

# Disabled Children and Young People (Transitions)(Scotland) Bill

<b>SECTION 6. QUESTIONS</b>	
<b>ABOUT YOU</b>	
<i>(Note: Information entered in the "About you" section may be published as part of your response except where indicated in italics.)</i>	
<b>1. Are you responding as:</b>	
An individual – in which case go to Q2A	
X On behalf of an organisation? – in which case go to Q2B	
<b>2A. Which of the following best describes you?</b> <i>(If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)</i>	
	Politician (MSP/MP/Peer/MEP/Councillor)
	Professional with experience in a relevant subject
	Academic with expertise in a relevant subject
	Child or young person with a disability
	Parent or other carer of a child or young person with a disability
	Member of the public
<b>2B. Please select the category which best describes your organisation:</b>	
	Public sector body (Scottish/UK Government or agency, Local Authority, NDPB)
	Commercial organisation (company, business)
	Representative organisation (trade union, professional association, membership organisation)
X	Third sector (charitable, campaigning, social enterprise, voluntary, not for profit organisation)
	Other (e.g. clubs, local groups, groups of individuals, etc.)
<b>Please explain briefly below what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the views expressed in its response were reached (e.g. whether it is the view of particular office-holders, or has been approved by the membership as a whole).</b>	
<p>Lead Scotland is a charity that enables disabled young people, adults and carers to access inclusive learning opportunities. At a local level, we do this by providing direct support to learners through flexible person-centred learning opportunities and individualised guidance and support to help them plan their learning journeys. At a national level, we provide information and advice on the full range of post-school learning and training opportunities, as well as influencing and informing policies affecting disabled learners.</p> <p>Our national <a href="#">Disabled Student's Helpline</a> supports parents, carers, young people and adults to understand and explore the range of post-school learning options available to them in Scotland. We also provide information and advice to help</p>	

navigate the often complex policies and procedures in place, to access appropriate support and funding to take up a post school learning opportunity. We regularly take calls on the helpline from parents requiring support with their young person's transition into college, university or other post-school destinations. We also produce a [suite of guides related to disability and post-school learning](#).

We work closely with our partners Enquire, Contact and ARC Scotland/the Scottish Transitions Forum (STF) to advance, improve and promote positive transitions for young people requiring additional support across Scotland. In 2014 we were asked by the then Cabinet Secretary of Education and Lifelong Learning, Mike Russell, to take forward some work related to transitions. We conducted six focus groups in partnership with Enquire and STF in Edinburgh, Glasgow, Aberdeen and Inverness, involving 71 staff in schools, colleges, universities, local authorities, and other support organisations. The aim of the focus groups was to build evidence, share best practice and develop recommendations. [A briefing was produced for the new Cabinet Secretary at the time, Angela Constance](#), and STF used the evidence to inform their continued work on the Principles of Good Transition.

In addition to the above work, we were contracted by Contact in 2018/19 to provide support and consultancy on their project, Preparing Parents for Transition. This work involved developing workshops and [local transitions guides for parents](#), consulting with over 200 parents of disabled children, and supporting with developing the new [Talking about Tomorrow](#) online transitions resource. In March 2019 this work concluded with the first ever transitions conference in Scotland aimed specifically at parents, which we jointly hosted with STF and Contact.

We are also members of the Scottish Transitions Forum and the Scottish Transitions Forum Steering Group, co-host the 'Improving outcomes for Disabled Students Group' with the Scottish Funding Council and are key members of the Scottish Government and SAAS 'Disability related student support review' steering group.

This response represents the views of Lead Scotland, based on the evidence we receive on our helpline.

**3. Please choose one of the following:**

X

I am content for this response to be published, and attributed to me or my organisation

I would like this response to be published anonymously

I would like this response to be considered, but not published ("Not for Publication")

**If you have requested anonymity, or asked for your response not to be published, please give a reason.** *(Please note your reason will not be published).*

**Please provide your name or the name of your organisation.** *(Please note that the name will not be published if you have asked for the response to be anonymous, or to be considered as "Not for Publication". Otherwise, this is the name which will be published with your response.)*

**Name: Rebecca Scarlett, Lead Scotland**

**Please provide a way in which we can contact you if there are any queries regarding your response.** *(Email is preferred but you can also provide a postal address or phone number. Please note that we will not publish these details.)*

**Contact details:** [rscarlett@lead.org.uk](mailto:rscarlett@lead.org.uk)

#### **5. Data protection declaration**

**X**

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used.

