Education and Culture Committee

Post-16 Education (Scotland) Bill

Capability Scotland

Summary

- Capability Scotland is an independent provider of specialist school education for children and young people with additional and complex needs. We offer a proven alternative to mainstream placements, providing an unrivalled depth of expertise in education, care, therapy and technology.

- Capability Scotland fully supports the Scottish Government’s objective of making post-16 education more responsive to the needs of learners. In particular, it is essential to ensure that the needs of disabled learners are given full consideration. Obstacles to further and higher education for disabled young people include a lack of suitable courses, a lack of support and personal care, inadequate transport and the physical inaccessibility of learning environments. We would urge the Education and Culture Committee to consider how this Bill can be modified to ensure universities and colleges remove these barriers.

- Ensuring equal access to tertiary education is not only essential in order to improve outcomes for young disabled people in Scotland; it is also a legal duty. Under Article 24(5) of the UN Convention on the Rights of Disabled Persons the Scottish Government must, “ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others.”

Our Response

Good Governance

Capability Scotland is in favour of the creation of a power to make payment conditional on compliance with principles of good governance. We hope that this provision will be left sufficiently wide so as to allow equality and non-discrimination policies to be taken into account when determining the quality of governance. Compliance with human rights standards should also be considered. Given the under-representation of disabled people at further and higher education institutions we believe that this should be expressly specified in Regulations introduced under the Bill and in subsequent guidance.

Widening Access

Capability Scotland is fully supportive of the Scottish Government having the power to require increased participation by people belonging to under-represented socio-
economic groups. This has particular significance for disabled people in Scotland given that pupils in more deprived areas of Scotland are more likely to be identified as having additional support needs and also less likely to be able to access targeted support\(^1\).

We also believe that, given the under-representation of disabled people within Higher and Further education institutions, there is a need for universities and colleges to encourage participation from other groups within society. As with under-represented socio-economic groups, colleges might also be required to meet terms and conditions for the purpose of enabling, encouraging or increasing participation from disabled students. This might include the following actions:

- **Providing facilities which are accessible to disabled students**
  Many of the students that attend Capability Scotland’s schools subsequently have difficulty accessing college due to a lack of facilities available within the college. The Principal Teacher at Capability Scotland’s Corseford School noted that, “*On several courses that we have looked into recently, there are few spaces available for wheelchair users or those that may require adapted equipment. In addition, some colleges offer courses for students with Additional Support Needs on the second or third floor of a building, and this can be difficult for a wheelchair user to access, even with lift provision available.*”

- **Working with disabled pupils to develop courses**
  The majority of the students who have left Capability Scotland schools in recent years have experienced difficulties finding an appropriate course due to the academic level they are working at. In many cases courses available locally are aimed at achieving Access 3 Level and above. These courses are geared towards getting students into employment, which is not always an option for students with complex needs. The Policy Memorandum to the Bill acknowledges the focus of ‘aligning learning to labour market demand’, but colleges should also consider the contribution disabled young people may make outside of an economic framework, and tailor their post-16 offers towards a staged progression through courses that may or may not result in employment. There is clearly a need for colleges to engage with disabled students to consider how courses can be designed to meet their needs.

- **Working to maximise availability of care, support and transport**
  The lack of support available to disabled students is one of the main barriers to accessing college. Many students with complex needs may require a member of support staff to assist in manoeuvring them, assist with eating and drinking or assist with personal care. In the vast majority of cases, colleges do not provide this support. This can be extremely difficult for the many students who do not have finances or funding available to employ a support worker. Many are unable to attend college as a result. Transportation is also an issue for many learners when they

\(^1\) Equality and Human Right Commission, 2010, Disability, Skills and Employment: A review of recent statistics and literature on policy and initiatives
leave school as they may be unable to access public transport or may not have a mobility car to get them to college. This is likely to become increasingly problematic as fewer disabled people over the age of 16 will qualify for disability benefits when Personal Independence Payment replaces Disability Living Allowance from April 2013.

**College Regionalisation**

Capability Scotland supports college regionalisation where it is necessary to improve co-ordination and reduce duplication in the provision of courses. We do, however, have some concerns that without thorough engagement and an in-depth equality impact assessment, this policy could have a negative impact on disabled students.

Our main concern is that ‘rationalisation’ will result in the courses most suitable for disabled students being reduced or discontinued. Teachers at Capability Scotland’s schools feel that there has been increasing priority placed on courses designed to prepare students for some form of work, whether that be work experience or paid employment. While this will clearly be beneficial to some, these courses are often not suitable for students with more profound and/or complex disabilities. There is therefore a concern that where reductions in courses occur, it will be the more vocational, employment-focused courses which remain, while provision is reduced for students with more complex needs. This may lead to disabled students missing out on personal development and social opportunities that can come from education within a college environment.

We are also concerned that a reduction in the number of colleges could result in an increase in the distance that students would need to travel to access their local college. This could create serious difficulties for those disabled students who require assistance with transportation. According to the Principle Teacher at Capability Scotland’s Corseford School, this could make college completely impractical for many, particularly those who “have to be woken, showered, dressed, perhaps be fed via PEG [Percutaneous Endoscopic Gastrostomy], which would then mean having to wait an allocated period of time to settle before they can then travel. This would mean students would have to be woken very early if there is a distance to travel. This might just be too difficult to co-ordinate.”

Furthermore, with the current financial pressures on social work, funding for transportation to college is becoming increasingly limited, and even if a student is able to self-travel, the potential distances involved with the regionalisation of colleges could mean that further education is no longer an option for some disabled students, particularly those in rural areas.

**Data Sharing**

Capability Scotland supports the Scottish Government’s objective of optimising data sharing between schools, colleges and Skills Development Scotland (SDS). Information
such as leaving dates and additional support needs is useful in that it alerts SDS to who will be leaving school and their individual needs.

However, it is essential that the legislation does not encroach on the ability of educational institutions to communicate directly with each other and share information about students. Currently, staff at Capability Scotland’s schools work directly with SDS in identifying potential suitable college placements for school leavers. However, they also liaise directly with colleges to ensure that the institution has a full and in-depth understanding of each student’s requirements. In many cases the level of understanding required to identify the courses and facilities that would suit the student cannot be attained without direct contact and discussion. The Principal Teacher at Capability Scotland’s Corseford School noted that:

“SDS will not have as much knowledge or expertise as those who work with the students on a regular basis, and who are aware of the resources, equipment and techniques for teaching that may be required. Communication with SDS alone could result in the college not having an accurate basis of knowledge of the individual student and therefore unaware of the realistic provision required.”.