential or secure accommodation.42

http://www.scotland.gov.uk/Publications/2010/02/22133946/0

http://www.scotland.gov.uk/Publications/2006/08/07134204/0
Table 2: Looked after children by age and gender (Scottish Government Children Looked After Statistics 2008/9)

<table>
<thead>
<tr>
<th>Age at 31st March 2009</th>
<th>Under 1</th>
<th>1 to 4 yrs</th>
<th>5 to 11 yrs</th>
<th>12 to 15 yrs</th>
<th>16 to 17 yrs</th>
<th>18 to 21 yrs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>193</td>
<td>1,424</td>
<td>2,924</td>
<td>2,907</td>
<td>838</td>
<td>91</td>
<td>8,377</td>
</tr>
<tr>
<td>Female</td>
<td>163</td>
<td>1,376</td>
<td>2,585</td>
<td>2,108</td>
<td>622</td>
<td>57</td>
<td>6,911</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2%</td>
<td>18%</td>
<td>36%</td>
<td>33%</td>
<td>10%</td>
<td>1%</td>
<td>15,288</td>
</tr>
</tbody>
</table>

In the Children Looked After data, the majority of looked after children are recorded as white (91%), 6% have an ethnicity recorded as not known, and 3% are from a non white ethnic background. Recent changes in immigration patterns, the much younger age profile of some BME communities, and the considerable differences across BME groups, make it difficult to comment on the overall influence of ethnicity on being looked after; we know in general that black children are more likely to be looked after and that Asian children are under-represented among looked after children relative to their proportion in the general population.\(^{43}\)

The Pupil Census shows that in September 2009 there were 676,740 pupils in Scotland, of which 44,176 (6.5%) were either in special schools or had ASN in mainstream schools. Overall, 68% of pupils with additional support needs were boys. Of those pupils with additional support needs, the most prevalent categories of reason for support were social emotional and behavioural difficulties (13.7 pupils per 1,000) and learning disabilities (13.6 pupils per 1,000).\(^{44}\) Table 3 shows the breakdown of reasons for ASN across all Scottish pupils, though note that these are not numbers for individual pupils and that some pupils may be counted in several categories. There were 1,510 instances where looked after status was recorded as the reason for receiving ASN.


Table 3: Reasons for support for pupils with Additional Support Needs (Scottish Government Pupil Census 2009)

<table>
<thead>
<tr>
<th>Reason for Support</th>
<th>Number of pupils</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social, emotional and behavioural difficulty</td>
<td>9,267</td>
</tr>
<tr>
<td>Learning disability</td>
<td>9,232</td>
</tr>
<tr>
<td>Other moderate learning difficulty</td>
<td>6,292</td>
</tr>
<tr>
<td>Autistic spectrum disorder</td>
<td>5,254</td>
</tr>
<tr>
<td>Language or speech disorder</td>
<td>4,754</td>
</tr>
<tr>
<td>Dyslexia</td>
<td>4,543</td>
</tr>
<tr>
<td>English as an additional language</td>
<td>3,994</td>
</tr>
<tr>
<td>Physical or motor impairment</td>
<td>3,103</td>
</tr>
<tr>
<td>Other</td>
<td>3,070</td>
</tr>
<tr>
<td>Other specific learning difficulty (e.g. numeric)</td>
<td>3,044</td>
</tr>
<tr>
<td>Physical health problem</td>
<td>2,377</td>
</tr>
<tr>
<td><strong>Looked after</strong></td>
<td><strong>1,510</strong></td>
</tr>
<tr>
<td>Visual impairment</td>
<td>1,340</td>
</tr>
<tr>
<td>Hearing impairment</td>
<td>1,007</td>
</tr>
<tr>
<td>Interrupted learning</td>
<td>724</td>
</tr>
<tr>
<td>More able pupil</td>
<td>338</td>
</tr>
<tr>
<td>Mental health problem</td>
<td>275</td>
</tr>
<tr>
<td>Deafblind</td>
<td>43</td>
</tr>
<tr>
<td><strong>TOTAL</strong>[^45]**</td>
<td><strong>60,167</strong></td>
</tr>
</tbody>
</table>

[^45]: Numbers are not individual pupils. Pupils with more than one reason for ASN are counted more than once.
Table 4: Looked after children by disability status (Scottish Government Children Looked After Statistics 2008/9)

<table>
<thead>
<tr>
<th>Main Disability</th>
<th>Number of LAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>No disabilities</td>
<td>12,185</td>
</tr>
<tr>
<td>Not known</td>
<td>1,462</td>
</tr>
<tr>
<td>Social, emotional and behavioural difficulties</td>
<td>644</td>
</tr>
<tr>
<td>Learning disability</td>
<td>277</td>
</tr>
<tr>
<td>Multiple disabilities</td>
<td>239</td>
</tr>
<tr>
<td>Other chronic illness/disability</td>
<td>122</td>
</tr>
<tr>
<td>Autistic spectrum disorder</td>
<td>113</td>
</tr>
<tr>
<td>Physical or motor impairment</td>
<td>80</td>
</tr>
<tr>
<td>Language and communication disorder</td>
<td>49</td>
</tr>
<tr>
<td>Visual impairment</td>
<td>35</td>
</tr>
<tr>
<td>Specific learning difficulties</td>
<td>33</td>
</tr>
<tr>
<td>Mental health problem</td>
<td>29</td>
</tr>
<tr>
<td>Hearing impairment</td>
<td>20</td>
</tr>
<tr>
<td>Combined sight and hearing loss (deaf/blind)</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>15,288</strong></td>
</tr>
</tbody>
</table>

In the Children Looked After Statistics, ASN status is not specifically recorded. Disability status is provided but the categories and how they are counted differs from how Pupil Census data are presented, so comparison is
compromised. However, from the Children Looked After statistics, 6.5% of looked after children were known to be disabled, the disability status of 10% of looked after children was not known and 79.7% were not disabled (see table 4).

### 2.2.2 Data from this scoping research

We aimed to survey all 32 local authorities by telephone, via team leaders in social work services with responsibility for looked after children. Local authorities were asked for data on the number of looked after children by placement type. Although only 24 of the 32 local authorities responded, the pattern is similar to national data. A summary of the key figures provided is shown in table 5 (see Appendix 8 for all responses).

#### Table 5: Looked after children by placement type (scoping study data from 24 local authorities)

<table>
<thead>
<tr>
<th>Placement Type</th>
<th>As % of all responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Looked after at home</td>
<td>40%</td>
</tr>
<tr>
<td>In foster care</td>
<td>30%</td>
</tr>
<tr>
<td>In kinship care</td>
<td>20%</td>
</tr>
<tr>
<td>In residential care</td>
<td>8%</td>
</tr>
<tr>
<td>Total</td>
<td>10,073</td>
</tr>
</tbody>
</table>

With regard to looked after children and education, local authorities found it difficult to respond. The ability to provide figures was compromised because social work and education data were generally separate. For example, education staff kept records of the total number of children with ASN but nothing on whether they were also looked after or on the type of looked after

---

46 The 24 local authorities reported small numbers from ethnic minority groups. A key factor was the lack of a record to show the ethnicity of all looked after children.

47 This combines responses on the number of LAC who are in local authority residential home or a residential school.
placement. Similarly, social work staff kept a record of the number of looked after children by placement type but not combined with ASN status. Table 6 below shows the statistics from the local authorities that responded to the survey and could provide data about the numbers of looked after children with ASN (see Appendix 7 for the full data results).

Table 6: Responses from survey of local authorities

<table>
<thead>
<tr>
<th>Local authority</th>
<th>Total LAC</th>
<th>LAC with ASN</th>
<th>LAC at home with CSP</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA No. 5</td>
<td>302</td>
<td>Unknown</td>
<td>0</td>
</tr>
<tr>
<td>LA No. 6</td>
<td>523</td>
<td>Unknown</td>
<td>7 (3.5%)</td>
</tr>
<tr>
<td>LA No. 8</td>
<td>467</td>
<td>160 (28%)</td>
<td>Unknown</td>
</tr>
<tr>
<td>LA No. 9</td>
<td>438</td>
<td>91 (21%)</td>
<td>0</td>
</tr>
<tr>
<td>LA No. 10</td>
<td>419</td>
<td>Unknown</td>
<td>3 (1.6%)</td>
</tr>
<tr>
<td>LA No. 11</td>
<td>391</td>
<td>All 391 (100%)</td>
<td>Unknown</td>
</tr>
<tr>
<td>LA No. 12</td>
<td>390</td>
<td>268 (67%)</td>
<td>1 (0.4%)</td>
</tr>
<tr>
<td>LA No. 13</td>
<td>219</td>
<td>Unknown</td>
<td>0</td>
</tr>
<tr>
<td>LA No. 14</td>
<td>208</td>
<td>122 (59%)</td>
<td>Unknown</td>
</tr>
<tr>
<td>LA No. 15</td>
<td>192</td>
<td>103 (54%)</td>
<td>3 (4%)</td>
</tr>
<tr>
<td>LA No. 16</td>
<td>190</td>
<td>Unknown</td>
<td>0</td>
</tr>
<tr>
<td>LA No. 17</td>
<td>75</td>
<td>All 75 (100%)</td>
<td>Unknown</td>
</tr>
<tr>
<td>LA No. 18</td>
<td>41</td>
<td>14 (34%)</td>
<td>Unknown</td>
</tr>
<tr>
<td>LA No. 19</td>
<td>Unknown</td>
<td>Unknown</td>
<td>2</td>
</tr>
<tr>
<td>LA No. 20</td>
<td>Unknown</td>
<td>3</td>
<td>Unknown</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>3855</td>
<td>1227</td>
<td>16</td>
</tr>
</tbody>
</table>
• 15 of the 24 (62.5%) local authorities that responded were unable to provide data on the number of looked after children with ASN

• Seven were able to report on the number of looked after children with ASN (761) and two told us they automatically consider all looked after children to have ASN (466)

• There were 1227 looked after children with ASN from the 9 local authorities able to provide data.

• In the eight authorities who could provide complete data there were 2202 looked after children of whom 1224 had ASN (56%)

Local authorities were unable to provide the number of looked after males and females with ASL in place. Several authorities thought that there were a higher number of males with ASN which is corroborated by official statistics as shown in table 2. As with other data related questions, local authorities said that overall figures could only be given if responses were collated from individual records. One interviewee from social work explained:

“I can’t really comment on this because we don’t keep figures. We do it on an individual basis. We don’t group it into categories, so it’s difficult to see patterns within groups. I’ll check to see what Education do.”

2.2.3 Challenges regarding data

The national data presented above come from surveys of local authorities and schools. However, the accuracy of figures depends on recording processes and these processes are not streamlined. The Scottish Government has highlighted discrepancies between the data collected by social work and education departments, noting that the number of looked after children differs between the Children Looked After Statistics and the Pupil Census. These discrepancies are also clear in our research. They create collation challenges and problems in getting a comprehensive picture of looked after children in Scotland.

As well as collection and collation challenges, accessing data on an ongoing basis through the year is difficult. In part because of this, but also because being looked after is such a fluid situation, neither local authorities nor Scottish Government can say at any given point what the exact picture is regarding looked after children. This may compromise planning and support processes, including the speed at which an authority can respond to changes in their area.

This situation should soon improve. In September 2009, the Scottish Government published a new framework for reporting the educational outcomes of looked after children. From April 2011 they will be able to combine the details of a child’s care placement (including start and end dates, placement type, legal reason, and whether they have a care plan) with education data (such as attendance, exclusions, SQA attainment and school leaver information). It will also be possible to make comparisons between the outcomes of those looked after children with a CSP and those without.

The revised reporting framework aims to provide evidence regarding the following outcomes:

- The experience of being looked after has improved the educational outcomes of the children and young people.

