

## ASSOCIATION OF TEACHERS AND LECTURERS

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### *Consultation on Draft Regulations and Statutory Guidance regarding Designated Teachers for Looked After Children*

*Response from the Association of Teachers and Lecturers, May 2009*

ATL, as a leading education union, recognises the link between education policy and our members' conditions of employment. Our evidence-based policy making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members.

We help our members, as their careers develop, through first-rate research, advice, information and legal support. Our 160,000 members – teachers, lecturers, headteachers and support staff – are empowered to get active locally and nationally. We are affiliated to the TUC, and work with government and employers by lobbying and through social partnership.

#### **ATL Policy**

ATL's education policy is underpinned by the professionalism of teachers. Teachers should be recognised for their knowledge, expertise and judgement, at the level of the individual pupil and in articulating the role of education in promoting social justice. Development of the education system should take place at a local level: the curriculum should be developed in partnership with local stakeholders and assessment should be carried out through local professional networks. Schools should work collaboratively to provide excellent teaching and learning with a broad and balanced curriculum, and to support pupils' well-being, across a local area. This means that mechanisms must be developed that ensure a proper balance of accountability to national government and the local community, and which supports collaboration rather than competition.

#### **Introduction**

ATL welcomes this consultation and the aim of the regulations / guidance to promote a consistency of practice across schools regarding provision for the needs of looked-after children. As the education union, ATL is concerned for the most vulnerable in our society, particularly the life chances of looked-after children who have shown consistently below average attainment despite bringing the same range of abilities as their peers. We support this government's drive to ensure that fewer of our children fall between the gaps, through a focus on multi-agency working and joined-up services. However, multi-agency working throws up many challenges, particularly around communication, accountability and a lack of consistency in quality across regions. We believe it vital for these broader issues to be addressed alongside the introduction of these regulations to ensure that governing bodies, schools and designated teachers have the knowledge, guidance and support they need to ensure that the best possible education provision is available to their looked-after children.

#### **Consultation questions**

The regulations regarding the designated teacher role are clear about the requirement for the role holder to have QTS or to be working towards it. The documents are also clear about the knowledge

which the role holder must have, regarding the care system and relevant legislation. We agree with the principles which underpin the regulations, and welcome the importance given to the seniority and experience of the person in the role of Designated Teacher. From our own members' experience, we know that it is vital that the Designated Teacher is in a position to have input into overall school strategy, to advise teacher colleagues regarding their teaching with regard to looked-after children. This principle is reflected in the reality of many schools, where the role of Designated Teacher has been assigned to a senior teacher or a member of the senior management team.

The consultation asks whether the draft guidance contains enough detail to ensure clarity about which tasks may be delegated appropriately to other staff within the school and which should be for the designated teacher to undertake. The guidance, as a document, does not provide this clarity beyond a message that "the focus of the designated teacher's role is on assessing and meeting the teaching and learning needs of the child and the administrative tasks which support that work are undertaken by support staff." It must be recognised that the designated teacher is unlikely to be able to meet those teaching and learning needs by themselves, particularly in schools where there are a number of looked-after children with very different learning needs – it can be their focus but not necessarily within their remit to achieve as individuals.

Supported by workforce reform partnerships, governors and school leaders should be clear about appropriate allocation of tasks and any further detail would be overly prescriptive. We note that the administrative demands related to the role of Designated Teacher are high in terms of co-ordinating meetings and communication with external agencies, regular reports to the governing body, gathering target data etc. The amount of this work and the resulting pressures on support staff who carry out these tasks or on the Designated Teachers in delegating and co-ordinating its completion must be recognised and sufficient time and resources allocated to ensure that those involved can balance it with other work demands without serious compromise to their work-life balance.

The detail in the Guidance document will be valuable in supporting governing bodies in their duty to ensure that the designated teacher role is meeting the needs of looked-after children in their schools. The Guidance document itself is not what might prompt a tick-box compliance approach; where this approach occurs, it is more usually the effect of heavy accountability mechanisms and of a large number of such duties on schools. While the latter effects may be beyond the scope of this consultation, it is important to note their impact on the fulfilment of any of the duties laid on schools over the last few years.

