

ANNEXE - Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill – evidence and issues

Introduction

1. The Policy Memorandum accompanying the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill ('the Bill') sets out its policy objectives. It says that the "aim of the Bill is to improve outcomes for disabled children and young people in the transition to adulthood". Broadly speaking the Bill seeks to achieve this by providing for the following two mechanisms:
 - a National Transitions Strategy (with a Minister with Special Responsibility for Transitions)
 - a transitions plan for each disabled child or young person.

National Transitions Strategy

2. Part One of the Bill requires the Scottish Ministers to prepare, publish and implement a strategy in relation to improving transitions to adulthood for disabled children and young people ("the National Transitions Strategy") within one year of Royal Assent to the Bill.
3. Section 1 of the Bill provides that a National Transitions Strategy must set out:
 - a. the aims and objectives which the Scottish Ministers consider necessary to improve transitions to adulthood for disabled children and young people;
 - b. the actions which the Scottish Ministers will take to meet the aims and objectives of the National Transitions Strategy
 - c. the outcomes in relation to improving transitions to adulthood for disabled children and young people which are to be achieved by the National Transitions Strategy
 - d. the actions and arrangements which local authorities, Health Boards, Integration Joint Boards and other bodies or persons must take, or put in place, to meet the aims and objectives of the National Transitions Strategy, information about the support and assistance which will be available to disabled children and young people before, and during, the transition to adulthood; and
 - e. such other matters as the Scottish Ministers consider relevant to the transition to adulthood for disabled children and young people.
4. The remainder of Part One of the Bill sets out requirements on:
 - consultation on a draft Strategy;
 - publication and laying of the Strategy within one year of Royal Assent;
 - duties to comply with the National Transitions Strategy for specified bodies;
 - review and publication of a revised National Transitions Strategy before the end of every three-year reporting period (beginning on the date on which the first Strategy was published); and

- the assignment of a Minister or Cabinet Secretary with special responsibility in relation to the exercise of their functions under this Bill.

Rationale for a National Transitions Strategy

5. The Strategy is a key aspect of the Bill's approach to improving outcomes for disabled children and young people.
6. The Policy Memorandum states that: "The National Transitions Strategy will, [for example], provide a framework that will assist agencies to work together to maximise the life opportunities for disabled children and young people, and to support greater numbers of disabled children and young people to achieve their potential. It will enable a more strategic, targeted, and integrated approach in these areas to emerge over time across Scotland. Having a National Transitions Strategy in place will help to promote a more consistent approach to transitions planning for disabled children and young people in the transition to adulthood. It will also help to ensure that the individual transitions plans for disabled children and young people will deliver positive outcomes for disabled children and young people throughout this transition, and into their adult lives."¹
7. The majority of responses to the Committee's call for views supported the introduction of a National Strategy. The Royal College of Occupational Therapists (RCOP), for example, stated that this "has the potential to house a clear understanding of what should, as a minimum, be expected by young people and their families/carers that local health boards, IJBs, and local authorities can be held accountable to." In its view, "a national approach to what metrics should be in place, their measurement and procedures to tackle underperformance should be prioritised as part of any strategy."²
8. Similarly, ENABLE suggested that a National Strategy would help embed the importance of transitions support for young people who have a disability across relevant agencies, which in turn "should end the current experience of transitions being considered at such a late stage that the window for achieving a positive impact on a young person's outcomes has been missed." ENABLE also considered that there should be room for local approaches to reflect local circumstances.³
9. Scottish Autism pointed out that "there is no overarching strategic plan. In many cases, we know who those young people are from a young age, but it is only when they get to 17 or 18 years old that people think, "Oh, goodness me—what are we going to be able to find for them?" That really limits their choices." Commenting further, it stated "we have the data—we know who these young people are and what is likely to be required—so there is a definite lack of strategy around that. I am really hopeful that the bill can address some of that."⁴
10. The Member in Charge also highlighted the view of the Law Society of Scotland which "has said that a national transitions strategy would contribute

to achieving all the rights accorded by the UN Convention on the Rights of Persons with Disabilities by ensuring that all relevant policies and planning—as well as individual planning— achieves that purpose.”⁵

11. However, others expressed doubts about the potential for a National Strategy to make a tangible difference to the lives of disabled young people unless accompanied by commensurate resources. The Scottish Commission for People with Learning Disabilities (SCPLD), for example, stated that: “We have a more general scepticism about the effectiveness of legislation to change things and the effectiveness of the strategy as a means to change things. That is based on a number of learning disability and other strategies that we are aware of that, to all intents and purposes, sit on the shelf until they are reviewed so that the next strategy can be written. We have a slightly jaundiced view of that—implementation is the problem.”⁶
12. The SCPLD continued: “Creating a strategy sucks energy out of doing your day job. The risk with a national strategy is that you pour a lot of energy into creating it and then nothing happens for a year or three years until the reporting period kicks in. What do you do about that? I am not sure. When you speak to people from health and social care partnerships, I am sure that they will say, “Just making something statutory doesn’t mean we’re going to do it, because we’ve got so many statutory obligations and so few staff—we’re in crisis.” The thing that would make a difference, and that would make the national strategy work and fulfil the statutory duty to do transitions planning with individuals, is funding.”⁷
13. The Health and Social Care Alliance Scotland expressed similar views, stating “I think that a strategy would be great if it had the resource behind it.”⁸
14. Several responses suggested that the Scottish Government should co-produce the Strategy with those directly affected by it, a position supported by the Royal College of Occupational Therapists in oral evidence when it stated “you cannot enact any change without co-production and without staff believing in it. Staff will not engage in the process if they do not think that it will result in better outcomes for the population or the young people they work with.”⁹
15. The National Deaf Children’s Society suggested that “a National Transitions Plan [*Strategy*] would be helpful in assisting deaf and disabled young people to achieve independent living but would need to align with a stronger and more strategic approach to planning for services and support for deaf and disabled children and young people throughout their lives.”¹⁰
16. However, it went on to note that “a comprehensive transitions strategy is already in development by the Scottish Government, covering the period from birth to adulthood.” In its view, “placing a National Transitions Plan within this longer-term transitions plan would help avoid an excessive concentration on post-14 transitions to the detriment of ensuring that vital early years and

primary to secondary school transition planning is delivered effectively to every deaf child and young person in Scotland.”¹¹

Duties on public bodies

17. Under the provisions in the Bill, public bodies would have a duty to comply with actions set out in the National Transitions Strategy. In other words, duties could be created on a range of bodies through the publication of the strategy (including colleges and universities), rather than being approved by Parliament.
18. COSLA reiterated its view expressed to the previous committee that it had concerns about the potential for the National Transitions Strategy to create new duties on local authorities.
19. It stated that: “The Bill gives significant new powers to Ministers to direct Local Government services and undermines the role of our Member Council Officers and Elected Members. The Bill fails to specify what additional duties will be placed on local authorities and others and legislates for Ministers to decide these new duties after the Bill is enacted through a National Transitions Strategy.”¹²

Scottish Government National Transitions to Adulthood Strategy

20. A key development since the consideration of the previous Bill has been a commitment from the Scottish Government to develop its own National Transitions to Adulthood Strategy. In its Programme for Government 2021-22, the Scottish Government announced that it would “begin work on a new National Transitions to Adulthood Strategy to support disabled young people as they make the transition to adult life and provide them and those who look after them with joined-up guidance and support to unlock better educational and employment opportunities and health outcomes.”¹³
21. In reference to ministerial responsibility for transitions and the development of a National Transitions Strategy, the Minister for Children and Young People stated: “We have already given non-statutory effect to two of the main provisions in the bill. We have done that through the joint ministerial leadership for transitions, which Ms McKelvie and I are taking forward, and through our programme for government commitment to introduce in this parliamentary term the first national transitions to adulthood strategy for disabled young people.”¹⁴
22. Whilst keen to highlight the work being taken forward by the Scottish Government, the Minister for Children and Young People also stressed that “we are not resting on our laurels.”¹⁵
23. The Minister for Equalities and Older People noted that the Scottish Government recognised the concerns of the Member in Charge and other stakeholders, stating “that is the reason why we have taken forward the work

that we are doing on the national strategy. The evidence that the committee has heard so far echoes the issues that we have.”¹⁶