- An increase in educational outcomes year on year for looked after children and care-leavers.

- A narrowing of the gap between educational outcomes of looked after children and children who are not looked after.

This will be a significant move forward. However, further consideration will be required as to how data concerning type of ASN and looked after status is brought together from social work and education staff. For example, if a child does not have a CSP but has an alternative additional support plan (which is the case for most looked after children who are allocated a plan – see chapter 3) this will not be flagged up. Similarly if a looked after child’s ASN do not fall into one of the disability categories used for the Children Looked After Statistics the Scottish Government will not be notified. Addressing these issues as well as making data available more readily than through an annual publication would further increase its value as a monitoring and planning tool locally and nationally.
3. Local authority policies and processes for providing additional support for learning to looked after children

**KEY FINDINGS**

- No local authority has a specific policy for providing ASL to looked after children.

- Local authorities use care plans and the staged intervention process respectively to assess and review the needs of looked after children and children with ASN. Neither process is comprehensive in jointly addressing the ASL needs of looked after children and addressing educational needs can be de-prioritised or fail to be taken forward effectively.

- Providing ASL to looked after children is mainly seen as the responsibility of individual schools and education staff.

- Disrupted schooling is a major barrier to effective education and ASL for looked after children. This compromises the ability of individual schools to plan and coordinate support.

- Coordinated Support Plans (CSPs) are rarely used to support looked after children. Looked after children are generally not considered to meet the legal criteria for CSPs.

- Many authorities use alternative ‘sub-statutory’ additional support plans which do not have the same legal status as CSPs. This affects the ability of children and parents/carers to challenge ASL provision.

- Corporate parenting policies generally do not make specific reference to ASL legislation. The local authority role as corporate parent to looked after children may conflict with its service provider role, especially regarding challenges to assessment or provision of ASL.

- The Education (Additional Support for Learning)(Scotland) Act 2004 has had limited impact on improving support to looked after children specifically.
3.1 Overview of how local authorities define, monitor and review ASN/ASL

Wider research and findings from this study show variation in how the educational needs of looked after children are defined and how ASL is addressed. There are complications as a result of different parts of the local authority system leading on different issues. There are also differences between what is required or recommended by law or guidance and what happens in practice.

It is clear that in general social work staff manage looked after children policies (which may cover education) while education staff manage ASL policy (which may be applied to some looked after children). No local authority had a specific policy for providing ASL to looked after children.

In the telephone survey we asked how local authorities support looked after children with ASN. Table 6 shows how the authorities monitor and review the numbers of looked after children receiving ASL. Most rely on the care plan system to track and plan educational provision. Care plans and other documents and processes listed in the table are explained further in section 3.2.

To provide these figures, respondents had to open individual files to see whether the child had an education plan within their care plan, and whether or not they had ASN and appropriate ASL provision. This reflects the issues raised in chapter 2 about non streamlined recording systems.
Table 6: Monitoring mechanisms for looked after children receiving ASL (Scoping study of 24 local authorities)

<table>
<thead>
<tr>
<th>Monitoring mechanism</th>
<th>LAC care plan review</th>
<th>Additional support plan review</th>
<th>Not monitored</th>
<th>High level monitoring group</th>
<th>Audit of staged intervention process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondents</td>
<td>13</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>1</td>
</tr>
</tbody>
</table>

Overall, local authority approaches fell into one of the following categories:

- The authority has a staged intervention process for all children with ASN, which is no different for looked after children
- The authority has overarching ASL guidelines and there is a short section referring to looked after children
- The authority has a corporate parenting policy which makes reference to education
- The authority uses the LAC review process to consider ASL and does not have a separate policy
- The authority is in the process of developing a policy for looked after children with ASN
- The authority does not have a policy for looked after children with ASN and did not refer to other related policies or procedures (such as those above).

Some authorities considered all looked after children to have ASN; these authorities had a ‘looked after children’ policy relating to different elements of service provision, not one focused on support for learning. Those that did not consider all looked after children to have ASN had a policy for providing ASL to all children with ASN but not specifically for looked after children.

Definitions of ASN also had significant implications on the amount and type of support they think looked after children require. Since needs are often categorised into academic or learning needs, socio-emotional and behavioural needs, and medically diagnosed needs, this allows for distinctions to be made.
Medical diagnosis often took precedence. In one case study the manager of a fostering service noted:

‘If it’s a child with a disability, there are some additional support needs that there is sympathy for and that child is seen to be vulnerable. Our children that might have more hidden needs, seen for example in their behaviour ... sometimes those needs might get lost because you’ve got a child who is acting up ... that child is seen to be troublesome as opposed to looking at what’s behind that behaviour and being positive that change can be brought about.’

3.2 Types of support processes and plans

3.2.1 Care plans for looked after children

The Children (Scotland) Act 1995 and its regulations and guidance specify that local authorities must undertake an assessment six weeks after a child becomes looked after and at six monthly intervals thereafter. The child has a right to be consulted about what happens to them and to shape the care plan resulting from this assessment process. Each child should have an allocated social worker to coordinate and report on the progress of their care plan. The plan should contain information about the child’s care, education and health needs, as well as stating clearly the responsibilities of the local authority, parents and child.

Since educational issues are included, ASN may also be identified through this assessment and planning process. However, because the plans are seen as social work led, the degree to which education issues are covered varies. Assessments and reviews tend to centre around the placement, assessing risks, legal concerns, etc, while issues of ASL provision are not routinely addressed. One manager of family placement services who chairs LAC reviews said:

“(Education is) discussed but it might be given a different priority within different meetings, depending on the other issues that are around for that child.”

“The focus of the social worker is not on their educational attainment. It’s on other things like ... physical safety, accommodation issues, and not about how they can maximise what might be positive aspects of the child’s life, like managing to attain a decent education.”
Other comments suggested that where ASL was raised by education staff at care plan meetings, social work staff sometimes felt ill equipped to contribute or challenge decisions because they do not feel confident enough about the ASL legislation.

However, there are current examples of good practice. We found that some local authorities try to integrate meetings about ASN with the care plan review. One shared this example:

“What we’d do in terms of looked after reviews was we’d ensure that when a child first becomes looked after we’d ask ‘are there ASN arising?’ which are either arising from them being looked after or perhaps have been pre-established. So we’d just combine the two to ensure that we fulfilled the requirements of the ASL legislation but also the legal requirements of reviews for looked after children.”

In one of our case studies, residential care staff hold fortnightly meetings for all looked after children. The meetings involve the family, the social worker, key worker, young person and sometimes a representative from the school. Across authorities, there were examples of school link workers being at every meeting but there were also examples of instances where no member of education staff was present.

The new guidance on recording outlined in chapter 1 may force better coordination about care plans and ASL provision. Monitoring how this is implemented is important since, despite the code of practice stemming from the 2004 ASL Act, table 4 shows that most local authorities rely on the care plan to cover ASN, and this is not currently adequate.

### 3.2.2 Corporate parenting

Following Scottish Government guidance on corporate parenting in 2008\(^49\), local authorities were tasked with creating a policy to outline the roles and responsibilities of all relevant services regarding looked after children. Some told us they had also created senior management or advisory groups to take an overview of corporate parenting strategies and their implementation. This is welcome because of problems with how corporate parenting roles have

\(^49\) See footnote 4.
been carried out, including some confusion among staff about their specific roles.

In our study, some interviewees described their corporate parenting policies in detail, outlining the commitments that different departments have made as well as some specific initiatives. Initiatives include paid leave for foster carers to attend care plan reviews and Children’s Hearings, and a corporate parenting reference group of looked after children to gather and report on the views of other looked after children.

Effective corporate parenting is crucial in improving educational outcomes for looked after children. However, HMIe suggests the following potential problems:

- There is too little direct contact between social workers and schools.
- There is often a lack of coordination and communication between education and social services departments. For example, teaching staff often do not know which children are looked after and therefore relevant information is not always shared.
- There is often confusion between foster carers, social workers and teachers about who is responsible for supporting looked after children in their education.
- Many foster carers, social workers and school staff have received little or no training on their role in the education of looked after children.

To address concerns, a lot of work is being done on corporate parenting and using training materials like We Can and Must Do Better. For example, one authority that has recently completed its policy explained that:

“It’s) a whole partnership that has acknowledged the additional needs of looked after children and they’re either making additional provision or making access easier.”

---

50 See footnote 3.  
51 See also footnote 35.  
52 See also footnote 39.  
However, more is required, especially regarding how policies are implemented, to ensure that the educational needs and outcomes of looked after children are effectively addressed through the corporate parenting system. There are also potential conflicts of interest that remain when local authorities are both service providers and corporate parents and this is explored further in chapter 4.

3.2.3 Staged intervention

The code of practice for the Education (Additional Support for Learning) (Scotland) Act 2004 recommends a staged intervention process for assessing, organising and reviewing ASL for all children.\(^\text{54}\) The tiered approach to identifying and supporting children is also reflected in Getting it Right for Every Child. The staged model is key to behaviour management in schools and is an important tool in delivering the four capacities in Curriculum for Excellence.\(^\text{55}\)

Staged Intervention is designed to help identify and support children with ASN through an ongoing process of gathering and reviewing information. It is meant to help schools and others to provide the best additional support for a child.

Although general guidance is provided by Government, local authorities and schools follow their own assessment, timing and resource allocation approaches. This leads to considerable variation in how children and families experience the process and what supports are provided at what point. For example, there may be different numbers of stages (typically 3 or 4) and strategy documents may reflect differences in the degree to which local authorities explicitly tie together the general and educational policies for children in their ASL strategies.\(^\text{56}\)

The staged intervention process applies to all children and young people who are considered to have ASN. However some authorities told us they have introduced specific types of support for learning which are accessible only by looked after children (see 3.2.6).

---


\(^\text{55}\) See Chapter 1 for more on Getting it Right for Every Child and Curriculum for Excellence.

\(^\text{56}\) For example, Highland Council’s 2009 strategy is written by the Education, Culture and Sport Service and is entitled: Getting it right for every child through a staged intervention approach to deliver Additional Support for Learning [http://www.highland.gov.uk/NR/rdonlyres/C792B2C4-348C-4E0E-8A17-060176138F59/0/ecsguidancev2bookmarked3.pdf](http://www.highland.gov.uk/NR/rdonlyres/C792B2C4-348C-4E0E-8A17-060176138F59/0/ecsguidancev2bookmarked3.pdf)
Table 7 shows the account given to us of the staged intervention process in one case study authority.

**Table 7: Staged intervention process in a case study authority**

<table>
<thead>
<tr>
<th>Level 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The head teacher allocates resources that are under their control, which could be support for learning assistants, playground assistants, or support for learning teaching staff. At secondary school there are also community link workers and behaviour support staff. At Level 1 the authority would expect the head teacher to look carefully at their resources, if it was being suggested that a child required additional support.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil support coordinators within the authority are asked what additional support is available. They have responsibility for additional staff, such as support for learning assistants, and for moving them across schools within the local authority area. This sometimes involves reducing support in one area in order to provide additional support in another, as they work within a limited pool of resources. There may be possibilities of shifting or combining support so that a support for learning assistant might manage to support 2 or 3 children or young people, which would free up some time to put additional support into another school.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>At this level higher tariff support is considered, such as a placement out with mainstream school in a specialist resource base or facility. Ultimately it would mean moving the child or young person to a placement in another authority if the schools and specialist provision within the authority are both unable to meet their ASN.</td>
</tr>
</tbody>
</table>

Local authorities emphasised that it is the responsibility of individual schools to assess and coordinate ASL. However, appropriate support packages take

---

57 In one case study authority level 3 intervention was used as a short term measure to provide a temporary resource that would allow a pupil to return to mainstream education.
time to plan and deliver and there may be a lack of awareness about how this may disadvantage looked after children. A key barrier is multiple care and school placements, as well as the resulting time spent out of education. One of our stakeholder interviewees explained:

“Then they move to another part of the city where they don’t know anybody, nobody knows them, nobody understands them, the learning assistant and the community support have been left behind, and they have to start all over again … it’s almost like 9 months of their education is lost every time they move.”

