



**Education and Culture Committee
Education (Scotland) Bill**

Written evidence from YouthLink Scotland

May 2015

Introduction

YouthLink Scotland welcomes the opportunity to submit written evidence to the Education and Culture Committee on the Education (Scotland) Bill as introduced. We welcome and thank the committee for formulating these questions, and our response is structured by these. We will however only be making comment on: **Part 1 – Inequalities of Outcome.**

The diverse content of the Bill as introduced is of some concern to us, as it could be perceived as an opportunity to ‘mop up’ gaps in legislation. We believe that given the amount of time, energy, resource and expertise which is currently being invested into understanding and addressing the Educational Attainment Gap that it is unacceptable that there has been no formal public consultation on these legislative proposals. If legislation is the required lever to address the Educational Attainment Gap, it should be discussed and debated publically.

Background to YouthLink Scotland

YouthLink Scotland is the national agency for youth work. It is a membership organisation and is in the unique position of representing the interests and aspirations of both the third sector and statutory sector.

YouthLink Scotland champions the role and value of youth work, challenging government at national and local levels to invest in the development of the sector for the benefit of our young people. Our vision is of a youth work sector for Scotland which offers sustainable, dynamic and accessible youth work opportunities that support young people to become successful learners, confident individuals, effective contributors, and responsible citizens – using informal and non-formal methods.

YouthLink Scotland has previously provided evidence on the issue of attainment and achievement to this committee and we are pleased to see our views on achievement have been recognised in the development of this call for evidence. The youth work sector subscribes to Scotland’s national outcome – of being the best place to grow up; and more specifically the Raising Attainment for All ambition: “Scotland should be the best place to learn. We want each child to enjoy an education that encourages them to be the best they can be and provides them with a full passport to future opportunity.”¹ There is a commonality of purpose between youth work and the wider role of the education authority: that is to provide, recognise and celebrate the learning and achievements of all our young people wherever they take place.

¹ Raising Attainment for All,
<http://www.gov.scot/Topics/Education/Schools/Raisingeducationalattainment/RAFA>

Whilst we would urge for further and specific dialogue on the merits of legislating for reducing inequalities, we have made a response to the specific questions raised by the committee.

Part 1 – Inequalities of Outcome

1) What improvement in attainment, in achievement, and in reducing inequalities of outcome do you consider the Bill in itself could deliver? What would be a desirable level of improvement?

We share the Scottish Government's concern that it is unacceptable for there to be such inequality of educational outcomes for children and young people in Scotland. We welcome many of the steps taken to date by Scottish Government (as outlined in points 14 and 15 of the Policy Memorandum) to develop greater understanding of the causes, to invest in initiatives which seek evidence based solutions – such as Raising Attainment for All; and the policy direction which aims to improve outcomes for all of Scotland's children and young people. However we also strive for all young people to achieve and to reach their fullest potential regardless of their background, and with no limits to young people's aspirations. As per our previous evidence to the committee we have demonstrated the role of the youth work sector as key contributors to this agenda: in closing the attainment gap, and in the opportunities for raising achievement.

What is contained within Part 1 of the Bill has some merit: it creates a legislative commitment which recognises the need to address inequality of outcomes and places a duty upon local education authorities and Scottish Ministers to do so in their 'decisions of a strategic nature'. However this will only have the desired improvements if the 'decisions' which are made are informed and evidenced, well resourced, and meet the needs of the children and young people affected. We appreciate the desire of the Scottish Government to address this matter through the introduction of legislation –however we would welcome this to be in a Bill which has been informed by and developed by the education sector (formal and non-formal), by employers, parents, and of course children and young people themselves.

The meaningfulness and success of any such legislation will only be realised by the skill, effectiveness and competence of individual education practitioners and the local learning partnerships that they can create to support children and young people to learn and develop within the spirit of Curriculum for Excellence which should maximise personalisation and choice.