24. She went on to explain that the Scottish Government had commissioned a literature review of UK and Scottish evidence, and that “all the issues mentioned are common challenges that have emerged from that. Some of the key concerns relate to stress and uncertainty for young people—particularly when they leave friends, environments, teachers and carers that they know—and the difficulty of transferring into the adult world and to the services that are available at that point.”¹⁷
25. The Minister for Children and Young People then set out the Scottish Government’s position on the Bill’s proposals for delivering a National Strategy as follows: “We believe that implementing the strategy on which Ms McKelvie is leading is actually a more effective way of enabling change. We do not believe that we need legislation to do that. We believe that we can work alongside COSLA, as we do on numerous strategies, as well as individual local authorities and the Association of Directors of Education in Scotland to implement change. We can work co-operatively to achieve the aim that we all collectively, including the member who has lodged the bill, want—that is, better transitions between school and university or college, or wherever. I think that working with agencies and representatives of organisations such as COSLA and local authorities is a much more effective way of delivering the outcomes that we want.”¹⁸
26. Following her evidence session, the Minister for Children and Young People wrote to the Committee providing an update on timescales for development of the National Strategy. The letter confirms that the Government is in the process of forming a new external working group of key stakeholders to help take forward the work on the Strategy and that the group would meet on 14 March 2023 “to consider the work plan and timeline for the development of the Strategy.” The Committee has not yet received an update on the outcome of that meeting on 14 March 2023. The letter further confirmed that “sufficient time to allow for the meaningful engagement and participation of disabled young people” would be provided. The Minister then committed to writing again to the Committee to provide a further update and details on the proposed timescales for the development of, and public consultation on, the National Transitions Strategy once a workplan had been agreed.
27. Responding to some of the points raised in evidence, the Member in Charge expressed some dubiety about the Scottish Government’s plans, pointing out that Government priorities can change when not backed up by legislation: “When the bill was lodged the first time round, it was noted in committee that the SNP manifesto committed to a national transitions strategy, but, at that point, it had been five years since that commitment had been made and there was still no strategy. We also know that things can be deprioritised depending on leadership...to highlight the transient nature of strategies that are plans and not laws.”¹⁹

28. In the Member's view, the issue she seeks to address "requires a transition strategy in law to be laid before Parliament, protecting it against changes of Government or leadership."²⁰
29. In response to suggestions that she should wait to see whether the Government Strategy works, the Member replied, "I would say this: we have heard that before."²¹
30. The Member continued: "Right now, we do not have a strategy to address transitions. I know that the Government is producing one, and I welcome that, but we need it in legislation because we cannot just leave it in manifesto commitments that may or may not ever be enacted or that exist only while a certain well-intentioned, passionate member of the Cabinet drives it forward. We need to legislate. That is incredibly important."²²
31. The Member went on to point out that there had been no change in the data since 2008 showing that young disabled people are three times more likely to end up not in education, employment, or training. In her view, "disabled people are consistently told, "this next strategy will be the thing. You do not need this in legislation." ...a constant refrain of "the next thing will do it," but it has not done it yet."
32. The Member went on to ask "how long does the committee think that disabled people should wait? What does it think is the right timescale to say whether the strategy is or is not working?"²³
33. The Member highlighted that there are disabled people who are about to leave school or have already left school with no plan and that "they cannot wait for the Government's strategy, which is not yet published." Whilst she "fully acknowledged" that the Scottish Government has committed to that strategy, she urged the Committee "to consider that question and say how long it thinks that it is acceptable to wait and see whether that strategy works."²⁴
34. However, in response to questions from the Committee about whether it was possible to "legislate for relationships", the Member acknowledged that benefits may arise from the Scottish Government's approach, stating "from the evidence that the ministers...gave to the committee last week, it seems that the national transitions strategy might, indeed, address some of these questions. That is all really valuable."²⁵

National transitions strategy – conclusions

- **The Committee agrees that a national strategy is needed to improve transitions to adulthood for disabled children and young people.**
- **However, the Committee notes concerns that the new strategy, as proposed in the Bill, would place duties on public bodies without the need for Parliament to consider secondary legislation and therefore**

insufficient Parliamentary oversight. The Committee asks the Scottish Government and the Member in Charge to respond to this point.

- **The Committee also notes that the Scottish Government is currently working on a National Transitions Strategy.**
- **The Committee asks the Scottish Government to set out how it will ensure that, in the absence of them being placed on a statutory footing, the application of any existing or future strategies relating to disabled children and young people will be monitored to ensure they improve transitions to adulthood.**
- **The Committee asks the Scottish Government to provide an update on the timeline for the development of its National Transitions Strategy following the meeting with key stakeholders on 14 March 2023.**

Minister with Special Responsibility

35. Section 6 of the Bill provides that “the Scottish Ministers are to assign to a member of the Scottish Government, or to a junior Scottish Minister, special responsibility in relation to the exercise of their functions under this Act.”
36. One of the challenges for managing transitions is that as a policy issue, it crosses many different policy areas. The Policy Memorandum describes the assignment of special ministerial responsibility as "vital ... to deliver major improvements in the outcomes achieved by disabled children and young people" for the following reasons:
- to ensure that the Scottish Parliament has an ongoing focus on the effectiveness of the National Transitions Strategy, and on the implementation of the transitions plans across Scotland;
 - to help support the effective implementation of the National Transitions Strategy, and of the transitions plans for disabled children and young people; and
 - it could make a major contribution to ensure that the legislation is implemented effectively, and to significantly improve outcomes for disabled children and young people in the transition to adulthood.
37. Respondents to the Committee’s call for views overwhelmingly supported such an assignment of special responsibility.
38. For example, ENABLE stated that: “As well as better connecting issues related to transitions and joining up the policy across school education, assigning special responsibility for transitions to a specific Minister would also help improve accountability in this policy area, with that Minister responsible for implementing the policy, answering questions in Parliament, and reporting on progress against targets.”²⁶

39. Similarly, the National Deaf Children's Society described such an assignment as being "necessary and welcome" as: "There will be a clear need to coordinate and monitor the impact of multiple policy areas that will affect deaf and disabled young people's lives at points of transition and to advocate on their behalf nationally."²⁷
40. Several witnesses also spoke positively of the assignment of special ministerial responsibilities in oral evidence with the Royal College of Occupational Therapists, for example stating that it "supports the bill in terms of it bringing in accountability and someone being accountable. It also gives us the opportunity to eradicate the postcode lottery by having a set of standards across Scotland and an equitable service for our children."²⁸ The Health and Social Care Alliance Scotland noted that "the bit that always seems to be missing is the accountability. What happens if people do not have transition plans? What happens if there is not a dedicated worker? I often feel that the accountability and the teeth are missing."²⁹
41. The Scottish Commission for People with Learning Disabilities confirmed that it "cautiously supports the bill because it will bring in a level of accountability that is lacking." Whilst it considered some simplification was needed, it contended that "accountability is really important, and the Bill would add that."³⁰
42. The proposal may appear uncontroversial given that any Government strategy usually falls within the remits of one or more Minister or Cabinet Secretary. However, this provision could be interpreted as directing the Government on its distribution of ministerial responsibilities and binding all future administrations to do the same.
43. The Scottish Government's submission argued that this section is beyond the legislative competence of the Scottish Parliament for the following reasons: "The power to appoint members of the Scottish Government and junior ministers is vested in the First Minister alone in terms of sections 47(1) and 49(1) of the Scotland Act 1998. Moreover, paragraph 4(1) of schedule 4 of the Scotland Act 1998 states that an "Act of the Scottish Parliament cannot modify, or confer power by subordinate legislation to modify, this Act", and sections 47(1) and 49(1) are not included in the exempt provisions listed in paragraph 4(2) of that schedule. In addition, section 6 of the Bill appears to modify the operation of section 52(3) of the 1998 Act, according to which "statutory functions of the Scottish Ministers shall be exercisable by any member of the Scottish Government".³¹
44. In the Scottish Government's view, should the general principles of the Bill be agreed to at Stage 1, these issues would need to be addressed through amendment of the Bill.
45. On 31 March 2022, the Presiding Officer confirmed that in her view, the provisions of the Bill would be within the legislative competence of the Scottish Parliament.³²