#### **YOUR VIEWS ON THE PROPOSAL**

*(Please note that the Information entered in the "Your views on the proposal" section may be published, unless you have confirmed that your response to the consultation is "Not for Publication".)*

#### **1. What challenges do you think children with a disability face in the transition to adulthood?**

The challenges faced by young people requiring additional support transitioning into adulthood are already very well documented by children, parents, supporters and practitioners. They are multi-faceted and continue to be a key issue in the additional support for learning sector. We very much welcome any additional focus and attention this Bill could bring to a particularly complex and challenging area of policy and practice. As we provide information and advice related to post-school learning, we will answer in this context only, however it should be acknowledged that transitions are not a singular event and are also life-wide.

Evidence from our helpline suggests:

- Transition planning does not happen early enough. Legislation requires planning to start well in advance of the one-year period before a young person with additional support needs is due to leave school, however parents tell us on the helpline that planning often starts later than this.
- Planning for transitions happens differently across local authority areas, so parents do not know what to expect or what their children's rights are in the process.
- Planning is sometimes a one-off meeting, rather than an on-going holistic learner-centred process
- Not all agencies are present at transition meetings, with colleges and universities, community learning, employability specialists or others rarely being invited or lacking the capacity to attend.
- Young people with additional support needs (ASN) do not always have the same access to appropriate career information, advice and guidance as young people without ASN do, which can limit options.
- Parents and young people tell us aspirations and expectations can often be lowered for young people with ASN when presumptions about their potential and goals are made by professionals. Suitable options may therefore not always be thoroughly explored.
- There is a lack of suitable post-school learning opportunities that offer courses in a broad range of subjects across the SCQF levels. There is also a lack of suitable non-formal learning opportunities.

- Funding for support to take up a learning opportunity is extremely difficult to secure, due to funding cuts to local authorities' budgets and social services' current focus on 'critical need' rather than preventative measures.
- Evidence from our helpline suggests there is still some distance to travel before all staff at all institutions across Scotland are delivering a truly inclusive and accessible post-school learning experience.
- The language around disability holds a stigma for some people, which in our experience means that some people comfortable with ASN terminology are not identifying with the term 'disabled' and therefore are at risk of not taking up their rights under Equalities legislation.

**2. Do you think that children and young people with a disability should have a statutory right to a transitions plan?**

Young people with ASN already have a statutory right to transition planning as a provision of the Education (Additional Support for Learning) (Scotland) Act. Despite this legislative imperative, practice, as detailed above, is still inconsistent. So yes, we do think that children and young people with ASN should have a statutory right to transition planning, but theoretically they already do, so the key issue lies within the practice and implementation of these rights.

In terms of a statutory right to an actual plan, this is an already cluttered landscape for both professionals and parents, with Coordinated Support Plans, Child's Plans and Individualised Education Programmes compounding confusion. Any proposal to implement further potential bureaucracy needs to be carefully considered as to how it will complement existing legislation and practice, and lead to improved outcomes for young people with ASN.

**3. Why do you think that a transitions plan would be helpful or unhelpful?**

Effective transition planning is absolutely vital in supporting a young person with ASN to have positive post-school experiences in adult life, and to reach their full potential. However, it is not clear how the current proposal for the Bill would lead to improved practice or better outcomes beyond the current legislation which already requires transition planning to take place. ARC Scotland are sector leaders in this area, and their flagship guidance, Principles of Good Transitions, is widely endorsed and used by multi-disciplinary professionals across Scotland. ARC have recently consulted on putting these principles into practice and are working closely with partners and key stakeholders to develop a nationally agreed non-mandatory framework to improve transitions. We would encourage and endorse the work ARC Scotland are doing in favour of additional mandatory regulations, to ensure progress can be made in the right direction of travel – innovation in practice rather than extra bureaucracy.

Austerity, a lack of appropriate post-school learning options and not enough joined up working are the key issues affecting the lack of effective transition planning. Additional legislation and implementing mandatory plans are unlikely to have an impact on reducing the effects of these issues. The proposed Bill as it stands could unintentionally detract from current work and diminish resources even further. To that end, we have some key concerns with the current proposal:

## **The financial implications**

We think the suggestion of a few dozen young people per year per local authority is a serious underestimate, especially when the Bill aims to make provisions for every young disabled person leaving school in Scotland. The suggestion that only those who are considered NEET would require a plan, and that those who move into employment, Higher Education or other positive destinations will not, makes some incorrect assumptions. Moving into a positive destination cannot be used in itself as a measure of a positive transition. We take numerous calls from families across Scotland, where their child has moved into a destination, but because effective transition planning was not carried out, the experience is anything but positive, and they are at significant risk of not sustaining that placement or achieving poor outcomes. Young people are not tracked in school leaver data until after they leave and later followed up, so how does the Bill propose to identify who will eventually become NEET and therefore require a plan, from the age of 14? In addition, whilst there is evidence to suggest that generally there may be less young people over time, the numbers of children with ASN are increasing as a proportion.