### Duties on Governing Bodies

The guidance is clear on the duty on governing bodies to monitor the provision of additional support for looked-after children at their schools, through the role of designated teacher. However, we are concerned at the phraseology which states that "the governing body should monitor the effectiveness of the designated teacher in undertaking these responsibilities", implying that this monitoring and judgement relates to the individual rather than the role, an area of performance management which we believe better pertains to the head teacher or other members of the senior leadership team rather than the governing body. Later in the document, the document talks of the governing body making judgements about the "designated teacher **role**", a clarification which we believe to indicate a more appropriate level of responsibility for the governing body. It is vital that there is clarity in the statutory guidance document regarding this and we strongly advise that the wording in the document clearly outlines governing body duties in relation to the overall school provision for looked-after children and the **designated teacher role**, and that any monitoring of individual staff member effectiveness (other than the headteacher themselves) remains with the headteacher and senior leadership team.

Another potential source of confusion in the guidance document relates to the governing bodies' duty in relation to the key responsibilities of the designated teacher. The guidance clearly outlines the key responsibilities of the designated teacher role, for example, strategic leadership in the area of looked-after children, development of a personal education plan for each looked-after child, training of colleagues and liaison with social services. Yet the guidance then states that "it is for the school governing body to determine the key responsibilities of the designated teacher", undercutting the Guidance's own authority in this area. We urge for more clarity and an avoidance of contradictory messages within the guidance alongside an emphasis on the role rather than the individual.

We welcome the emphasis on the need for teachers in the designated teacher role to receive appropriate training, which can then be cascaded through the school workforce. It is vital that with this emphasis on professional training in the statutory guidance document, that there is a good framework of training programmes and providers available to schools in this area that are responsive to need. For example, we know that many of the issues surrounding provision of support for looked-after children involve communication with other service professionals and that earlier reports on looked-after children in education have advocated joint-training for health, social and education workers, something which is already part of the government's vision for schools and the 2020 children's workforce. Bearing in mind the duties on governing bodies, it would be helpful if there was a recommendation that a member of the governing body also attend any in-house cascade training in the area of looked-after children so that they are familiar with the broader issues within the school context.

ATL cautions against any assumption that the Designated Teacher should also take on a Lead Professional role, unless the issues related to a particular child/young person are purely learning and teaching focused. In terms of capacity and expertise and the need for year-round 'cover', other professionals are likely to be in a better position to take on the Lead Professional duties and responsibilities in the majority of cases.

## **Academies**

There is an obvious omission in these regulations; they do not apply to academies. As academies are growing in number and becoming an increasingly large proportion of the education offer for our children and young people, this exception is unfortunate in the government's drive that every child matters. While ATL recognises that government may include these expectations within the funding agreement for academies, we believe it important that there should be consistency in this area for all schools that receive state-funding. We urge that the regulations are widened to include academies alongside other schools and that academies should be equally accountable for looked-after children in their care.

## **Role qualifications**

We have answered that the qualification and experience stipulations within the regulations and guidance are clear. As with the SENCO role, we believe that having a teacher in the designated teacher role with sufficient seniority to influence schoolwide strategy is vital to ensure that looked-after children receive the focussed support they need. However, as also stated before regarding the SENCO role, there must be recognition of the excellent work, experience and value which current support staff in those roles bring and a training route towards QTS which recognises experience with looked-after children, other qualifications and which is flexible enough to meet their needs and commitments.

## Conclusion

ATL is committed to the Every Child Matters agenda and welcomes the support, within these draft Regulations and the statutory Guidance document, for some of our most vulnerable pupils. It is vital that there is consistency of provision across schools and we believe that these measures will move towards achievement of this aim. However, there are some areas in relation to the governing body duty which need clarification, particularly their monitoring of the role rather than the individual teacher.

Indeed, accountability is an area of concern for our members as our current accountability systems fail to recognise the element of multi-agency working nor sufficiently recognise the impact of this and other external factors to the school. As with any school role which involves a significant amount of contact with other services, it is vital that any monitoring takes into account the current situation where communication difficulties and high staff turnover in other services can seriously impact on achievement and workload.