46. Ultimately, it would be for the courts to determine whether or not a Bill was legislatively competent.
47. When invited to comment on the Bill's proposed approach, the Minister for Children and Young People pointed out that the Government had already created joint ministerial responsibility for transitions on a non-statutory basis. The Committee acknowledges that there have been Ministerial changes since it took evidence on this. She highlighted that transitions are not a single-portfolio issue but a cross-Government one touching "on all areas of health, social care, education, early years provision and equalities." In the Scottish Government's view, "having joint ministers leading on transitions is a more effective way of delivering good transitions for children and young people."³³
48. The Minister for Equalities and Older People agreed, stating that "one of the things that we are often accused of in Government is sitting in our silos and not working across Government when it comes to issues such as the one that we are discussing. One of the great benefits of the role that I have is that I get to work across the whole of Government."³⁴
49. ARC Scotland made similar comments stating that this would require the Minister to be across a very broad remit, "with the definition of transition covering not just education and employment, the minister would have to cover everything that the Scottish Parliament does."³⁵
50. Commenting on some of the points raised in evidence, the Member in Charge reiterated her position that the assignment of special ministerial responsibilities would help bring "responsibility and accountability at the ministerial level to ensure that people and families can see clearly what their rights are."³⁶
51. She went on to explain that one of the things she had learned since being elected as an MSP "is that nothing sharpens a minister's mind more than having to get on their feet in the chamber and talk about something that they have done." In her view, there "needs to be an opportunity for people to hold ministers to account on that. That is what the bill would specifically provide. That does not exist in other pieces of legislation."³⁷
52. The Member in Charge concluded by stating that: "all the things that I outlined in relation to scrutiny—the assignment of ministerial responsibility, the laying before Parliament of the annual report, the review of plans, and the review of the strategy—will sharpen the focus to make sure that, if we are doing the right thing on the ground, we will know that we are, because we are asking people about it."³⁸

Minister with Special Responsibility for transitions – conclusions

- **The Committee believes, from the evidence it has received, that those with responsibility for transitions must do more to ensure that there is a focus and urgency around improving the**

experiences of disabled children and young people transitioning into adulthood. This includes, but is not limited to, the Scottish Government, Local Authorities, education, health and social care services, and the NHS.

- The Committee agrees with the Member in Charge that there must be clarity on where accountability and Ministerial leadership lies in Government for ensuring that transitions to adulthood for disabled children and young people are given the necessary focus and drive.**
- The Committee notes the provision in the Bill for the creation of a Minister with Special Responsibility for transitions. The Committee asks the Member in Charge to respond to the issues raised by the Scottish Government relating to legislative competence.**
- The Committee asks the Scottish Government to set out how it would ensure that there is visibility and accountability in government for improving transitions to adulthood for disabled children and young people in the absence of a Minister with Special Responsibility for transitions.**
- The Committee believes that regardless of which National Strategy is progressed, that the experiences of those who have been through transitions should be at the heart of its design, to ensure that any negative outcomes are avoided, and that person-centred best practice is built upon. The Committee encourages the Member in Charge and the Scottish Government to enter into dialogue at an early stage to ensure that this is the case.**

Current experiences of transitions and opportunities for disabled children and young people

53. As part of its scrutiny of the Bill, the Committee wanted to gain a clear understanding of disabled young people and their families' experiences of transitions. The Committee heard that experiences of transitions could vary considerably. The Committee notes the recent [literature review](#), published by the Scottish Government, on transitions to adulthood for disabled young people.
54. The Committee recognises that transition encompasses far more than the move from school to college, or from college to the workplace; it is an ongoing transition to adult life which includes everything from developing hobbies and interests and relationships, to where to live and how to get around.
55. Further to this, the Committee acknowledges that not all disabled young people will continue their formal education after school or enter the workforce

and it is imperative that transitions outwith these spheres should be equally valued.

56. St Crispin's Out of School Care Association told the Committee: "Our young people will not enter the job market or attend further education. We feel strongly that there should be value placed in all areas of adult transitions, to ensure all of our young people, no matter their destination, feel supported and loved in their community."³⁹
57. In an informal evidence session, the Committee heard from six young people who are members of Divergent Influencers, supported by ARC Scotland.
58. In this session, one young person said: "In terms of my plan when leaving school - person centred plan - the chat is dominated by education but there are so many other needs. Transition is an ongoing process; we never stop coming of age."⁴⁰
59. Similarly, Louise Storie, from the Donaldson Trust, said that there is a question on who leads on the planning process for young people who do not want to go on to further education. She said there is "probably a gap in support for that and in how people access opportunities".⁴¹
60. This was echoed by Mike Corbett of NASUWT who reflected that if a young person is successful in a job or apprenticeship application then that is the end of the school's involvement.
61. On the question of who would then pick up the support for that young person once they have moved into their job or apprenticeship, he said, "there is potentially a gap there that needs to be addressed".⁴²
62. Over the course of its scrutiny of the Bill, the Committee heard evidence on some of the barriers for young disabled people in accessing education, employment, and training.
63. Whilst recognising that transitions span education, health and social care, many disabled young people identified leaving school as a key point of transition.
64. ARC Scotland highlighted the words of one young person from their *Facing the Future Together* (2017) report. The young person said: "I'm terrified of leaving school. No support – social work is already pulling away and I feel abandoned."⁴³
65. The Committee wanted to understand young people's experiences of transitioning from school to further or higher education.
66. For some young people, the transition from school to college was not a good, or smooth, experience.

67. The Committee heard of failures to adequately support transition from both schools and colleges, causing frustration and potentially leading to young people having to adjust their aspirations.
68. In an informal evidence session, one young person said: “I didn’t have a transition between secondary school and college. The school abandoned me. We contacted the college who helped with the transition, they helped me to adjust to the college, to literally feel my way around the buildings but I had to fight for everything.”⁴⁴
69. When talking about their experience of college, a young person told the Committee: “The only good thing that I got from college was meeting my partner. Entry to learning skills course, it was crap. Then I did a mainstream course but I didn’t feel like the support was there. I don’t want to go back to college ever again.”⁴⁵
70. Another young person stated that their school had understood their needs and the loss of the relationships developed over the course of the five or six years at school was felt greatly. They said: “There was no support from college for transitions, for instance with a lack of transport measures in place – there had been talk about pre-arranged taxis but that never happened. My needs were not understood.”⁴⁶
71. This loss of relationships with those in the school was also an issue for parents and carers who were previously able to communicate with the school and advocate for their young person. In an informal evidence session, one parent told the Committee that they had a fantastic relationship with their child’s school, but the college were not as open to communicating with parents and carers. The parent said: “Even though I had guardianship, when things ran into trouble with people not fully understanding my son’s disability and needs, I had to insist there was a meeting called where his stepdad and I were able to support him as his voice wasn’t being listened to – and that was a course for young people with ASD [*Autism Spectrum Disorder*].”⁴⁷
72. The Committee also heard evidence that the actions and support of one individual – often a teacher - could enable young people to succeed in education, work or other spheres of life.
73. For example, in an informal session, one young person told Members how their teacher had supported them: “I was interested in going to art school, but my parents weren’t that interested in art, or knew what living in Glasgow would be like. My teacher took me to an independent cinema, to libraries etc to see how what it was like and give me an idea of how I could live in a different city. This was valuable. They took the time to show me ways of life.”⁴⁸
74. Similarly, another young person said: “At my high school, I felt that I didn’t have support in general from teachers but there was one teacher who helped me get to where I wanted to go.”⁴⁹

75. The Committee acknowledges that often it is the actions, enthusiasm and ultimately, the relationship between one adult and a young person that can change the outcome for young people moving into young adulthood. However, Scott Richardson-Read, ARC Scotland, told the Committee: “We can probably legislate for someone to be in that role, but the values that they bring when they come into it cannot necessarily be legislated for.”⁵⁰ Put another way, the Committee heard that we cannot legislate for those relationships that are key to making the transition to adulthood work well for disabled young people.
76. The Member in Charge noted this point and stated: “you cannot legislate for relationships, but you can legislate to put people in the room and build those relationships, which is what the bill seeks to do.”⁵¹
77. Echoing the point about the importance of relationships, Scottish Autism said: “We rely heavily on the relationships between professionals across disciplines... Those relationships rather than a coherent plan, tend to be what shifts things.”⁵²
78. The Committee heard that there was, at times, a deficit of aspiration for disabled young people who were sometimes discouraged from attending university or other goals which were dismissed by adults as being ‘unrealistic’. For example, in an informal session, one young person said that their school was not supportive of their ambition to go to university: “I felt that they were pushing me towards college, and were negative about my desire to go to university. They said that “I would get tired, I wouldn’t be able to handle it”. They didn’t give me information about universities, about open days. I didn’t get the support that I needed. I did go to open days, but only because my parents got that information.”⁵³
79. In the end, the young person went on to attend university and graduated following participation in a four year course.