Multiple school placements affect the time it takes to build a trusting relationship with looked after children and find out what support would be most appropriate. Residential unit staff felt that this had a particular impact on older children in their care:

“I wonder if they are considered to be kids at the end of a particular line. Like ‘we can’t expect a lot out of them because they’ve missed lots of school, and we’ve tried everything so we give them the best we can’. An hour and a half a day is not acceptable in anybody’s book.”

“Quite often looked after children will be moving around from pillar to post … if they’re not attached to the school roll with the school accepting responsibility for them, the legislation doesn’t work.”

One school within a case study authority told us that 9 of their 11 looked after children were not currently attending school. The deputy head teacher felt this was the biggest problem facing looked after children and that their needs were not adequately met by the authority, explaining:

“It’s very difficult, very difficult to keep tabs on them and I really feel strongly that our authority are not adequately meeting their needs … they’ve got a couple of hours here and there, of input, but it’s really very, very patchy … it’s not good enough.”

One advocacy service that we spoke to felt they should be more involved by schools but this did not always happen. They said that when a looked after children is at risk of exclusion, advocacy services could help in putting a strategy in place and to negotiate extra support for the child.
The overall picture is that for looked after children simply having a staged intervention process for ASL and allocating responsibility for this to schools may not work well. This is especially the case for those who are not attending school regularly or who change schools frequently, or for those who may need ASL for shorter periods at a time. Consideration of specific ASL processes for looked after children rather than generic policies may improve this.

3.2.4 Coordinated Support Plans

As outlined in chapter 1, within the code of practice relating to the 2004 ASL Act, documents called Coordinated Support Plans (CSPs) have a potentially central role in ensuring appropriate support for children with ASN. As with looked after care plans, the views of the child or young person and the parents should be taken into account when a CSP is prepared.

Despite the importance of CSPs, we found that they were almost never used to address the ASN of looked after children. Moreover, local authorities could not easily tell us how many looked after children had a CSP because this was recorded only in individual records which they would have to check.

In line with HMIe’s findings, CSPs were often viewed as special circumstance documents, for example for children whose needs have been confirmed by medical diagnosis. This is because the code of practice states that “a small number of children and young people have ASN arising from complex or multiple factors which require a high degree of coordination of support from education authorities and other agencies.”

One interviewee said:

“Not many have them because they won’t necessarily meet the criteria … for those that we have it tends to be with medical input.”

According to the legislation a child has to have enduring needs for one year or longer to merit a CSP. It could be argued that all looked after children have enduring needs and all meet the existing legal criteria for a CSP. However, one of our stakeholder interviewees was concerned that many children dip in and out of being looked after and are therefore not eligible under this criterion.

58 See footnote 12.
The reasons given by HMIE for the very low levels of CSPs for looked after children chime with comments from our interviewees which included the following:

- Most looked after children do not meet the criteria for a CSP.
- Appropriate support for looked after children can be coordinated well enough without the need for a statutory document.
- CSPs can identify too many people to be involved in a child’s education without identifying one person to take lead responsibility for outcomes.
- The focus should be on the child’s entitlement to have their needs met, irrespective of the level of planning.

One of our case study authorities has a CSP panel chaired by an ASL coordinator with representatives from educational psychology, health, social work and legal advice. A referral can be made to the panel as a result of a parental request or a recommendation following an ASN meeting at school. The panel receives notes of the meeting and considers requests against the criteria set for allocating a CSP. However, there was only one referral request ever made by a carer of a looked after child who felt that the child merited a CSP.

Another case study authority said that CSPs are not usually requested during care plan reviews. The CSP is seen as the school’s responsibility and it is expected that education staff will provide all relevant documentation regarding a looked after child’s ASN as appendices to their care plan. One LAC reviewing officer said:

“I don’t know how rigorously we’re actually asking for that within reviews.”

The key issue is that CSPs are the only statutory plan through which authorities can be held to account if they fail to allocate adequate resources/coordinate support from other agencies, and hardly any looked after children have them. Residential unit staff in our study felt that the sooner a child was allocated a CSP the easier it was to ensure that ASL would be provided to them through the course of their school life.
“Having a CSP has been a plus. Although it doesn’t produce crucial resources for kids, at least the direction is there and they will get the prize at the end of the day.”

As discussed in chapter 1, the 2009 amendments to ASL legislation mean that all looked after children are considered to have ASN unless deemed otherwise and should entitle all to the right to be assessed for a CSP. However, just as there were varying interpretations of the 2004 ASL legislation, the same may happen regarding the amendments. It is not clear what grounds a local authority might use to refuse a CSP, nor how decisions about CSPs will be monitored. It is also questionable whether professionals view CSPs as helpful in ensuring that a child’s needs are met – as discussed below, some currently judge them as not especially relevant or helpful. Explicit guidance and strong monitoring from Scottish Government would help to address these challenges to implementing the amendments in the best interests of looked after children. Information and training for children and parents/carers, as well as for the professionals that advocate for them, would also help to ensure they can challenge decisions where needed (see chapter 4 for more on this).

3.2.5 Individualised Educational Programmes and other support plans

Children and young people who have ASN but who do not currently qualify for a CSP must also have their needs identified and met. For some of these children, Individualised Educational Programmes (IEPs), introduced by the Scottish Executive in 2000, are used. These are similar to CSPs in that they are used to plan and monitor educational targets and support for individual children. However, unlike CSPs, they are not legal documents and local authorities are under no obligation to make sure that a child or young person receives the support outlined within them.

In one case study authority the policy was to allocate IEPs to the 20% lowest attaining pupils and it was noted that looked after children may not fall into this category:

“If we’ve got 20 kids that are below level A when they come into first year, and none of them are looked after, the looked after ones might not get an IEP … because we’ve got to prioritise.”

---

In practice, IEPs are used less frequently than was anticipated. Instead, other additional support plans are developed by schools, such as personal education or learning plans and behaviour support plans. Tailor made plans may be preferred because they are less cumbersome, contain no long term resource commitments, and are the responsibility of the school rather than necessitating multi-agency input. Some education staff we interviewed believed that alternative plans were more straightforward and just as effective at ensuring that appropriate ASL is provided to children. One teacher explained:

“As long as there is a plan and it’s being worked to and it’s being reviewed on a regular basis, as much as the school can do, then I think that’s working within the frame of the Act.”

The above shows that there is in practice a hierarchy of plans used to identify and address ASN. Although some interviewees welcomed the flexibility this gives, others were concerned about the lack of legal obligation attached to alternative plans. They worried that, especially for more vulnerable children such as those who are looked after, having too much flexibility and avoiding plans with more statutory clout may have a negative impact on the support provided. One from our stakeholder group explained:

“Children are having plans anyway, but they’re just sub-statutory, so you can’t say it would be a lot more work for authorities because they are doing work to create a plan. It just isn’t ever going to have any scrutiny by an outside body.”

3.2.6 Examples of promising practice

In terms of overall processes and policies to support the education of looked after children, the following examples of promising practice were given by some local authorities.

- An outreach service providing one to one tuition to looked after children who are experiencing difficulties or who have been excluded.
- An IT room staffed by classroom assistants and open at break times.
- A mentor scheme to support pupils through exams.
- Social workers, foster carers and residential staff being encouraged to engage in advocacy on behalf of looked after children.
• Social workers permanently based within schools providing support to all looked after pupils, including negotiating with education staff to secure ASL provision.

• Providing children in foster care with someone with whom they can discuss issues about the support they receive.

• LAC education coordinators playing a key role, as explained by this residential unit manager: ‘Having a LAC coordinator for education is a step in the right direction … if you have someone with that kind of overview it means you can be using ideas from other schools.’

• Training for tribunal members on the ASL processes used in some local authorities.

There were also examples of education and social work staff receiving joint training on the concept and implications of corporate parenting, though rarely with a focus on ASN or the ASL legislation.

3.3 Impact of the 2004 ASL legislation

Several interviewees thought that ASL legislation had coincided with improved support and services for looked after children, including in education. However, they thought that this was partly due to the raised profile of looked after children’s issues across the same time period rather than because of ASL legislation itself.

Over half of the key stakeholders that took part in this study said that the 2004 Act had had a limited impact on looked after children’s access to ASL. They cited the following factors:

• A lack of awareness of the provisions within the Act.
• Resources and time more likely to be directed towards children with complex needs and learning disabilities than looked after children.
• Implementation of the legislation is inconsistent across individual schools and authorities, and practice examples are rarely shared.
• The impact of the legislation relies heavily on there being an interested individual ready to monitor its implementation for an individual child and contest decisions as appropriate.
Our findings support those in the HMIe report on the implementation of the Act. They also reflect examples of where HMIe recommendations have not been carried through. Some authorities said they do not see why the 2004 ASL legislation should have a specific impact on looked after children, as the spirit of the Act is not to label groups but to assess children on an individual basis. This highlights the importance of explaining clearly in the revised code of practice why specific provisions have been made within the legislation to support looked after children.

Overall, our findings present a mixed picture of the potential impact of the 2004 legislation. It is clear that interdepartmental information sharing and joint planning/review could be much better. It is also clear that ASL legislation is used primarily as a tool for all children and does not necessarily best address the specific needs of looked after children. The provisions for children and parents/carers to contest decisions about their ASL rest on restrictive criteria than are deemed not to apply to looked after children in most cases, and on the need for CSPs which are generally not applied to this group. Even if a CSP is in place, there remains a barrier for children under 16 taking their own case forward.

### 3.4 Impact of the 2009 amendments to the 2004 Act

When the telephone survey was carried out in August 2009, the amendments to the 2004 Act were being passed. Central to these is that all looked after children will be presumed to have ASN unless otherwise assessed. We were therefore able to ask how authorities expected to adapt current procedures for providing ASL to looked after children. We found that of the 24 authorities:

- 4 already presumed all looked after children to have ASN and did not intend to change procedures for assessing needs and support
- 2 did not presume all looked after children to have ASN but felt that current procedures allowed them to pick up the ASN of all children and young people adequately
- 5 were waiting for guidance to be issued before implementing changes
- 8 were in the process of drawing up new policy in line with the legislation

---

61 See footnote 12.
3 saw the responsibility as lying with their education departments and did not envisage any changes within social work services.

Opinions on all looked after children being deemed to have ASN varied considerably. Some disagreed with the presumption that all looked after children have ASN but agreed that their needs should be assessed and targets set as soon as they become looked after. Following this it was felt that their support needs might best be met through mainstream services. Some authorities felt that looked after children are already advantaged in terms of their access to ASL, while others thought that they were no more disadvantaged than any child with ASN. One stakeholder suggested that the presumption of ASN implies that looked after children will always be in a worse position than those who are not looked after, reinforcing the view that children should remain with their parents despite the risks.

Further views expressed in relation to the presumption of ASN contained in the legislative amendment are outlined in table 8.