All of the support that was in place for a child when they were at school falls away when they move on, so without proper transition planning, young people with ASN are at risk of either not moving into a positive destination, or more likely, moving into a destination that is not properly supported. In addition, the Bill refers to support ceasing once a young person has moved into a positive destination. This contradicts the proposal's earlier definition of transitions as not being an event but "an ongoing process that involves moving from one context and set of interpersonal relationships to another to another". Even if a young person does move into a successful ongoing positive destination, the proposal already acknowledges that transitions are life-wide, so on-going support may well still be required to achieve positive outcomes within other areas such as health, social care and housing.

With this in mind, we would challenge the proposal's view that 'costs would be minimal and can largely be met within current resources.' Austerity is having a devastating effect on disabled people, and young people with ASN are at particular risk of bearing the brunt of funding cuts across services. Callers tell us that Social Workers are over worked and under resourced, an increasing number of longstanding services are closing across the country, and resourcing for additional support to learn at school is reducing. Most social work departments are now prioritising critical need only within social care spending, leaving many young people without appropriate support to take up a learning opportunity. It is common for many young people with ASN to never be assigned a social worker or secure a personal budget due to this strict eligibility criteria. If all young disabled people aged 14-26 are then entitled to a mandatory plan, where before many would not have been eligible to access support, this will inevitably cost more money and it would be very unlikely this could be met within current resources. Given that transition planning is already a legal requirement, not always upheld, we would urge caution around creating new legislation that will unavoidably cost more but not necessarily lead to improved outcomes, as it could distract attention and divert vital resources away from where it is needed most.

## **Contents of the plan**

There is limited detail within the proposal as to what would be contained within a transitions plan, but we are concerned there is a focus solely on needs rather than

including impacts and sustained outcomes. Focusing on needs rather than outcomes could lead to transitions plans serving the purpose of assessing needs and becoming a tick box exercise rather than actually leading to improved practice and implementation to achieve sustained outcomes. We would therefore suggest placing the young person's sustained outcomes in all aspects of their adult life at the centre of the transitions plan, complemented by what care and support would be needed to meet those outcomes.

### **Duties**

While we agree that a local authority should be responsible for introducing a plan while a young person is still at school, we would question the practicalities of how they would maintain contact and support with them up until age 26, especially if they are not eligible for any social care funding and therefore not engaging in any social care services. We would also encourage a broader range of partners to be specifically named as having duties within the legislation, especially colleges and universities, as there needs to be a lot more joined up working and joint responsibility and accountability for ensuring appropriate educational support is assessed, funded and put in place in time. Young people and their families need to be clear about who is responsible and accountable for these plans being created and executed.

### **Eligibility**

The proposal is not clear as to who would be eligible for a transitions plan, as multiple different terminologies are used throughout. However, as current legislation refers to children and young people requiring additional support for learning, we would advocate mirroring the same language and referring to young people who require additional support. This is a broader term than the Equality Act definition of disability and will ensure those without a formal diagnosis or who do not identify as disabled but still have high support needs, can access appropriate transition planning.

#### **4. Will a National Transitions Strategy assist disabled young people to achieve independent living?**

A National Transitions Strategy could assist disabled young people to achieve independent living as it will bring increased focus, attention and responsibility on such an important policy area. However, a national framework for good transitions already exists within The Principles of Good Transitions, along with extensive research and consultancy, so we would encourage using this framework to develop the strategy rather than reinvent the wheel

#### **5. What do you think the advantages and disadvantages would be of a National Transitions Strategy?**

As above

#### **6. Do you think it is necessary for there to be a Minister in the Scottish Government with special responsibility for ensuring that children and young people with a disability receive appropriate levels of care and support in the transition to adulthood?**

Assigning a Minister with specific duties around transitions would bring important increased focus on this area of work. However, consideration would need to be

given to which portfolio this would sit under, as transitions span education, social care, health, housing, children and young people, adults, equalities, welfare, employment, communities and local government. The creation of a new minister would need to consider how this approach would bridge transitions work across existing directorates.

**7. Do you have any other comments?**

We strongly support initiatives that could lead to improved outcomes for young people requiring additional support, as we mirror the concerns and frustrations around transitions expressed in the proposal. We are not clear how the proposals, as currently scoped, will make a positive difference for the reasons stated. We would encourage close liaison and consultation with ARC Scotland, as well as disabled people's organisations, disabled young people and parents, should the Bill progress. ARC are sector leaders with extensive knowledge and a deep understanding of transitions, along with strong links to relevant professionals, families and young disabled people across Scotland.