Buchanan High School – example of good practice

80. As part of its scrutiny of the Bill, the Committee visited Buchanan High School, a secondary school in Coatbridge for children and young people with Additional Support Needs. The approach to transitions in the school is to look at helping its young people on to sustainable positive destinations. The school begins preparatory work for transitions from S1 onwards, with more detailed work beginning in S4. Most pupils at the school stay until S6.
81. There is a large team involved in supporting transitions: the young person, their parent or carer, the Principal Teacher or Depute Head, a transition social worker, Skills Development Scotland, North Lanarkshire Council Supported Enterprise Team, the local college, local support services and school nurses. This team is consistent, and everyone gets to know the young person over a period of time. Several witnesses stressed the importance of consistency and continuity in relationships.

82. The school has also worked to build up networks with other agencies and local employers. The school looks at what is needed in the local community and identifies opportunities that could lead to jobs. The school has worked closely with local partners including MacTaggart and Volvo. The Committee heard that this approach has been very successful, and the school's outcomes are well above the national average. This approach could be replicated for children attending mainstream schools.
83. During the visit, pupils preparing to leave school told the Committee about their aspirations and goals for the future; some were planning to continue their education at college, one young person was hoping to do an apprenticeship in plumbing and others were planning to start working in sectors such as hospitality and construction.
84. The young people told the Committee that their teachers had supported them, helped to build their confidence and develop their independence. All of the young people said that they were looking forward to the future.

Current experiences of transitions and opportunities for disabled young people - conclusions

- **The Committee would like to thank the young people, parents, carers and support workers who spoke to Members about their experiences. The Committee believes that there are some excellent examples of good practice, such as in Buchanan High School. The Committee recognises the importance of organisational culture and leadership in ensuring positive transitions for disabled children and young people and recognises that individuals supporting young people can also make a significant difference between a young person having a positive or a negative experience. The Committee asks the Scottish Government what it is doing to replicate and scale up such examples of good practice.**
- **However, the Committee is deeply concerned by what it has heard about the current experiences of many disabled children, young people and their families of transitions. The Committee believes that action must be taken to address these issues, such as poor communication with young people and failures to adequately support the transition from school to further or higher education.**
- **The Committee believes that data relating to the transition from children's to adult services and access to further and higher education, and employment should be collected, analysed and reported upon regularly to ensure that sufficient progress is being made. The Committee asks the Scottish Government to respond to this recommendation.**

Current services for disabled children and young people

85. The Committee heard from several witnesses that the availability of services for disabled young people to move on to was a “postcode lottery”. Scottish Autism told the Committee that geographically, the picture was “patchy” and that there were not always services close to a young person’s home or in their own community. The consequences of this were that the young people “face losing all of their support network when they are moved”.⁵⁴
86. The Committee heard that this was partly owing to a staffing crisis in social care. LEAD Scotland told the Committee that the inconsistency in the options available for young people is also caused by issues relating to resourcing, capacity, and training for services.⁵⁵ The Health and Social Care Alliance Scotland also highlighted staffing issues: “One of the big issues at the moment is that there are no adult social workers to step in and support the transitions.”⁵⁶
87. The Committee heard that there was sometimes an inequity between children’s and adult services leading to a rapid removal of support at the point of transition. The Health and Social Care Alliance Scotland said: “...as children, they needed three days of physiotherapy and occupational therapy input, and then suddenly they hit adult services and nothing is provided for them.”⁵⁷
88. Similarly, Scottish Autism said that there was a funding gap: “It is challenging enough when children’s services and education are funding placements, opportunities and experiences for young people, but, when that moves into health and social care partnerships, the funding does not follow the young person, so there is no smooth pathway or coherent way through the system.”⁵⁸
89. LEAD Scotland told the Committee: “The lack of appropriate provision for young disabled people when they move on from school is a national disgrace.”⁵⁹
90. A number of witnesses questioned whether the Bill could improve outcomes for disabled young people moving on to adult services in the absence of any planned increase in resources or service provision. Many stakeholders pointed to the lack of “like for like” services – or indeed any services targeted towards young adults – considerably narrowing the options available to those carrying out transitions planning and to the young people themselves.
91. This means many young disabled people face a “cliff edge” when they are no longer eligible for children’s services. A number of young people are still under the care of children’s services for many years past the point where they should have transitioned to adult services as there is no alternative provision.
92. The Committee also heard evidence on transitions in healthcare services. Dr Mairi Stark, Royal College of Paediatrics and Child Health, told the

Committee: “Often, we have no idea about where, in adult services, we can transition a young person to.”⁶⁰

93. As a result, young people are still attending the children’s hospital many years after they should have transitioned to adult services. Echoing this, the Royal College of Occupational Therapists told how their members say that “there is a lack of facilities or like-for-like services that they can refer on to.”⁶¹
94. Where there were services which a young person could transition to, witnesses told the Committee that this transition was not always managed well. Stakeholders suggested there were sometimes cultural issues which contributed to poor transitions in health services. For example, Dr Kandarp Joshi of the Royal College of Psychiatrists in Scotland noted that the separation of children and adult services has created issues in transition between them.⁶²
95. Witnesses also highlighted that there was sometimes a lack of clarity from adult services on their role in transitions or a view that transitions were the responsibility of children’s services alone. This was exacerbated by pressures on staff workloads. Dr Stark, Royal College of Paediatrics and Child Health said: “Whenever we set up meetings on transition in our local area, those on the adult side invariably send their apologies.”⁶³
96. In an informal session with parents and carers of disabled children and young people, supported by ARC Scotland, one parent told the Committee that for her daughter, “transitioning from paediatric audiology services to adult audiology services has been a complete failure – despite good intentions.”⁶⁴ The parent said that although a clear transitions plan was created by paediatric audiology, “none of what was in the plan happened beyond the first year”.⁶⁵ The Committee was told there was a lack of knowledge of deaf young people in adult services. For example, the audiologist in adult services did not know how to set up the audio technology and had to be shown by the young person themselves. Moreover, although information in the transition plan was passed on from paediatric audiology, the Committee heard that “it just wasn’t followed”.⁶⁶
97. The Committee recognises that issues relating to information sharing and communication are key in terms of transitions and this is set out in paragraphs 223-225 and 247-258 below.

Current services for disabled children and young people – conclusions

- **The Committee is deeply concerned by what it has heard about current services for disabled children and young people. The Committee also notes the disconnect between children’s and adult services. There is an urgent need to improve access to specialist services for disabled children and young people and to ensure consistency across Scotland. The Committee asks the Scottish Government what urgent steps it will take to address these issues.**

- **The Committee is also concerned at the considerable pressures on those who work to support young people in their transition to adulthood. The Committee heard about the extreme pressures on resources – felt most keenly by those working on the front line - in local authorities, health and social care systems and the precarious nature of funding in the third sector. The Committee also heard about issues relating to organisational culture, such as that adult services do not always adhere to children’s transitions plans, and practices and training.**
- **The Committee does not believe that the Bill will resolve the issues with resourcing and interaction between children’s and adult services.**
- **The Committee asks the Member in Charge to set out how she hopes the Bill can achieve its aims of improving transitions for disabled children and young people without specific measures to address these wider issues.**
- **The Committee also asks the Scottish Government to set out what steps it will take to address current resource and staffing pressures in relation to transitions.**

Current legislative and policy landscape

98. In scrutinising the Bill, the Committee considered the wide range of existing legislation and policy already in place governing disabled children and young people's and adults' entitlement to educational, health, social care and other types of support. The Committee heard a range of evidence to suggest that the existing landscape was already complex, with different requirements on different professionals, and that this could pose challenges in young people receiving a holistic support package. The Committee believes that careful thought should be given as to how the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill would potentially interact with existing legislation/policy relating to transitions. This legislation/policy is set out in more detail below.