**Table 8: Views on the presumption that all looked after children have ASN**

<table>
<thead>
<tr>
<th>Advantages of presumption</th>
<th>Disadvantages of presumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Looked after children are able to access extra support, for example to remain in mainstream education</td>
<td>The stigma felt by young people at having ASN</td>
</tr>
<tr>
<td>Acknowledges that there are common barriers to learning that all looked after children will have experienced to varying degrees (such as anxiety, trauma, separation, neglect and disrupted schooling)</td>
<td>Children are categorised and labelled rather than assessed on an individual basis</td>
</tr>
<tr>
<td>ASN are more likely to be picked up early on and a plan put in place so that support remains in place throughout the child’s school life</td>
<td>Not all looked after children have ASN and the legislation therefore discriminates against this particular group of children</td>
</tr>
<tr>
<td>Where looked after children are allocated educational provision outside of their own</td>
<td>The duty to provide corroborative evidence to prove that looked after</td>
</tr>
</tbody>
</table>
local authority, the authority will be obligated to provide funding to support each child and the process will be quicker.

| Raises awareness of the type of needs experienced by looked after children and the effect on educational outcomes | Looked after children’s ASN can be transient (for example only present during periods of transition or instability) and therefore they will not always require ASL |

The amendments to the ASL legislation also state that all looked after children must be considered for a CSP. In general respondents to our survey had not yet considered how this might affect current practice or what new procedures should be put in place. One authority that currently does not assume all looked after children to have ASN thought the legislation would not have a significant impact on processes:

“Fortunately our procedures already are such that it doesn’t really present very much change for us. Apart from the fact of course that we do have to ensure that as part of that, which we did anyway, that we more overtly indicate whether or not they would be on the radar for a CSP.”

These responses highlight different interpretations and plans for implementing the 2009 amendments. The legislation states that all children and young people should continue to be assessed on an individual basis according to their needs, including looked after children. If the ASN of looked after children is presumed and ASN are effectively assessed, monitored and reviewed on an individual basis, it follows that ASL should be appropriately provided and removed as required. The possibility of using CSPs to ensure that the support process is followed through should further strengthen and improve provision for looked after children. As discussed above, however, this will require considerable changes in processes and in culture in order to work most effectively.
4. Influencing and challenging the provision of additional support for learning

KEY FINDINGS

- Local authorities do not have specific complaints procedures for looked after children with ASN.

- There is a reliance on informal structures to argue for ASL provision for looked after children and a lack of knowledge about what other options there are if the informal route is unsuccessful.

- Mediation and dispute resolution services are rarely used in relation to the ASL provided to looked after children.

- Only one reference has ever been made to the ASNT on behalf of a looked after child. The failure to use CSPs for looked after children is a key contributor to this lack of cases.

- Potential conflict in the local authority role as corporate parent and service provider is especially relevant in the case of complaints and tribunals.

- The inability of children under 16 to make their own reference to the ASNTS creates a barrier to challenging ASL provision.

- There is no advocacy provision for those looked after at home, whose educational outcomes are often worse overall than those looked after elsewhere.

- There is no advocacy service specifically to support looked after children in education matters.

- Social work staff have insufficient awareness of the ASL legislation and of the rights it gives to looked after children. This may compromise their ability to ensure children have sufficient access to educational support.

- Looked after children and their parents/carers need better information and support on their roles and rights regarding ASL provision and on ways to challenge decisions.
Chapter 3 discussed the wide range of meetings that take place in relation to meeting the needs of looked after children. In all of these there is now a requirement to ensure that the voice of the child/young person is listened to. This may appear to be a positive development and indeed it can be. However, some interviewees expressed concern about involving looked after children in too many meetings and ‘burdening’ them with the responsibility of expressing their views. One residential unit manager explained:

“If we feel it’s too difficult for a kid to be involved in discussions … we would call on professional staff and look closely at what the whole picture is, and decide at the end of that who takes on what particular piece of work.”

Another practitioner working closely with looked after children said that when they are called to so many meetings, even to voice their own opinions:

“They just feel like they’re being talked about all the time and they hate that, they absolutely hate it.”

Despite these views of some interviewees, many of the young people we spoke to suggest that they do want to have their voices heard; the problem is how and when that happens and what is then done with what they say (see chapter 5).

Many authorities offer looked after children the opportunity to complete a form with their views prior to attending a care plan review or an ASN meeting. However the young people we spoke to did not always find this helpful. What was clear is that to contribute meaningfully children and young people need a supportive environment and they may need direct help and representation. The next sections focus on how that help is provided and on ways in which children and young people can challenge decisions about their ASL.

4.1 Challenges and complaints

4.1.1 Local authority complaints processes

We asked local authorities to outline their complaints processes for looked after children with ASN, to identify how looked after children would raise concerns about the additional support for learning provided to them. We found that local authorities do not have specific complaints procedures for looked after children with ASN. Instead, they may have a complaints process for all
children and young people with ASN, or a central complaints procedure that each department within the authority would adopt. Some authorities felt that schools would pick this up through their general complaints procedures for all pupils.

“The complaints procedure covers anybody with a complaint about a council service, and there are no specific provisions for looked after children. To my knowledge there has not been a need for such a procedure.”

In many cases authorities felt that disputes could be resolved informally, and did not think that a formal complaints process was required.

“I wouldn’t say it’s complaints as such. We would see it as taking on board issues as they arise... if somebody has a concern about education, they receive appropriate support, advice and guidance so hopefully it’s worked through to arrive at a satisfactory conclusion... we try to address issues that people have without them having to complain.”

While this may be an effective way to resolve concerns, the lack of a clear process may restrict or discourage looked after children’s access to contesting decisions about the support they receive. It may also make them think that they are unable to challenge or questions the decisions that are made about the provision of ASL. There is also no record of the number of complaints made or their resolution, and therefore it is difficult to judge whether this informal approach is beneficial to looked after children.

The first point of contact for any complaints about the amount of ASL being provided is the school.

4.1.2 Using mediation and dispute resolution services

The 2004 Act placed a duty on local authorities to ensure that dispute resolution and mediation services are available to all children and young people with ASN. Dispute resolution services can only be used if a parent or young person over the age of 16 makes a reference.

Two authorities referred to a mediation service for parents and young people with ASN, but not specifically for looked after children. One authority referred to dispute resolution.
Most of the authorities using an ASL mediation service referred to in-house mediation, provided, for example, as part of a wider family support service. One authority used an independent mediation service and found it useful for resolving disputes and providing advice and information to staff. Another authority referred to a handbook that outlines their complaints and appeals procedure in relation to accessing ASL. One stakeholder noted that:

“[The duty to provide mediation services] doesn’t mean to say that where someone asks for a decision to be decided by mediation the authority has to agree to that, but they have to have the service.”

Local authorities do not hold data on the number of mediation and dispute resolution cases taken forward on behalf of looked after children. Some interviewees said they thought some parents/carers and even some professionals were not aware when and how they could present a case on behalf of a child. We were advised that:

“The definition of a parent in the education legislation is very broad so it covers foster parents and it covers people who are looking after a child even on an informal basis ... it’s good enough in terms of the legislation for them to make a reference on behalf of the child.”

There was a view that better information should be given to children, parents/carers and professionals to advise them on who has the right to make an appeal on behalf of a looked after child. Given that some professionals also represent the local authority in their role as corporate parent, better information about how to manage this dual role would also be welcome.

### 4.1.3 References to the Additional Support Needs Tribunals for Scotland

The Additional Support Needs Tribunals for Scotland (ASNTS) was set up in 2005 as a result of the 2004 ASL legislation. Over the last year the ASNTS has noted a marked decline in the number of references made (from 75 to 35 references).

---

Between April 2008 and March 2009 the reasons for references made were:

- Content of CSP (12)
- Placing Request (10)
- Refusal of CSP (6)
- Timescales (3)
- Failure to Review (2)
- Failure to assess (1)
- Closure of CSP (1)

Over the same period 86% of references were made on behalf of males and almost half the references were in relation to children with autistic spectrum disorder. The pattern regarding autism supports the issue raised in chapter 3 that medical diagnoses are often a driving factor in the creation of a CSP.

The decline in references to ASNTS has been attributed to greater awareness of the legislation among local authorities; a lack of advocacy services to enable cases to be brought forward; and a lack of available school places (if there are no places available for children a placing request cannot be brought to the ASNTS).

Some authorities were pleased that no cases had been taken to tribunal as they saw this as an indication that processes and procedures were effective and that the ASN of all children were adequately served. In addition one case study authority that had no experience of references being made to the ASNTS thought that good partnership working, early identification of concerns and consideration of people’s views meant that issues could be satisfactorily resolved without the need of the Tribunal.

Since 2005, only one reference has ever been made on behalf of a looked after child. In this case the child’s mother asked for a review of the CSP on the basis that if she had more social work support at home she would be able to continue to accommodate the child.

Within the 2004 Act young people over the age of 16 are able to take their own cases to the ASNTS. One stakeholder highlighted that when the legislation
came into force this was seen by many as a positive example of upholding the rights of young people. However, a second stakeholder explained that because of the tight criteria for CSPs and therefore the restrictions on who could make a reference to ASNTS, many of the children and young people who ‘qualify’ to take a case lack the personal capacity to do so:

“The level of disability and needs in order to meet the criteria of cases that come to tribunal is such that many of the children would not be deemed to have capacity to bring their own reference.”

Many stakeholders felt that looked after children are disadvantaged by not having a feasible route to appeal decisions about ASL provision. Key issues raised included the following:

- Most looked after children are not subject to a CSP because the involvement of social work and other outside agencies is not considered ‘significant’ in terms of the specified criteria. This eliminates one of the key routes to making a reference to the ASNTS.

- Authorities are unlikely to appeal against themselves and social work staff would find it extremely difficult to challenge education staff in the same authority. This is particularly the case where a number of authorities have a shared children’s services department with one director for both social work and education.

- The lack of independent advocacy services to enable looked after children to make a reference to the tribunal means that there is no viable route for them to dispute their ASL provision.

One of the case study authorities had been to the tribunal in cases where parents have disputed a decision over an out of authority placement or regarding provision of a residential care placement for their child. Two interviewees felt that the ASNTS was more formal and adversarial than Children’s Hearings, partly because it is made up of legal professionals rather than lay people. They proposed that there should be one tribunal to deal with children’s needs holistically:

“Smaller matters are dealt with at the ASNTS than at the Children’s Hearings, yet the ASNTS process is much more complicated.”
“The ASNTS process is very long; it can often last for 5 days. It has not been as useful as the legislation hoped it would be.”

The above highlights the discrepancy between being given the right to appeal on paper and being able to put it into practice in reality. The ASNTS appears to be primarily an appeals system for a small minority of parents who have children with complex needs. It is not currently useful for looked after children in terms of improving their ASL provision or contesting ASN decisions. Once again, the problem of few looked after children having CSPs is evident, as is the potential conflict of interest regarding the corporate parenting role of local authorities.

4.1.4 The role of Children’s Reporter and Children’s Hearing System

The Children’s Reporter has a power under the existing legislation to make a reference to Scottish Ministers if he or she considers that a child’s ASN are not being met.

Currently the Scottish Children’s Reporters Association does not record the number of children with ASN that go through the hearings system (although this information will be held in individual case files). When a hearing makes a decision which includes a requirement for ASL, the relevant local authority has a statutory responsibility to implement that decision. However the Reporter is not required to follow up cases to ensure that suitable educational provision has been made. It is also unlikely that a parent or child would appeal a hearing decision on the grounds that educational provision for a child had not been implemented. One interviewee explained:

“When people appeal things it tends to be for more substantive reasons, like they don’t agree that the child should be moved away from home.”

Reporters could be in a good position to make sure an appropriate education placement is identified and ASL is put in place. In particular since they have contact with every child who is looked after at home, they could ensure that ASL is a key consideration. However, other concerns currently appear to be more central and several stakeholders felt that Reporters rely more heavily on social work reports about the child’s welfare than on information provided by teachers or educational psychologists.
One educational psychologist suggested that a review of the role of Reporter during Children’s Hearings would be useful. This interviewee felt that such an approach is unnecessarily “high handed” and that there should be lower level approaches available to the Reporter without involving Ministers. In addition the educational psychologist felt this should include a review of how educational information is presented at hearings by those working closest to the children involved.