2) The duty in the Bill is to 'have due regard to the desirability' of 'reducing inequalities of outcome'. Is this meaningful enough to have the desired policy effect?

YouthLink Scotland believes that the wording of 'desirability' is too soft; it infers a level of option and choice at the discretion of the education authority based upon want or will. It would be our preference to have 'due regard to the need' – this would allow the use of local evidence, data, and expertise to make an assessment of the level of need to exercise this duty in decisions of a strategic nature. We would propose an amendment to Clause 1(1):

“...have due regard to the **need to carry out** the functions in the way mentioned in subsection (3)”

3) How should 'inequalities of outcome' be interpreted and should this phrase be defined in the Bill?

Definition of the outcome or outcomes should be considered within this Bill and/or secondary legislation. We pose the following question to the committee:

- Is there only one outcome? Is the outcome always an educational outcome – or does the Bill extend to health, wellbeing, and economic outcomes?
- Why does the Bill state ‘inequalities’ as a plural (suggesting there are multiple inequalities), yet it only prescribes one: socio-economic status?

4) What specific actions will education authorities be able to take to reduce inequalities of outcome that they are currently unable to take?

This question sits at the very heart of this discussion as to whether a legislative response is required.

Potential actions which could follow legislation:

- a) It may make those who are not yet doing ‘enough’ to fulfil their responsibilities with particular regard to ensuring that children and young people regardless of where they grow up in Scotland have equity of learning experiences and opportunities.
- b) meaningful community engagement on this matter – with children, young people, and parents – and we would hope with third sector partners and employers.
- c) potential to recognise the contribution of non-formal learning on children and young people’s life and wellbeing outcomes if further amendments are made to this Bill.

5) Should the Bill contain sanctions in the event that the Scottish Government or local authorities fail to achieve the policy intention of reducing inequalities of outcome? If so, what sanctions would you suggest are appropriate?

The tracking of successful implementation or indeed failure to achieve should be identified through an inspection regime which is robust and fit for the purpose. We would expect local education authorities to be supported to improve and not penalised for failing to do so. We would not wish any sanction which would potentially reduce the aspiration or ability of any individual child or young person to attain, succeed and achieve.

6) Do you have any views on the consultation and reporting requirements set out in this part of the Bill?

Consultation, advice and support Section 2 (3) – for this to be meaningful this approach must not stigmatise, and the resource allocated must be adequate to enable this to happen. It should be recognised that the parents of pupils who are lower attaining may have their own, sometimes complex, needs – and are potentially harder to reach and have had a negative education experience and therefore may be less willing to engage.

The Scottish Ministers must take account of the promotion of the rights of children and young people – and therefore we would seek the inclusion children and young people in Section 3(2). This is important to fulfil ministerial duties as set out in the Children and Young People’s Act (2014).

Section (4) – consideration should be given as to how this reporting is informed by planning – and it may be more appropriate to utilise the existing children and young people’s services planning and reporting mechanisms within the Children and Young People’s Act. Again this process should be informed by the rights of children and young people.

7) The Bill focuses on reducing inequalities of outcome resulting from pupils' socio-economic disadvantage. Should all examples of inequality of outcome be addressed?

See comments in Question 3. We welcome the potential scope of clause 1 (3) (b) which would enable other examples of inequality of outcome to be addressed: for example, the inequality of outcomes for children and young people by gender, ethnicity, care experience, or disability. The outcomes themselves may also be multiple – for example education, health, personal development, wellbeing outcomes. It is unclear where in the Bill that this complexity can be accounted for or understood.

Closing Remarks

Youth work changes lives, in particular those for whom formal education has not inspired or reached. It is for this reason that we urge the committee to consider our position on Part 1 of the Education Bill, and to look beyond formal schooling for more imaginative solutions to raising attainment and to have a wider debate on the need for legislation on this matter.

*For further information please contact Susan Hunter, Senior Policy and Research Officer.
shunter@youthlinkscotland.org or 0131 313 6815.*