Social Care (Self-Directed Support) Act 2013

99. This Act seeks to ensure adults and children (including carers and young carers) are given more choice and control over how their social care needs are met. It also places a duty on local authorities to have regard to the general principles of involvement, informed choice, and collaboration when carrying out their social welfare responsibilities to both adults and children. This includes assessing the needs of disabled children under section 23 of the Children (Scotland) Act 1995.

The Education (Additional Support for Learning) Scotland Act 2004

100. This Act created duties on education authorities (local authorities) to identify and meet additional support needs (ASN) required for children and young people to access school education. The definition of ASN is very broad. The Committee notes the most recent Pupil Census data, gathered in September 2022, which found the number of pupils in state funded schools in Scotland with identified additional support needs was 241,639 (34% of the total). Of these 1,401 had a CSP in place, that is 0.6% of those with an identified ASN.
101. This Act also provides that if a child for whose school education the education authority is responsible has complex needs which require the support of another public service (e.g. social work or health service), then a Co-ordinated Support Plan (CSP) must be prepared. Section 12 of this Act provides for duties on the education authority to engage with any such agency or agencies as the authority think appropriate 12 months prior to the young person with additional support needs finishing school education.
102. Social work more broadly is underpinned by a number of pieces of legislation. The Social Work (Scotland) Act 1968 laid the groundwork for current social services, placing the responsibility for these services with local authorities. The Children (Scotland) Act 1995 provides for powers and duties on local authorities to promote children's welfare. The 1995 Act also provides that local authorities support the welfare of children in need and, in particular, support disabled children.

Policy

103. Supporting young people through the transitions process and ensuring that they continue to receive support has been a long-standing policy issue. There are a number of policies and non-statutory guidelines that are relevant to the transition of disabled children and young people to adult services. The National Institute for Clinical Excellence has produced guidelines on the transition from children's to adult services for young people using health or social care services. More recently, the Scottish Transitions Forum, part of ARC Scotland, published the Principles of Good Transitions 3 in March 2019. Within this, they note that transitions planning should take place within the wider Getting It Right For Every Child (GIRFEC) approach and through non-statutory plans, such as a Child's Plan.
104. The Principles of Good Transitions are set out later in the annexe.

Getting It Right For Every Child (GIRFEC)

105. A number of stakeholders, in giving evidence on the Bill, mentioned Getting It Right For Every Child (GIRFEC) as an important policy framework both in relation to children's policy generally, but also specifically in relation to transitions. The Royal College of Psychiatrists in Scotland told the Committee that "a lot of what is in the bill sits within GIRFEC as practice and culture. It

would be useful if there was a way to simplify that by reinforcing it, rather than by adding another layer of legislation.”⁶⁷

106. The Scottish Government memorandum to the Committee on the Bill outlined a number of developments which are, or will, positively improve transitions. Amongst these was the next phase of GIRFEC which will: “focus on revising guidance for planning for the child or young person, including effective planning for transitions for all children and young people.”⁶⁸
107. The Scottish Government expressed a commitment to “streamlining the planning process to work towards a single-planning approach” and noted that this work will be undertaken through “extensive engagement with a wide range of stakeholders.”⁶⁹
108. In giving evidence on the existing legislative and policy landscape, Mike Corbett, NASUWT, told the Committee that there were “too many competing policy drivers.”⁷⁰ Echoing other evidence the Committee had heard, the existing initiatives were described as being not “coherent.”
109. He said: “There are responsibilities around additional support needs. There is also getting it right for every child – GIRFEC – and mental health and wellbeing, which is now promoted much more, and rightly so. There is already the right to have co-ordinated support plans, and we will also have what is in the bill.”⁷¹
110. The intention of GIRFEC is to provide the foundation to all policy relating to children, but some witnesses highlighted that there had been a failure to fully implement this in practice. In an informal evidence session supported by ARC Scotland, a parent of a disabled young person told the Committee: “You need people who do good practice – if we did GIRFEC we wouldn’t need this bill.”⁷²

Scottish Transitions Forum

111. The Scottish Government funds the Scottish Transitions Forum, which has around 950 members and aims to: “improve the experiences of young people (14-25) who require additional support who are making the transition to young adult life.”
112. The Forum, along with ARC Scotland, have produced Principles of Good Transitions. The latest version is the Principles of Good Transitions 3.
113. This comprises of seven principles which are set out below:
- *Principle 1:* Planning and decision making should be carried out in a person-centred way.
 - *Principle 2:* Support should be co-ordinated across all services.
 - *Principle 3:* Planning should start early and continue to at least age 25.
 - *Principle 4:* Young people should get the support they need.

- *Principle 5:* Young people and their families must have access to the information they need.
- *Principle 6:* Families need support.
- *Principle 7:* A continued focus on transitions across Scotland.

114. Following on from this work, ARC Scotland is leading the development and roll-out of Principles Into Practice. Principles Into Practice is a national framework which aims to provide “practical guidance and evaluation measures to improve the planning and delivery of support for young people (14-25) who require additional support as they make the transition to young adult life.”

115. Currently the framework is in draft and is being trialled in a number of local authorities over a period of two years. The trial came to an end in March 2023 and is intended to be implemented across Scotland in 2023.

116. The Principles Into Practice draft framework reflects the Principles of Good Transitions 3 and provides guidance on:

- Assessing the current provision
- How to improve current practice
- How organisations will know that they are delivering against each of the seven principles listed above.

Existing policy and legislation – conclusions

- **The Committee notes the volume and complexity of existing legislation and policy already in place governing disabled children and young people’s and adults’ entitlement to education, health, social care and other types of support, and the difficulty this poses for professionals trying to navigate the competing tensions in the legislative landscape.**
- **The Committee asks the Member in Charge and the Scottish Government to carry out detailed analysis of how the provisions in the Bill would interact with these existing provisions.**

Statutory transitions plans

117. Part 2 of the Bill would create a statutory duty on local authorities to prepare and implement a transition plan for every disabled child and young person within the local authority area. The Bill provides that each child’s plan would normally need to be in place before the individual leaves school and the transition plan would run up to the individual’s 26th birthday unless it ended sooner.

118. The intention is that the local authority will be the body responsible for developing, reviewing, and delivering the plan. Section 7 (1) of the Bill places a duty on local authorities to: “prepare and implement a transitions plan for each disabled child and young person within the local authority area to

improve outcomes for each child and young person with a disability within the local authority area in the transition to adulthood.”

119. A number of key issues relating to the planning element of the Bill were highlighted to the Committee by various stakeholders. Some witnesses expressed concerns about how the transitions plans, as proposed in the Bill, would interact with existing plans and the consequences of introducing a statutory planning process.