### 4.2 Advocating on behalf of looked after children

An important aspect of assessing looked after children’s access to additional support for learning is whether or not they have access to advocacy support. This could be through formal advocacy services or through a child’s key worker, social worker, parent or carer.

#### 4.2.1 Advocacy services

Who Cares? Scotland offers advocacy services to children and young people looked after away from home. It works with 31 local authorities, receiving core funding from the Scottish Government and funding for individual workers through local authority contracts. Who Cares? offers advocacy support during Children’s Hearings and formal meetings, for example those discussing family contact or care placement details. The service varies across Scotland according to the work they have been contracted to do by each local authority, however they have not been involved in any references to the ASNTS. They do not work with children who are looked after at home.  

If a complaint were made by a looked after child about their access to ASL, Who Cares? would contact specialist services to gather information and advice. This could include legal services such as Govan Law Centre, mediation services with a specific remit for ASL, and Enquire, the national helpline for ASL. They would also contact an education department on behalf of the child ‘to make sure they’re getting what they are entitled to’. However they noted that they have never had a looked after child trying to access any of the extra support available through the ASL legislation.

---

63 This may be a problem given that those looked after at home potentially need even more support to maximise their educational experience.
Following consultation on its draft response to the UNCRC Concluding Observations, the Scottish Government published an action plan prioritising advocacy services for children and young people. In the consultation, ‘looked after children were consistently cited as those least likely to have their right to be listened to upheld in practice’. As a result, some respondents wanted a right to advocacy to be enshrined in legislation, particularly for looked after children. However, the Scottish Government does not plan to provide independent advocacy for all looked after children with ASN. Parents and young people attending the ASNTS will have access to an advocacy service but this is restricted to advice on the tribunal process. Regarding the potential conflict of interest issue on corporate parenting, one stakeholder suggested that social work services and foster carers should be duty bound to use the ASNTS advocacy service to avoid this.

The LAC Education Coordinator in one authority felt that independent advocacy services would not be effective because of the reliance on informal conversations and negotiation. However this may also be a reason why decisions about ASL have not been contested in relation to provision for looked after children. As one residential unit manager pointed out:

“If we don’t have something that’s more set in stone I think it’s very difficult to get equality for these young people.”

One local and one national advocacy service also participated in our study. We found that they receive very few referrals in relation to looked after children and funding constraints have made it difficult for them to advertise their services more widely. They noted that residential units should have a local authority children’s rights officer linked to them, and therefore the advocacy services do not target those in residential care.

On the occasions when advocacy services have worked with looked after children they have supported them in areas such as attending their care plan review meetings, organising volunteer opportunities and work experience or arranging college placements. They are not services specifically for looked after children or with specialist advice about ASL however they would enable children to express their views at any school meetings, including discussions

---

about exclusion from school. One advocate described her experience of supporting children and young people in meetings:

“I think a lot of professionals just don’t include the young person, or they keep talking and making decisions, and using language that the young person doesn’t understand.”

This resonates with the experiences of some of the young people that participated in our study who felt that they did not have adequate opportunity to express their views or bring matters to the agenda (see section 5).

Regarding ASN in general, Scottish Ministers have agreed to establish a single national advocacy service to meet their new duty under Section 14A of the 2009 ASL legislation. This will set up a free and on request service to support parents/careers and children/young people following a reference to ASNTS or following grounds for a referral. How this will impact on looked after children is linked to how local authorities discharge their duties to assess all looked after children for ASN and consider them for a CSP.

4.2.2 The role of social work services

This research found that social workers are well placed to influence decisions about support provided in schools and inform education staff of the issues an individual child (and family) might be facing. However social workers tended to view the ASL legislation as the responsibility of education departments and were not routinely briefed on the role they might play in securing additional support for looked after children. This means an opportunity to support looked after children’s education by advocating for extra resources for them or making sure their ASN are adequately addressed is likely to be missed. Social workers may also be unaware of their legal right to intervene and represent a child. The fact they would be challenging their own authority is also a factor likely to influence whether or not they feel able to get involved.

There were, however, some examples of social workers acting as advocates on behalf of looked after children. Their advocacy role was described in the following ways:

“Because there’s additional funding that’s been put into schools to support these individual children, we have to make sure that’s been effective ... it's
looking at whether the child’s needs are being met, and if they’re not, then saying “you’ve got additional staffing there, what exactly are you providing?”

“We can think of one case when a social worker for a looked after child was backing the child and the parents to disagree with a decision made by the education department. This was resolved informally.”

“A lot of the time, in terms of the advocacy role for kids, it will be a combination of the social worker and the residential worker who will push that agenda.”

There were also examples of training events that had been attended by both education and social work staff, but these tended to focus on ‘corporate parenting’ more generally rather than ASL. There also appears to be inconsistency between authorities and many practitioners felt there was still a long way to go in terms of a) joined up working between education & social work; and b) developing a mutual understanding of roles in relation to supporting looked after children’s education. It was noted that better relationships with schools and the involvement of social work services at meetings was vital, particularly to addressing misconceptions about the nature of a looked after child’s ASN.

“I think it’s addressed by those that are involved in care planning for the child, ensuring that these things are highlighted and then if the support is not being provided then that we do have ways to feed that back.”

4.2.3 The role of residential care workers

Residential unit staff can play an important role in recommending appropriate ASL for the children and young people in their care. In one case study authority this was facilitated by the LAC Education Coordinator who would chair a meeting of professionals to look at the needs of each looked after child. This would include an assessment of their needs and recommendations for support. In one example a Who Cares? Scotland worker and a Children’s Rights Officer had been called to a meeting to argue the case for more outreach teaching hours for one child in residential care. This was seen as an informal meeting which was effective because the social worker, advocates and outreach teacher were all in agreement with the young person and were able to secure additional support. However there was some doubt over what
action could have been taken if the informal negotiation had been unsuccessful.

“We weren’t sure what would happen if that hadn’t been effective, because we didn’t know what we could do … do we call a special tribunal? How would it be handled? Who does that, and who goes to it?”

This highlighted the limitations of informal meetings between different practitioners within an authority.

“It’s part of our job to advocate on behalf of kids but often there’s conflict of interest, because if we’re advocating then we’re almost going against our employers.”

Despite the advocacy support offered to young people in residential care through Who Cares?, the organisation recognised that not having parents’ input and a parent to advocate on their behalf is a barrier for them. They felt that the nature of residential units means that communication between workers can make it more difficult for them to support an individual child’s educational support needs.

“They may have a key worker with them but there’s not necessarily one person who is there all the time … information channelled through different staff can often come out different to how it started.”

4.2.4 The role of parents and carers

Looked after children sometimes do not have a parent or carer who is willing or able to advocate on their behalf. Practitioners and key stakeholders repeatedly contrasted this lack of support to many well informed, articulate, ‘middle class’ parents of children with disabilities who have wide access to advocacy and support services and are well aware of their children’s rights to ASL.

However, one residential unit manager felt that it should not be assumed that the parents of looked after children are disinterested in their children’s education. Rather they should be included in discussions from the outset:

“It’s an unfortunate assumption sometimes that parents who are chaotic and haphazard are not interested or don’t have a handle on what’s going on with their kids … they may not have been able to support (them, but)
nevertheless they have a view on what they want for their children in education.”

Authorities reported that the parents/carers of looked after children attend the planning meetings outlined above, and that their views are sought in relation to their children’s education. One case study authority talked about good relationships with foster carers who regularly engaged with the school to ensure appropriate support was being provided.

“In instances where parents have been involved from the outset they have had a powerful impact on what kids get.”

The residential unit felt that parents of looked after children sometimes feel responsible for their children’s behaviour in school and are therefore reluctant to participate in meetings to discuss how to support them. They can be concerned about being judged by professionals and inhibited by their own negative experiences of school. In another case study authority it was felt that some families are ‘known’ by schools and pre-judged to be uncooperative and at fault. One manager of fostering services told us:

“What we want is the carers to have contact with the schools, rather than when there’s a problem phoning up the social worker. It’s about a carer saying they’re not happy with what’s being provided for the child.”

4.3 Raising awareness of looked after children’s rights to ASL

The ability to understand decisions on ASL and to challenge them where necessary depends on having good information. The following sections look at awareness raising issues for different groups.

4.3.1 Information for looked after children

Local authorities are under a duty to provide information to looked after children and parents/carers. Most refer to the national ASL information service ‘Enquire’, funded by the Scottish Government. However, few looked after children or their parents/carers are accessing this service.

Those working directly with children and young people in residential care felt that increasing awareness of the Act and the definition of ASN would help reduce the stigma associated with ASN.
“Looked after children themselves would see it as a stigma, in a negative sense, they wouldn’t like to talk about themselves as having additional support needs. They would say to me, ‘I don’t have ASN. That’s for kids who have learning difficulties and stuff … it’s a misunderstanding of what the Act actually means and what it can provide.’”

This was reiterated by another case study authority referring to children in foster care:

“A lot of our children do get support but they don’t want to be stigmatized by the school. Good schools are able to deal with that in very subtle ways … so that children can be supported and can be given individual attention but … they hardly realise and other people don’t really realise.”

One residential unit had tried to address the stigma looked after children associate with ASN by obtaining materials from the Child Law Centre to explain the legislation to those in their care. They focused on the definition of ASN to explain that loss and bereavement, which all of the young people had experienced, can impact on their learning and lead to them being considered to have ASN.

“I think they understood, as soon as we said this isn’t just about kids with learning disabilities. This is about kids where things have happened to them that mean they’re quite anxious and sad, or they’ve not been able to go to school … so they’ve missed out loads … I think they understood what we were saying.”

The unit manager felt that this may help those young people to ask for extra support at school in future.

Children’s rights officers work closely with looked after children, primarily those looked after away from home, on a range of issues that affect them. A key part of their role is to provide children and young people with information and advice but their involvement in education issues appears to be limited.

A key point that was raised about providing information for children and young people is that it should focus on the ways they can influence decisions made about their ASL. There is already a greater awareness of children’s right to have their views heard, and local authorities have made efforts to include children’s views, for example by using ‘Have your say’ and ‘My meeting, My
view’ forms. However, this is not meaningful if children cannot influence meeting agendas or if they are consulted only occasionally or inconsistently. Moreover, meetings can be intimidating places and it is unlikely that children and young people will freely express their views without support.

4.3.2 Information for parents and carers

The Scottish Government launched an awareness raising campaign to enable parents to access advice and information about the ASL legislation. It is not clear if particular care will be taken to ensure that the parents/carers of looked after children are aware of the rights their children have to ASL. We found that very few foster carers contact the national ASL helpline, Enquire, on behalf of their children, and the service has had no direct contact with looked after children.

In two of the case study authorities a ‘link teacher’ worked with carers of children looked after away from home, to provide information about school processes and enable them to participate in meetings about their children’s education. In one case study family placement services also provide training to foster carers on Government policy and legislation.

There was some confusion among practitioners and stakeholders around who has the right to appeal and to attend education meetings with or on behalf of looked after children.

4.3.3 Raising awareness among practitioners

Some interviewees from our national and stakeholder organisations felt that more needed to be done to raise awareness in the residential field that looked after children are entitled to ASL, and that residential workers have a part to play in securing support for those in their care.

At one residential unit staff would be in daily contact with schools to make them aware of any issues a child in their care may be facing. This could be anything that would affect the child at school, from a disrupted night’s sleep to a child having just been told they will no longer have contact with their siblings. It was noted some schools disagree with information being shared in this way, however the unit considered it a necessary part of considering the changing needs of looked after children and how their circumstances affect their capacity to benefit from education.
Many stakeholders felt the ASL Act has been treated as a piece of education legislation and as such social workers generally do not see it as a core part of their role. Greater awareness of the legislation and of the rights it gives to looked after children would enable them to ensure the children they work with have sufficient access to educational support.