Ability of legislation to drive change

120. Many stakeholders told the Committee that meaningful change to current transitions practices could not come about through legislation alone, and this it would require shifting attitudes and significant culture change, both of which could not be easily legislated for.
121. The Health and Social Care Alliance Scotland stated: “My big worry is what will happen if you create legislation and there is not the will and the culture to take it forward. There must be a real will to embrace everybody’s human rights.”⁷³
122. The Committee heard that the Bill can legislate for a plan, but that alone cannot create better opportunities for disabled young people.
123. ARC Scotland, told the Committee: “The best planning in the world does not remove the barriers of discrimination that are faced daily by young people who had additional support needs, disabilities or autism.”⁷⁴
124. The Scottish Commission for Learning Disability (SCLD) expressed concerns that allocating significant additional resources to statutory transitions plans would mean disinvesting in other priorities. They were concerned that transitions plans would be “superficial and tokenistic” owing to a lack of capacity, in both time and skills in the system to undertake thorough person-centred plans.
125. The SCLD also identified a risk that resources for planning would be prioritised towards those defined in this statutory duty, at the “expense of other young people who might need just as much transitions support”, such as pupils with ASN who do not have a disability.⁷⁵
126. The recent [literature review](#) of transitions, published by the Scottish Government, recognises the focus on education and employment in transitions, perhaps at the expense of other aspects of adult life, such as relationships. Being supported in this aspect of life is of vital importance to young disabled people but success in this area is not easily quantifiable.
127. Based on her experience of existing legislation, Rebecca Scarlett, Linking Education and Disability (LEAD) Scotland, told the Committee that she was

not convinced that legislation can “achieve the improved outcomes that we want disabled young people to have.”⁷⁶

128. Other stakeholders echoed this sentiment; some witnesses expressed a general scepticism about the ability of legislation to enact change for disabled young people. Scott Richardson-Read, ARC Scotland, said: “I am also not so naïve as to expect that the fact that something is law means that it will happen on the ground. It can take a lot of time.”⁷⁷

129. In response to issues relating to legislative provision for transitions plans, the Member in Charge said: “Fundamentally, what we do not have in legislation is a right for children and young people to have a transitions plan from the age of 14 that follows them through to the age of 26 or beyond. There are regulation-making powers in the bill to do that. It is about focusing on what they need in order to give them a fighting chance at a future, and that is just not there right now.”⁷⁸

Cluttered landscape and implementation gap

130. The Committee heard evidence that the current policy landscape is cluttered and that there is an implementation gap. Witnesses told the Committee that many of the problems are not owing to a deficiency of the existing legislative framework but a failure to implement those policies.

131. Some stakeholders questioned the ability of the Bill to address the barriers which lead to the poor experiences of disabled young people and their families in transitions.

132. ARC Scotland said: “We wish the Committee to note, in our experience, professionals at all levels and in all sectors share the deep concern about the poor experiences of young disabled people, young people with additional support needs and their families and there is an overwhelming willingness to address this. This requires overcoming barriers in relation to resources, differing practice and organisational cultures, systemic change, lack of data and the complexity of the existing policy framework as it applies to young disabled people. The Bill will not solve these problems.”⁷⁹

133. LEAD Scotland said that although they agree with the overall aims of the Bill, they are not convinced that the Bill can meet these aims. They said: “This is an already very cluttered policy landscape with multiple laws and plans already in place in relation to children and young people and additional support to learn.”⁸⁰

134. Similarly, Andy Miller of SCLD highlighted existing legislation and the duplication of planning requirements. He said: “Other legislation requires plans to be provided. One person can end up with lots of different plans that duplicate and overlap, each of which require a process to be completed. I would say that is a real downside to the legislation.”⁸¹

135. However, ENABLE Scotland recognised that there were potential benefits offered by having a statutory planning process, noting that “no other legislation makes a requirement for transitions plans.”⁸²
136. Existing legislation, namely the Education (Additional Support for Learning) Scotland Act 2004 established a statutory planning process – Co-ordinated Support Plans (CSP).
137. The Committee heard that whilst CSPs were designed to identify and ensure provision of services for children and young people with complex or multiple additional support needs, they were widely under-utilised across Scotland.
138. In an informal evidence session, one practitioner said: “We already work with plans – CSPs [co-ordinated support plans], health plans, child plans. CSPs are statutory but doesn’t necessarily mean it holds more success for them than a child’s plan. Yes, plans are good, we already have child’s plan. There is option to tag it as a transitions planning meeting.”⁸³
139. They went on to question whether making transitions plans statutory would “make it reductionist” and risk making it a tick box exercise.⁸⁴
140. NASUWT referred to the example of one special school, where rather than there being a significant number of CSPs in place as they had expected, there was a CSP in place for a single pupil.⁸⁵
141. The Committee heard that there is a lack of clarity in terms of how the transitions plans would interact with existing plans, namely CSPs. Iain Nisbet, Education Law Solicitor, said: “The Bill includes an obligation to prepare a transitions plan, without any consideration of how such a plan would interact with existing plans, and specifically with any Co-ordinated Support Plan (CSP) in place. The potential for confusion in having two separate plans dealing with transition under two separate statutory regimes is obvious.”⁸⁶
142. This was echoed by the Equality and Human Rights Commission, which said that if the Bill goes forward “it must include clarification regarding the interaction between co-ordinated support plans (CSPs) and transitions plans.”⁸⁷
143. Other stakeholders were unsure how the Bill would fit with existing work and expressed concern that it might duplicate work that was already underway. Scott Richardson-Read of ARC Scotland questioned how the Bill aligns with existing legislation, namely the Education (Additional Support for Learning) (Scotland) Act 2004.
144. He told the Committee, “I am concerned that introducing more legislation...will give us a more complex situation.”⁸⁸
145. The then Minister for Children and Young People, Clare Haughey MSP, told the Committee that the Scottish Government share some of the questions raised by those who responded to the Committee’s call for views and those

who gave oral evidence around “the potential duplication or overlap of provisions in the bill with existing policy and legislation”.⁸⁹

146. The Member in Charge told the Committee that the Bill provides “a one child, one plan focus.”⁹⁰ However, the Member in Charge also pointed out that the transitions plans proposed in the Bill are not the same as CSPs and that transitions plans could, for some children, be an additional plan alongside CSPs, health plans and child’s plans.⁹¹
147. Other stakeholders gave examples of failures to implement existing legislation in this space; the Equality and Human Rights Commission highlighted the low prevalence of CSPs, which are statutory plans. They said: “While the policy memorandum accompanying the current Bill suggests that this evidences the need for new legislation to address the lack of planning for disabled children, it may also be regarded as a failure of implementation rather than a failure of legislation.”⁹²
148. Iain Nisbet, Education Law Solicitor, told the Committee that: “There are already statutory post-school transition duties in place for children and young people with disabilities (as well as others with additional support needs). These are, at best, inconsistently applied.”⁹³
149. East Lothian Council, Children’s Services and Adult Wellbeing told the Committee that it was not clear why establishing a new Bill was the best way to improve outcomes for disabled children and young people in the transition to adulthood. In a written submission, they said: “There are various pieces of legislation, policy and guidance already in place to ensure that disabled children and young people have access to the support they require in their transition to adulthood.”⁹⁴
150. The Committee heard from a number of stakeholders that the existing legislative and policy landscape was complex and difficult to navigate for parents and young people as well as professionals working in the sector.⁹⁵ Rebecca Scarlett, LEAD Scotland, said: “I am particularly critical not necessarily of replicating [*existing duties*] but of adding to the existing legalisation and existing duties...No detail has been provided about how the bill will interact and align with the existing legislation. We need to simplify and clarify the situation for people, and we need to focus on practice, capacity and resourcing.”⁹⁶
151. Andy Miller, giving evidence on behalf of the SCLD, told the Committee that although SCLD “cautiously supports the bill” owing to a need to “bring in a level of accountability”⁹⁷, that there is some duplication in the Bill in relation to planning requirements.
152. The Member in Charge agreed that there was currently “a bit of a legislation salad”; however, she stated that her Bill was designed to address a specific gap in the current legislative framework, noting: “we do not have something that supports [*disabled young people*] through a crucial part of their life – from about the age of 14, which is proposed in the bill, up until the age of 26”.⁹⁸

153. The Law Society of Scotland also expressed support for the Bill and recognised a need for new legislation: “Many of the shortcomings currently experienced by children and young people with disabilities are the result of poor planning, coordination, and delivery of services, rather than the law at an “operational” level. However, we would suggest that significant improvement is unlikely to be achieved without legislative measures.”⁹⁹

Resources

154. Some witnesses expressed concerns that about the resource restrictions and pressures on local authorities that “we will go to the lowest common denominator of planning”.¹⁰⁰

155. The Committee also heard that without adequate resourcing young people may receive transition plans that cannot be acted on.¹⁰¹