“People in the social work department tend not to have as good an understanding of the ASL framework, and are not set up in the same way to have the contacts in structures to put the child through assessment and get support in place.”

The revised code of practice for the ASL legislation could be crucial in addressing this, so that emphasis is placed on how the traditional social work function overlaps with education legislation and clarifying that all looked after children are entitled to a formal assessment of their education needs, followed with the appropriate level of support.

A lot of work has been done to raise awareness of the needs of looked after children and we found education staff are aware of the different factors that can affect their behaviour or attainment at school. However we also found not enough has been done to raise awareness among social work services that they have a role to play in supporting education. Developments stemming from the amendments to the 2004 Act represent a good opportunity to address this. As one residential unit manager pointed out:

“There will always be differences in agenda between teachers and social workers … as resources constrict even more, people will fight their corners more. Something like the ASL Act becomes even more crucial because it’s our statutory responsibility.”

Regarding school staff, the Scottish Government is promoting the GLOW website as the main tool for teachers to share resources and practice so a section dedicated to looked after children and the amended ASL legislation might be helpful.

In relation to the information needs of all three groups above, the national helpline for advice and guidance on ASN and ASL is concerned that parents/carers, professionals, and looked after children themselves are not accessing their service:
“At the moment we don’t hear that many calls about looked after children, and that is a worry. It either means that people aren’t aware of our service or it means that people with the corporate parenting responsibility are not asking for external advice and are just carrying on doing their own thing.”

Overall, this section on awareness raising makes clear that much is still to be done to ensure all the relevant parties fully contribute to effective ASL decision making for looked after children. The amended 2004 ASL legislation reiterates the duty on local authorities to provide information to parents, carers, children and young people about their rights to ASL. However, it is not yet clear how resources will be allocated to meet this requirement or how it will be monitored. More support and funding of advocacy services able to deal with all looked after children, including those remaining at home, could also contribute to fuller contributions in decision making by all those involved in a child’s life. This might also be a way to lessen some of the tensions that can arise and were raised in earlier chapters regarding the corporate parenting function of local authorities.
5. The views of looked after children and young people

KEY MESSAGES FROM CHILDREN AND YOUNG PEOPLE

- Young people currently do not always feel listened to.
- All looked after children and young people wanted support to help them speak for themselves.
- There was little or no awareness of their specific rights in relation to the ASL legislation.
- Young people reported varying levels of awareness of what to do or where to go if they were having difficulties at school relating to ASL.
- There was strong support for making the language and decisions around education and ASL understandable and accessible to them.
- There were worries about being bullied or stigmatised by peers as a consequence of receiving noticeable support for learning.
- How supported looked after children feel in their education is influenced by many factors, including the professionals they have access to, and the nature of their looked after placement in terms of how much representation this provides.
- Both teachers and social workers have the potential to play a key role in improving the looked after children’s educational experience and performance.
- There is an urgent need to review and take action to provide better support and services to children looked after at home.

In this study, a central aim was to gather some views directly from looked after children and young people about their experience of education and ASL. We did this in an in depth way, by talking with a small number of children/young people, both individually and in groups. The preceding chapters reflect many of the views already known from previous research and the experiences of
service providers, however, the following short section provides more direct comment from the perspective of a small sample of looked after children.

5.1 Children and young people in foster care
In one case study authority we spoke to five girls individually who were aged 12 to 15 years. They were all in foster care and attended the same secondary school.

5.1.1 Getting support at school

- One of the pupils benefitted from a reading recovery programme since joining secondary school, to make up for the time missed at primary.

- Most of the pupils felt supported by a team of guidance teachers, including the Depute who meets with them regularly. Some pupils found these meetings useful as they provided opportunities to asking for extra help. However, others thought they were too focused on academic work rather than other issues they might be facing.

- One pupil had a positive experience of being guided to improve her behaviour at school which led to access to a college course one day a week. She appreciated being pushed to achieve as much as possible, especially to gain qualifications.

- Being in foster care was felt by one of the pupils to have led to more interest and support at school.

“Because I’m in care I get more meetings and my foster parents have to come up to the school to find out about my grades, and they’re on the phone constantly.”

5.1.2 Challenging decisions about the support provided

- The relationship the girls had with their social worker was felt to be a key factor in the decisions they made about who to speak to first to get more or different support. Some preferred one to one meetings with their social workers and others found it more useful to meet with their foster carer and guidance teacher at school.

- Confidentiality was seen as crucial if they were to raise any issues at school. Some of the girls thought it was best to speak to their friends about
any problems, and others thought teachers were more likely to keep things to themselves.

- They were not aware of a process they could go through to raise any issues about their education.

“If you’ve got a complaint about a teacher you can’t talk to anyone about it apart from your friends because if you tell a teacher about another teacher you get into trouble,,, you should have that right because it’s us that it’s happened to, it isn’t your key worker or your parents, it’s us. We should have the right to go forward and say we’re not happy with a teacher.”

5.1.3 Awareness of rights and having a say

- Only one pupil was aware of the children’s rights officer and had contacted her about an issue with her birth parents, but not about support for learning.

- None of the pupils had heard of the terms additional support needs or additional support for learning. They could not recall being told about their rights to support at school.

- One pupil found the ‘have your say’ forms useful because she prefers not to talk out loud.

- One pupil felt she didn’t need someone there to speak up for her because she could do that herself.

- One pupil felt there was more chance to have her voice heard at primary school because there are fewer pupils. She also knew about the pupil council at primary school but wasn’t sure if there was one at her secondary school.

5.2 Children and young people in residential care

In a second case study authority we spoke to three boys and two girls aged 15 to 17 years who lived at the same residential unit.

5.2.1 Getting support at school

- The main barrier the young people reported about accessing support at school was the stigma associated with having ASN. There was experience and general fear of bullying as a result of getting extra help with school
work. One pupil had been tested for dyslexia and offered support but refused it because of the bullying it would cause.

- Verbal abuse from other pupils had led to some of the young people getting into fights and then trouble with teachers.

“If you’re dyslexic, you have a person that comes in and writes for you. If you have someone sitting beside you in your class writing for you, are you trying to tell me that everyone in that class isn’t just going to go “ha ha, check him”?”

- None of the young people thought they could speak to guidance teachers because they have too many pupils to be there for them individually.

- Teachers are perceived to be more concerned with their behaviour and indiscipline rather than the causes of them.

- One young person had a positive experience of support from an outreach teacher who offered one to one tuition. One of the boys had been taken out of class to receive support for learning and this had meant he was not picked on by other pupils.

5.2.2 Challenging decisions about the support provided

- The young people each had a ‘trusted person’ who acted as their spokesperson. This person helped them with personal issues but some felt their trusted person would not be able to go into the school to talk about their education.

- Several young people had been helped to negotiate alternative education arrangements after a long period of trouble in school.

- All felt they would rather be supported to speak for themselves than have other people speaking on their behalf. The young people were more likely to complain to residential staff (for example about a change of social worker) than to teachers at school.

- Some felt that no one would really listen to them. One young person had complained to his head teacher about being bullied and felt he had not been listened to.

“I would speak for myself if they would listen. If we were allowed.”
5.2.3 Awareness of rights and having a say

- All said that at meetings the language used was inaccessible and that decisions were rarely explained to them fully.

- They were all confident they knew their rights to good care and support in general but not in relation to their education. Only one of the young people was aware of the ASL Act and said his Who Cares? Scotland worker had told him all about it.

  “They act like you’re not there. And if you want to talk, you can’t, because they’re all talking amongst themselves. They’re sitting talking about you.”

- The young people were clear that at meetings convened for them, their views should be heard and the discussion should flow from their agenda. They wanted to be able to talk about what is important to them and to be listened to.

  “You can give your views as much as you want but unless you’ve got someone sitting beside you who has got legal power then you’re not going to be heard.”

5.3 Children and young people looked after at home

Children under a supervision requirement in Scotland are considered to be in the care of their local authority. This is a unique situation in the UK and this group makes up the largest of all placement types for looked after children in Scotland (39% in 2008/9).

As explained in Appendix 6, we were unable to include fieldwork with these young people because of some of the practical challenges of gaining access. However, throughout the report, the particular issues facing those looked after at home have been highlighted. For this reason, instead of presenting direct views here, we have summarised the key findings and concerns raised consistently by stakeholders and practitioners that emphasise the need to do better for this group.

- The Scottish Government’s statistics on looked after children show a significant variation between the educational attainment of those looked...
after away from home (60% gained at least one Level 3 qualification) and those looked after at home (45% gained at least one Level 3 qualification).\textsuperscript{65}

- The national advocacy service for looked after children (Who Cares? Scotland) does not have the capacity to support those looked after at home.

- Resources are more likely to be directed towards children looked after away from home. This is partly because of the greater number of children looked after at home but also relates to perceptions of need.

- Parents of those looked after at home are less likely to engage with schools than foster carers.

- There are fewer supervision meetings for children looked after at home and therefore less opportunity to discuss educational support.

- Those looked after at home may continue to experience disruptive family circumstances that compromise educational engagement and performance.

- Those looked after at home may subsequently end up looked after elsewhere, possibly leading to further changes of placement and school.

As part of its commitment to improving outcomes for looked after children through addressing the recommendations of the United Nations Committee on the Rights of the Child, the Scottish Government plans to gather evidence on the situation for those looked after at home. It is essential that this includes direct consultation with children and young people in this situation to establish how their ASN are being met.

6. Findings and Conclusions

6.1 Key findings

Data on looked after children

- At 31st March 2009 there were 15,288 children looked after by local authorities, the majority (39%) placed at home with parents.

- Although educational outcomes for looked after children are generally worse than for their peers, systems for tracking levels of need, types of support, and impacts of support are weak.

- There is no reliable local authority data collection on the number of looked after children with ASN, the type of ASN, or the ASL provided. This should change with Scottish Government plans to overhaul reporting processes but problems may remain.

- 56% of looked after children had ASN in the eight local authorities that could provide complete data.

Local authority policies and processes

- No local authority we surveyed has a specific policy for providing ASL to looked after children. Planning processes do not comprehensively address the joint issues of ASL and being looked after.

- Coordinated Support Plans (CSPs) are rarely used to support looked after children. Looked after children are generally not considered to meet the criteria for CSPs. Many authorities use alternative ‘sub-statutory’ support plans which do not have the same legal status as CSPs, affecting the ability of children and parents/carers to challenge ASL provision.

- The local authority role as corporate parent may conflict with its service provider role, especially regarding challenges to assessment or provision of ASL to looked after children.

- The 2009 amendments to the ASL legislation should improve support for looked after children by ensuring that all are assessed for their ASN. However, clearer guidance and monitoring on implementation in local authorities is needed. Attention must also be paid to how to protect looked
after children from feeling stigmatised because of their automatic ASN status.

**Influencing and challenging the provision of ASL**

- Only one reference has ever been made to the Additional Support Needs Tribunals for Scotland (ASNTS) on behalf of a looked after child.

- There is a lack of advocacy services with expertise in education matters to serve the needs of looked after children, especially where those with parental role are compromised in their ability to appeal ASL decisions. The new national advocacy service established under the 2009 ASL legislation should improve things, especially if local authorities fully implement their duties to consider all looked after children for a CSP.

- Although efforts are being made to include the views of looked after children in making decisions about their education, the processes to support this need strengthening. More child centred ways of engaging and making meetings less intimidating are needed.

- Children looked after at home may be especially vulnerable in terms of educational needs and outcomes. Disrupted schooling is also a major issue.

**The views of looked after children**

- There was little or no awareness of their specific rights in relation to the ASL legislation, but they were confident they knew their rights in relation to their home life and care.

- There was varying levels of awareness of what to do or where to go if they were having difficulties at school relating to their ASL.

- There was strong support for making the language and decision making around their education and ASL understandable and accessible.

- All wanted a range of support options to help them speak for themselves.

- There were worries about being bullied or stigmatised by peers as a consequence of receiving noticeable support for learning.
6.2 Overall comment

Looked after children are a large and heterogenous group. However, compared to their peers who are not looked after, they in general experience more challenges and require greater support across many areas of their lives. Regarding education, looked after children often do less well and struggle more to have a positive experience. If these children have a poor education and leave school with few or no qualifications, their whole social and economic life chances may be negatively affected.

This report shows considerable variation in how looked after children are supported to achieve the best possible education. There are examples of good practice in terms of how responsibilities are shared and what types of support are provided. However, there are also many instances of gaps, anomalies, misunderstandings, and inadequate attention to the specific and often distinct needs of looked after children. The recurring problem of local authority education and social work departments not being fully connected in terms of data sharing and role clarity is a major concern. Strategic statements about coordinated corporate parenting often do not translate into the type of flexible, linked response that is needed to make a significant difference to these children’s education.

Recent and planned changes to how the education support needs of looked after children are monitored and addressed should bring positive changes. The 2009 amendments to the ASL legislation should help in principle to provide looked after children with appropriate educational assessment and support. However this study shows that at the time of writing there is a degree of confusion that exists about how processes and attitudes will need to change in light of legislative developments. Without explicit guidance and close monitoring of implementation, the positive effects of these changes may not fully filter through.

The proposed new national advocacy service regarding ASL does not specifically address the gap facing looked after children who are particularly affected by the refusal of the Scottish Government to allow children with the right to appeal to the Tribunal. However, it should bring positive change as long as local authorities fully implement the 2009 ASL legislation regarding rights to ASN and CSP assessment. However the inability to appeal and how children looked after at home will be supported by this service remains a concern.
Despite the Government's position that the rights of looked after children are currently served, the looked after children we spoke to did not know about their legal right to additional support for learning. However, it is interesting that unlike their educational rights, they were clear about the care and support they were entitled to. One important difference between their access to education and care is that it appears that in ensuring their care needs are taken into account, children have a clear set of minimum standards set out in law, which include the right to appeal against decisions made by a children’s hearing.

While the Government, local authorities and professionals do appear to be doing more to address the overall needs of looked after children, the existing care and education mechanisms do not appear to take into account fully the specific circumstances and educational needs of looked after children and young people.

In reaching any decision about how to improve the educational services and attainment of looked after children, it is important to recognise that the children and young people we talked to want to be given support to have their own voice. As the individuals who will be directly affected by any unfairness, discrimination and who may be in need of support at school, it is fundamental that children themselves should also have the right to challenge any lack of appropriate support.

Overall our findings give weight to the Commission’s concerns about the Government’s refusal to give children a right to appeal about the level and nature of additional support for learning that they are provided with. Up to the research period, there had been only one appeal to the ASNTS on behalf of a looked after child since and no references made by looked after young people directly. This is unlikely to mean that the parents of all looked after children, or indeed the children themselves are completely satisfied with their assessment or support. It is certainly affected by the key role of Coordinated Support Plans in making references to ASNTS and the fact that so few looked after children currently qualify for these. It is also likely influenced by conflicts of interest regarding local authority corporate parent roles. The 2009 ASL legislative amendments and recent Scottish Government statements regarding corporate parenting policies may improve this situation. However, the inconsistent situation where children under 16 do not have a right to appeal will continue to have a particular impact on looked after children.
Appendices

Appendix 1: Nature and content of Coordinated Support Plans

Legal criteria for allocating a CSP

A child or young person requires a Coordinated Support Plan for the provision of additional support if their ASN are:

- Arising from complex or multiple factors.
- Requiring a range of support from different services.
- Enduring for one year or more.

Once a CSP has been allocated the authority has a statutory responsibility to ensure that the support outlined within the plan is provided, monitored and reviewed at regular intervals.

Content of a CSP

The CSP must refer to:

- The factors giving rise to ASN.
- The child or young person’s educational objectives.
- The specific role of a member of staff responsible for coordinating the different elements of the plan.
- The additional support that has been allocated and the services responsible for providing it.
- The views of the child, young person, parent or carer.
Appendix 2: Policy context

There have been a number of publications recently which focus specifically on educational outcomes for looked after children. For example:

- Learning with Care (2001)\(^{66}\) set out a number of recommendations which aimed to improve education for looked after children.

- A Different Class? (2003)\(^{67}\) is a report on the views and experiences of LAC about educational attainment. It found that 37% of LAC who responded to the consultation were not in full time education. The recommendations

- Extraordinary Lives (2006)\(^{68}\) was a national review of looked after children in Scotland which emphasised the importance of having high expectations and effective support for looked after children.

- LAC: We Can and Must do Better (2007)\(^{69}\) outlines the current policy context in Scotland in relation to looked after children. The report highlights areas for improvement and identifies a number of actions in relation to education.

- Count Us In: Improving the Education of Our Looked After Children (2008)\(^{70}\) examines existing practice in a number of Local Authorities and partner organisations, and makes a number of recommendations for improvement.

- These Are Our Bairns – guidance for community planning partnerships on how to be a good corporate parent (2008)\(^{71}\) sets out the responsibilities of local authorities and their partners to looked after children, and outlines measurements for success.


\(^{71}\) The Scottish Government (2008) These Are Our Bairns: A guide for community planning partnerships on being a good corporate parent http://www.scotland.gov.uk/Publications/2008/08/29115839/0
The Educational Attainment of Looked After Children (2008)\textsuperscript{72} reports on a programme of pilots across local authorities that were designed to improve the educational attainment of looked after children. More recently the Scottish Government has published a guide for local authorities and service providers based on the findings, which outlines steps to be taken to close the attainment gap between LAC and their peers.\textsuperscript{73}

Do The Right Thing (2009)\textsuperscript{74} is a Scottish Government action plan to address the recommendations of the United Nations Committee on the Rights of the Child, which includes improving the outcomes for looked after children by supporting local authorities to be effective corporate parents.

---


Appendix 3: Local authority telephone survey

The aim of the survey was to profile the looked after children population in Scotland and identify the policies and procedures in place to ensure LAC are provided with support to address their ASN. All 32 local authorities in Scotland were asked to take part in the survey and 24 agreed. The 8 that did not take part were offered many opportunities to respond by telephone or by email.

To reach local authorities, we first made contact with the heads of children’s services (or equivalent) to make them aware of the study and ask for their collaboration with the research. We then contacted social work teams within each authority to locate the most relevant person to answer our questions.

Each interviewee was sent the questionnaire 2 to 6 weeks in advance of the interview, to give them the opportunity to identify the most appropriate respondent and to allow them to collate their responses. We invited social work staff to liaise with colleagues in education if necessary but deliberately sought the perspective of social work services to understand their role in the provision of ASL for LAC. Some interviews were conducted with a representative from both social work and education.

Below is the full list of questions we asked.

1. What local authority are you from?

2. How many looked after and accommodated Children (LAC) do you have in your authority:
   - At Home with (biological) parents (under a supervision order) _______
   - Friends/Relative (kinship care) _______
### With foster carers provided by Local Authority

| ________ |

### With foster carers purchased by Local Authority

| ________ |

### With prospective adopters

| ________ |

### In Local Authority home

| ________ |

### In residential school

| ________ |

### In secure accommodation

| ________ |

### In custody

| ________ |

### Crisis care

| ________ |

### Other residential

| ________ |

### Other community

| ________ |

### Other

| ________ |

### Not known

| ________ |

---

3. Who has parental responsibility for looked after and accommodated children and young people (LAC) who are:

- At Home with (biological) parents (under a supervision order)  
  | ______________________ |

- Friends/Relative (kinship care)  
  | ______________________ |

- With foster carers provided by Local Authority  
  | ______________________ |
• With foster carers purchased by Local Authority

• With prospective adopters

• In Local Authority home

• In residential school

• In secure accommodation

• In custody

4. How many looked after children in your authority have Additional Support Needs?

5. How many children looked after at home under a supervision order have a Coordinated Support Plan?

6. How many children looked after at home under a supervision order have ever appealed or made a formal complaint about an ASN decision?

7. In your local authority, are new procedures being put in place as a result of the amendments to the Education (ASL) (Scotland) Act 2009 that specify all looked after children/young people are automatically considered to have an Additional Support Need, unless an assessment determines that they do

   Yes ☐

   No ☐
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does this include children looked after at home under a supervision order?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How do you monitor and review the numbers of LAC receiving Additional Support for Learning (ASL)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is this broken down by ‘type’ of LAC (i.e. supervision order, foster care, residential home, other)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is this broken down by ‘type’ of Additional Support Need (ASN)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What statistical information is reported on LAC with ASN?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can we have a copy of your most recent reports with statistics on LAC with ASN please?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If you collect LAC by ASN, can we send you a short form with a couple of tables on it requesting this as a breakdown? Please?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What does the LA use this statistical information for?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
16. Does the LA have a policy/procedure for managing/coordinating the different elements of service provision for LAC with ASN (social work – education) – if so can we have a copy?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

17. Can you describe the LA view of its role as corporate parent?
(Prompts: What does this involve? What is its remit? How does the LA fulfil this role?)

18. What training, advice or support is provided to council employees working with LAC (e.g. social workers, teachers) to inform them of the role of the corporate parent and ensuring adequate provision of ASL for looked after children?

19. What information/services does the LA provide to LAC about accessing appropriate ASL? – e.g. advocacy services, information and advice leaflets, counselling about educational and social support services?

20. Does the LA have a complaints procedure for access to ASL, including any special provisions for LAC with ASN?

21. Does the LA monitor complaints about access to ASL? By parent, social worker, teacher or individual child?

22. Are there any particular differences in the ASNs of particular groups, such as boys and girls, children and young people from ethnic and racial groups and children with disabilities? If so please could you elaborate?
23. Are there any particular differences in the ASNs of LAC in different locations in Scotland and/or the different types of ASL provided to LAC in different locations? If so, please elaborate.

24. Has your department ever complained about or appealed to the education department of your local authority an ASN decision for a LAC?

25. What are your special schools and residential schools called?

What is your Job title?
Length of qualifying experience?
Gender:

- Male  □ 1
- Female □ 2
Appendix 4: Research participants from national bodies and other key organisations

We contacted staff in a wide range of organisations following recommendations from the Commission and from our own knowledge of the field. We included organisations working directly with looked after children, those providing advocacy services, and those involved in policy making around looked after children and ASL.

Below is the full list of organisations we consulted, speaking to more than one person in some cases.

- Additional Support Needs Tribunals for Scotland (ASNTS)
- Barnardo’s Scotland
- Convention of Scottish Local Authorities (COSLA)
- Enquire
- Govan Law Centre
- HM Inspectorate of Education (HMIe)
- ISEA Scotland
- Partners in Advocacy
- Resolve
- Scotland’s Commissioner for Children and Young People (SCCYP)
- Scottish Institute for Residential Child Care (SIRCC)
- SWIIS Foster Care
- The Care Commission
- The Scottish Children's Reporter Administration (SCRA)
- The Scottish Government
- Who Cares? Scotland
Appendix 5: Research participants in local authority case studies

Following the telephone survey of all local authorities, we identified 3 local authorities as case studies, based on the size, location and number of LAC within each. We spoke to 6 professionals in each case study authority to seek a greater understanding of:

- Their interpretation of the ASL legislation
- Their experiences of implementing assessment and reviewing processes
- The roles of individual schools and services in providing ASL to LAC.