156. The SCLD, shared some of the responses from their own consultation on the Bill when it was first introduced in 2019. One person said: “To believe we could deliver the Bill within existing resources is...fantastical.”¹⁰² Another person described the Bill as “a great plan that cannot be executed.”¹⁰³

157. The National Autistic Society Scotland also highlighted their concerns about the effectiveness of the approach to transitions plans outlined in the Bill without an adequate level of accessible services: “Any strategy which places a duty on local authorities to plan for a young autistic person’s transition into adulthood will only be as effective as the quality of services, support and education or training options currently available in a local authority area. Autistic people and their families continually tell our charity that, very often, the support services are simply not available, particularly in rural or isolated parts of Scotland.”¹⁰⁴

158. The SCLD told the Committee: “There is nothing in the bill that will improve adult services per se. It will, we hope, improve access to the services that people want, if those services are available, but without the funding to improve what is available.”¹⁰⁵

159. Echoing this sentiment, the Health and Social Care Alliance Scotland said: “If there is nowhere to transition to – if there are no services – or resources to access, it does not matter whether you have the best transition plan.”¹⁰⁶

160. In written evidence, a group of parents and carers of disabled children and young people also told the Committee that the Bill will not address the shortage of services and resources. They said: “Vital services proven to work, such as advocacy, continue to be underfunded or cut. If we can’t develop what is already working well and implement it more widely, more legislation is unlikely to achieve this.”¹⁰⁷

The need for statutory transition plans and additional legislation - conclusions

- Based on the evidence set out above, the Committee is not yet convinced that introducing further legislation in an already cluttered and complex legislative and policy landscape will resolve the issues set out above and ultimately improve outcomes for disabled young people.
- The Committee notes that there is a significant implementation gap between the intended policy and the experiences of children and young people. Further, it notes the detrimental impact this has on disabled children, young people and their families. The Committee was disappointed to hear in evidence that Coordinated Support Plans are widely under-utilised. The Committee is not convinced that the transition plans provided for by the Bill would be any different.
- The Committee asks the Member in Charge to set out how the provisions in the Bill would be fully implemented, given that other legislative provisions have been under-utilised.
- The Committee notes the Scottish Government review of Coordinated Support Plans, published in November 2021. The report recognised that it was widely accepted that Coordinated Support Plans were underused. The Committee requests an update from the Scottish Government regarding progress that has been made in addressing the conclusions of this report to date. The Committee acknowledges that quantitative data exists in relation to the destinations of disabled young people post-transition, but notes that there is currently no systematic collection of qualitative data on children and young people's experiences of transitions to adulthood, and that this should be collected.

Transitions plans – how will they work in practice?

161. A number of stakeholders expressed concerns about the workability of the planning element of the Bill and sought clarity on what transition plans might encompass.

162. These concerns included:

- Who owns the plan and what type of information will it include.
- The intended audience of the plan (i.e. is it the young person, support agencies or both?)
- How the planning process will put young people at the centre.
- How a plan can meaningfully cover the period between the young person being aged 16 up until 26 years old, including taking account of the fact that young people's hopes and aspirations are likely to change over that time period.
- A concern that the planning process is mainly education-focused, when that may not be appropriate for all disabled young people.
- Ongoing discrimination and structural inequalities may mean that even the best plan is unlikely to succeed.

- As the Bill is currently drafted, disabled young people will have to have a transitions plan, whether they want one or not.

163. ARC Scotland said: “The way in which planning is dealt with in the bill that we are discussing is problematic for me, because it makes no sense on how it will work. Who should make the plan, who is it for, and what is it about? We need to go back to the definition of transition being a whole-life change.”¹⁰⁸

164. When asked about the planning provisions in the Bill, one practitioner said that there is “not enough understanding of young people themselves” and that the Bill has taken “a top-down approach”.¹⁰⁹

165. They went on to state: “If we give young people the opportunity to explore their goals, approached it through less educational setting, [then] we would welcome the plan. We are giving too much responsibility to bodies with this and less on what the young people want.”¹¹⁰

166. The importance of the young person being at the centre of the planning process was continually stressed to the Committee by witnesses. ARC Scotland said: “We do not want a plan to be something that is done to a family or young person...The plan has to be led by the young people and their parents and carers.”¹¹¹

167. Echoing this sentiment, the Scottish Commission for People With Learning Disabilities, told the Committee that plans should be offered on an “opt-out basis”.¹¹²

168. As it is currently, the Bill does not make provision for eligible young people to decline or opt-out of receiving a transition plan.

Transitions planning in practice: conclusions

- **The Committee is very concerned by lack of clarity on how transitions plans, as proposed in the Bill, would work in practice. Given that transitions plans would be required by statute, it would be imperative for disabled young people and the agencies tasked with delivering the plans to have a clear understanding of what is required.**
- **The Committee believes that disabled children and young people should be supported to decide how to approach their transition to adulthood.**
- **However, the Committee notes evidence that a requirement for a transitions plan was seen by some as a ‘top down’ approach, with no opportunity for the young person to opt out.**
- **The Committee asks the Member in Charge to respond to the concerns set out in paragraph 162 above.**

Age

169. The Committee heard evidence on the age at which transitions planning should begin and end. The Bill defines a child as a person under the age of 18, and a young person as being under the age of 26, i.e. between the ages of 18 and 25.
170. Scottish Autism stated that the time at which young people leave school “is often quite an arbitrary point of transition, and transition planning starts far too late for most young people.”¹¹³ Jenny Miller, Health and Social Care Alliance Scotland, recommended that the transitions for complex children start much earlier. She went on to state: “They should start at 14, but...some of them are not starting until six months before the young people go into adult services – if that.”¹¹⁴
171. Echoing this, Dr Mairi Stark of the Royal College of Paediatrics and Child Health stated that transitions should start early, be carefully co-ordinated and the process should take two to three years.¹¹⁵
172. Some stakeholders stressed the need for flexibility in transitions planning as young people develop at different ages and stages. In an informal evidence session with parents and carers of disabled children and young people, one parent told the Committee that by the time their daughter was ready to engage with services, she was too old for those services.
173. The parent said: “She seemed to fall through the cracks, and there wasn’t a way back. You feel a bit on your own – but beyond school, if you haven’t got a social worker involved, then falling through the cracks in your early 20s is scary”.¹¹⁶
174. The need for flexibility was echoed by a practitioner in an informal evidence session, who commented on asking young people to make a plan aged 14. They said: “...is it going to lock them into a journey and not allow them to change their mind? I think the plan should be young people should be exposed to as many different opportunities as possible, we can’t fix them into a destination at 14. What happens if they change their mind? A plan is important not a be all and end all and needs to be as flexible as possible.”¹¹⁷

Age – conclusions

- **The Committee notes the age range set out in the Bill. However, the Committee recognises that there is currently a lack of alignment across legislation and policy relating to disabled children and young people, including in relation to the age when a child/young person might be eligible for support.**
- **In the interests of young person-centred planning, there should be some flexibility to allow the planning process to start earlier or later, depending on the needs of the individual young person.**

- **Where transitions planning is postponed beyond 14 years of age, a clear timescale would be needed to allow the young person, parents/carers and practitioners to revisit that decision after a set time period - in order to ensure that transitions planning is not lost and can begin as soon as the young person is ready to participate.**
- **The Committee believes that transitions planning should start from an early age and be embedded in the support received by disabled young people. The planning process should evolve at a pace set by the young people themselves. The Committee encourages the Member in Charge and the Scottish Government to explore how flexibility could best be incorporated into transitions planning in future.**