Below is the full list of types of professionals we spoke to:

4 Educational Psychologists
3 LAC Education Coordinator
1 ASL Coordinator
1 Team Manager, Family Placement Services
2 Social Workers
1 Principal Teacher, Support for Learning
2 Deputies, Pupil Support
1 Head Teacher, Outreach Service
1 Principal Teacher, Outreach Service
1 Residential Unit Manager
1 LAC Reviewing Officer

Total = 18
Appendix 6: Discussion guide for consultation with children and young people

We had hoped to consult with a group of looked after children in each of our 3 case study authorities, in each area focusing on residential care, foster care or looked after at home. Unfortunately we were unable to identify a group of children looked after at home, primarily due to time constraints and inaccessibility. We did, however, hold a focus group with 3 males and 2 females in residential care, aged 15 to 17 years. In a second authority we spoke to 5 females aged 12 to 15 years, all of whom are currently in foster care.

Below is the guide we used in talking with the children and young people.

[Overall researcher note: Say we want to talk to them about school; how they are managing at school; if they need help at school to do their work; if they are getting the help they think they need; if anyone helps them to get that help; and if they feel someone is looking out for them and what they need. Give statement on confidentiality and ethical approach re disclosure etc.]

1. Tell us about being at school
   - What’s it like?
   - What are your teachers like?
   - What does good support look like? (show topical pictures)

2. Support in school (classroom assistance, out of class support time, etc.)
   - How are you getting on with your work?
   - Do you need any help/support to do your work? If yes:
     - Do you get the help you need? Do you want more help?
     - Who helps you?
     - How do they help you?/What help do you get?
     - How did you get the help put in place?
     - Did anyone help you sort it out?
If you were worried about learning in school, who would you talk to?

3. Having your say

- Have you ever been to a meeting to talk about how things are going at school? If yes:
  - What happened? Who was there? What was it like?
  - Did you put your view across?
  - Did anyone help you do that?
  - Did the meeting help you?
- If no:
  - Would you like to be invited to meetings?
  - What would you like to talk about at them?
  - Would you like to have more support to express your view?
  - If you wanted someone to, who would speak up for you?

4. ASL legislation

- Do you know what a My Meeting My View is? Have you ever filled one in? Did you find it useful?
- Have you heard of the ASN log? What is it?
- Have you heard of the Individual Support Plan or Personal Education Plan? Have you seen one?
- What about an Individual Education Plan?
- Do you know what the Additional Support for Learning Act is? Has anyone ever spoken to you about it?
Appendix 7: Responses to questions 1 to 3 of the local authority survey

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Q1: How many looked after children do you have in your authority?</th>
<th>Q2: How many looked after children in your authority have additional support needs?</th>
<th>Q3: How many children looked after at home under a supervision order have a Coordinated Support Plan?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>At home (under a supervision order)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>1349</td>
<td>633</td>
<td>3233</td>
</tr>
<tr>
<td>2</td>
<td>400</td>
<td>350</td>
<td>1374</td>
</tr>
<tr>
<td>3</td>
<td>362</td>
<td>203</td>
<td>794</td>
</tr>
<tr>
<td>4</td>
<td>170</td>
<td>184</td>
<td>581</td>
</tr>
<tr>
<td>5</td>
<td>302</td>
<td>124</td>
<td>546</td>
</tr>
<tr>
<td>6</td>
<td>201</td>
<td>113</td>
<td>523</td>
</tr>
<tr>
<td>7</td>
<td>132</td>
<td>107</td>
<td>469</td>
</tr>
<tr>
<td>8</td>
<td>177</td>
<td>72</td>
<td>467</td>
</tr>
<tr>
<td>9</td>
<td>229</td>
<td>83</td>
<td>438</td>
</tr>
<tr>
<td>10</td>
<td>180</td>
<td>64</td>
<td>419</td>
</tr>
<tr>
<td>11</td>
<td>134</td>
<td>62</td>
<td>391</td>
</tr>
<tr>
<td>12</td>
<td>223</td>
<td>52</td>
<td>390</td>
</tr>
<tr>
<td></td>
<td>78</td>
<td>45</td>
<td>69</td>
</tr>
<tr>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>14</td>
<td>89</td>
<td>28</td>
<td>58</td>
</tr>
<tr>
<td>15</td>
<td>66</td>
<td>18</td>
<td>73</td>
</tr>
<tr>
<td>16</td>
<td>61</td>
<td>33</td>
<td>62</td>
</tr>
<tr>
<td>17</td>
<td>78</td>
<td>28</td>
<td>20</td>
</tr>
<tr>
<td>18</td>
<td>25</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>19</td>
<td>23</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>20</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>21</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>22</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>23</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>24</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>4279</td>
<td>2091</td>
</tr>
</tbody>
</table>
## Appendix 8: Scottish Government Children Looked After Statistics 2008/09

### Number of looked after children (by placement type)

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>At home with parents</th>
<th>With friends / relatives</th>
<th>With foster carers provided by LA</th>
<th>With foster carers purchased by LA</th>
<th>In local authority</th>
<th>In voluntary home</th>
<th>In secure accommodtion</th>
<th>In crisis care</th>
<th>In other residential care</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen City</td>
<td>220</td>
<td>144</td>
<td>118</td>
<td>111</td>
<td>26</td>
<td>1</td>
<td>22</td>
<td>7</td>
<td>40</td>
<td>1</td>
</tr>
<tr>
<td>Aberdeenshire</td>
<td>128</td>
<td>103</td>
<td>129</td>
<td>16</td>
<td>9</td>
<td>1</td>
<td>14</td>
<td>6</td>
<td>49</td>
<td>3</td>
</tr>
<tr>
<td>Angus</td>
<td>71</td>
<td>37</td>
<td>118</td>
<td>9</td>
<td>9</td>
<td>1</td>
<td>22</td>
<td>0</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Argyll &amp; Bute</td>
<td>89</td>
<td>34</td>
<td>37</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>20</td>
<td>0</td>
<td>19</td>
<td>0</td>
</tr>
<tr>
<td>Clackmannanshire</td>
<td>79</td>
<td>51</td>
<td>39</td>
<td>14</td>
<td>2</td>
<td>0</td>
<td>55</td>
<td>0</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>Dumfries &amp; Galloway</td>
<td>219</td>
<td>86</td>
<td>89</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>28</td>
<td>0</td>
</tr>
<tr>
<td>Dundee City</td>
<td>180</td>
<td>181</td>
<td>136</td>
<td>23</td>
<td>11</td>
<td>8</td>
<td>15</td>
<td>5</td>
<td>21</td>
<td>4</td>
</tr>
<tr>
<td>East Ayrshire</td>
<td>208</td>
<td>111</td>
<td>94</td>
<td>49</td>
<td>16</td>
<td>3</td>
<td>18</td>
<td>0</td>
<td>19</td>
<td>6</td>
</tr>
<tr>
<td>East Dunbartonshire</td>
<td>45</td>
<td>30</td>
<td>16</td>
<td>12</td>
<td>3</td>
<td>0</td>
<td>77</td>
<td>4</td>
<td>92</td>
<td>3</td>
</tr>
<tr>
<td>East Lothian</td>
<td>78</td>
<td>40</td>
<td>56</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>0</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>East Renfrewshire</td>
<td>88</td>
<td>29</td>
<td>21</td>
<td>12</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Edinburgh, City of</td>
<td>443</td>
<td>265</td>
<td>305</td>
<td>159</td>
<td>32</td>
<td>2</td>
<td>52</td>
<td>11</td>
<td>42</td>
<td>15</td>
</tr>
<tr>
<td>Eilean Siar</td>
<td>13</td>
<td>14</td>
<td>12</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Region</td>
<td>Cases</td>
<td>Severe</td>
<td>Critical</td>
<td>Deaths</td>
<td>Recovered</td>
<td>PCR</td>
<td>PCR+</td>
<td>PCR-</td>
<td>PCR Unknown</td>
<td>PCR Query</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------</td>
<td>--------</td>
<td>----------</td>
<td>--------</td>
<td>-----------</td>
<td>-----</td>
<td>------</td>
<td>------</td>
<td>-------------</td>
<td>------------</td>
</tr>
<tr>
<td>Falkirk</td>
<td>168</td>
<td>73</td>
<td>31</td>
<td>10</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>38</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Fife</td>
<td>230</td>
<td>154</td>
<td>293</td>
<td>37</td>
<td>14</td>
<td>0</td>
<td>17</td>
<td>24</td>
<td>16</td>
<td>4</td>
</tr>
<tr>
<td>Glasgow City</td>
<td>1,383</td>
<td>617</td>
<td>874</td>
<td>137</td>
<td>8</td>
<td>6</td>
<td>113</td>
<td>51</td>
<td>55</td>
<td>23</td>
</tr>
<tr>
<td>Highland</td>
<td>165</td>
<td>80</td>
<td>121</td>
<td>4</td>
<td>16</td>
<td>2</td>
<td>28</td>
<td>3</td>
<td>21</td>
<td>2</td>
</tr>
<tr>
<td>Inverclyde</td>
<td>167</td>
<td>54</td>
<td>57</td>
<td>2</td>
<td>6</td>
<td>0</td>
<td>18</td>
<td>0</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>Midlothian</td>
<td>106</td>
<td>118</td>
<td>65</td>
<td>23</td>
<td>3</td>
<td>0</td>
<td>12</td>
<td>3</td>
<td>21</td>
<td>2</td>
</tr>
<tr>
<td>Moray</td>
<td>58</td>
<td>56</td>
<td>60</td>
<td>4</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>15</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>North Ayrshire</td>
<td>218</td>
<td>119</td>
<td>52</td>
<td>47</td>
<td>3</td>
<td>2</td>
<td>36</td>
<td>0</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>North Lanarkshire</td>
<td>420</td>
<td>99</td>
<td>143</td>
<td>3</td>
<td>14</td>
<td>5</td>
<td>28</td>
<td>0</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Orkney Isles</td>
<td>20</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Perth &amp; Kinross</td>
<td>73</td>
<td>30</td>
<td>63</td>
<td>16</td>
<td>5</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Renfrewshire</td>
<td>251</td>
<td>142</td>
<td>101</td>
<td>118</td>
<td>8</td>
<td>1</td>
<td>61</td>
<td>0</td>
<td>30</td>
<td>6</td>
</tr>
<tr>
<td>Scottish Borders</td>
<td>61</td>
<td>24</td>
<td>74</td>
<td>5</td>
<td>10</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Shetland</td>
<td>14</td>
<td>8</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>South Ayrshire</td>
<td>123</td>
<td>48</td>
<td>35</td>
<td>45</td>
<td>4</td>
<td>3</td>
<td>9</td>
<td>0</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>South Lanarkshire</td>
<td>186</td>
<td>87</td>
<td>114</td>
<td>0</td>
<td>9</td>
<td>4</td>
<td>73</td>
<td>0</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>Stirling</td>
<td>95</td>
<td>32</td>
<td>51</td>
<td>8</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>13</td>
<td>2</td>
</tr>
<tr>
<td>West Dunbartonshire</td>
<td>183</td>
<td>63</td>
<td>70</td>
<td>10</td>
<td>1</td>
<td>2</td>
<td>19</td>
<td>1</td>
<td>19</td>
<td>5</td>
</tr>
<tr>
<td>West Lothian</td>
<td>150</td>
<td>57</td>
<td>142</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>13</td>
<td>0</td>
<td>27</td>
<td>6</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>5,932</td>
<td>2,990</td>
<td>3,592</td>
<td>905</td>
<td>242</td>
<td>47</td>
<td>612</td>
<td>137</td>
<td>598</td>
<td>102</td>
</tr>
</tbody>
</table>