Definition of disability and identifying recipients of transitions plans

175. As previously stated, a key concern amongst stakeholders is the need for clarity as to who would qualify for a transitions plan.
176. Whilst the Bill states that a young person is entitled to a transitions plan if they meet the definition of disability set out in the Equality Act 2010, what was less clear to stakeholders was how these young people would be identified in practice - i.e. is the expectation that they would self-identify or whether the onus would be on the local authority to identify the young people concerned?
177. Subsection 1 of section 6 of the 2010 Act states: “(1) A person (P) has a disability if- (a) P has a physical or mental impairment, and (b) the impairment has a substantial and long-term adverse effect on P’s ability to carry out normal day-to-day activities.”
178. It was also unclear whether this identification would be dependent on a formal diagnosis, something that stakeholders said was used more frequently as a gateway to support in adulthood, whereas support in childhood was often provided regardless of any diagnosis being in place.
179. The Committee also heard that using the Equality Act 2010 definition of disability would likely lead to a much larger cohort of children and young people being entitled to a transitions plan than was currently supported by social work. These issues are explored in the section on the Financial Memorandum in paragraphs 259-297 below.
180. When asked about the rationale behind the use of this definition of disability, the Member in Charge told the Committee that the reason for choosing that definition is because it is broad. The Member said: “It includes people on the autistic spectrum and those with learning disabilities and with mental ill health, because it is about how an impairment impacts on their social interaction and the way that they interact with society.”¹¹⁸

181. The Bill differs from the existing legislative framework which refers to Additional Support Needs, rather than disability.
182. Clare Haughey, the then Minister for Children and Young People, told the Committee: “The bill looks at disability, whereas the other plans we have on transitions look at additional support needs, which might be short term and acute, such as in response to family bereavement or for a child whose first language is not English. As things are now, those children would be supported through transitions, but the transitions bill does not look at those issues. Its definition, wide though it is, narrows down who would have a legal right to a transitions plan.”¹¹⁹
183. The Royal College of Psychiatrists in Scotland stated that the use of the 2010 Act definition of disability in the Bill limits the scope of the Bill and in reference to mental ill health conditions, it fails to recognise those with mild to moderate mental ill health, those going through a mental health crisis and those with fluctuating support needs.¹²⁰
184. Similarly, Iain Nisbet, Education Law Solicitor, told the Committee: “It is regrettable that the Bill focusses on children and young people with disabilities. While it is understood and well documented the particular difficulties which this group face, it seems anomalous to exclude the many children and young people whose school education and future chances have been affected by other factors (home circumstances, substance abuse, adverse childhood experiences, homelessness etc) from the protections of the Act.”¹²¹
185. In giving evidence to the Committee, the Member in Charge addressed the definition of disability used in the Bill, and the absence of reference to those with Additional Support Needs: “It is a different group of people that we are looking to support under the bill. We are looking to address the significant discrimination and oppression faced by a group of people who have a protected characteristic under the Equality Act 2010.”¹²²
186. Bill Scott, Inclusion Scotland, stated that: “A lot of people under the ASN would not qualify as disabled people because their level of impairment does not have a significant impact on their daily lives.”¹²³ Giving the example of children with dyslexia, he said they “have approximately the same number of positive outcomes as children without dyslexia.”¹²⁴ Dyslexia is explicitly mentioned as qualifying as a disability in the guidance to the Equality Act 2010. When asked about this, Mr Scott told the Committee: “the 2010 act does not just say it is the condition that qualifies you as a disabled person; it has to have a significant impact on your daily life for a period of time...It is necessary to go beyond the question of whether the person has an impairment to that of whether the impairment is having a significant impact on their daily life. If the answer to that is yes, then they qualify for support.”¹²⁵
187. The Committee notes that some young people who would benefit from receiving a transitions plan would not be eligible under the Bill owing to the exclusion of those with Additional Support Needs, but not a disability. This

was highlighted in a written submission from ARC Scotland, who shared the words of a young person published in their report, *Hearing Our Voices Respect Our Choices* (2021).

188. The young person said: “I do not fit into being disabled but I have memory and organising problems and I’m accident prone. People don’t understand as my difficulties are hidden. Even the people at Remploy had no understanding of my condition and how to help even though there’s loads of information online.”¹²⁶
189. Commenting on the absence of Additional Support Needs in the Bill, Lead Scotland suggested that as a wider umbrella term its inclusion in the Bill would be “more helpful” than the use of the 2010 Act definition of disability alone.¹²⁷
190. In written evidence, East Lothian Council, Children’s Services and Adult Wellbeing told the Committee that, for local authorities, it is unclear how the Bill will impact on the current eligibility criteria for both Adult’s Wellbeing and Children’s Services, which currently has clear eligibility criteria. They said: “If this legislation extends the definition of disabled children and young people, services will be required to provide support to significantly more families. This would have a substantial impact on services, resources and budgets that are already under considerable pressure.”¹²⁸
191. The Committee notes that Deaf BSL users may not feel that the Bill is relevant to them. The British Deaf Association Scotland said: “Deaf BSL users cannot simply be consigned to the “disability agenda”, as most BSL users feel that they are part of a linguistic and cultural minority and that it is society’s attitude and unwillingness to adapt that disabled them, and not their deafness.”¹²⁹

Identification of disabled children and young people

192. In practical terms, the Committee heard some concerns over the process of identifying disabled children and young people who would have a legal right to a transitions plan under the Bill.
193. In a written submission to the Committee, the Equality and Human Rights Commission stated: “The Bill should clarify the process for identifying children and young people eligible for a plan to ensure consistency of application across local authority areas.”¹³⁰ They highlighted that it is unclear whether children and young people or their parents, carers or guardians would have to make a request for a plan.¹³¹
194. The Bill may also create a situation where a statutory obligation exists for children and young people who may not have disclosed their disability to their school, or who equally may not self-identify as having a disability despite meeting the statutory definition.”¹³²

195. In addition, The Bill does not address how a local authority would identify disabled pupils who live in their area and attend mainstream independent schools or otherwise have little contact with the local authority.

Definition of disability and identification of eligible children and young people - conclusions

- **The Committee would welcome clarity from the Member in Charge on who would be entitled to a transitions plan under the Bill and how eligible children and young people would be identified, and by whom.**
- **The Committee is concerned that the Bill would place a statutory duty on Local Authorities to provide transitions plans to disabled children and young people with a lack of clarity on how they would identify the eligible children and young people in their area.**
- **The Committee is also concerned that the use of the Equality Act 2010 definition of disability may mean that some young people with significant support needs miss out on support, particularly where they do not identify as disabled or where their impairments may not always be visible and/or fluctuate over time.**
- **The Committee believes that, if the Bill progressed to Stage 2, then the current definition of disability in the Bill would need to be revisited, in order to provide clarity as to entitlement to a transitions plan and allow for more accurate estimates of the costs and resource implications of implementing the Bill.**
- **The Committee shares the concerns expressed by some stakeholders that children with Additional Support Needs - particularly those with acute, short term ASN such as bereavement or homelessness - but not necessarily a disability, would be eligible for support as children under the existing legislative framework but would not be entitled to a plan under this Bill.**
- **The Committee would welcome feedback from both the Member in Charge and the Scottish Government regarding this point.**

The requirement for a diagnosis

196. A number of witnesses raised concerns about the need for a diagnosis in order to access support. Sections 7(3) and 10(1)(a) of the Bill refer to disability as being “diagnosed”. However, the Equality Act 2010 definition of disability used in the Bill does not explicitly require a diagnosis to have been made.

197. Key concerns relating to this included:

- Receiving a formal diagnosis of learning disability often takes a considerable amount of time and a diagnosis may not be in place by the time a young person is starting the transitions process;
- Not all young people meeting the Equality Act 2010 definition of disability would self-identify as disabled and, as such, may be reluctant to have a formal transitions plan;
- Professionals can often be reluctant to provide a diagnosis as they are concerned about potential stigma for the child;
- Those young people with mild to moderate mental health problems may not fall under the auspices of the Bill.
- Current support legislation, particularly in schools, is geared around Additional Support Needs, rather than disability.

198. LEAD Scotland, said: “We hear all the time from disabled young people that they do not identify with the language of disability and that they do not identify as being disabled.”¹³³

199. Similarly, the Donaldson Trust told the Committee: “I note that the challenge is sometimes that not everybody recognises that they have a disability, so they do not acknowledge it... That is a challenge that also applies to people who are undiagnosed and people who are going through a process of diagnosis at the point of transition, and are going into a service.”¹³⁴

200. In an informal evidence session, one practitioner stated that they had reservations about the plan being led by the local authority. They said: “Some young people have [a] pathway and support is in place but some people [are] mainstreamed and not as easily identifiable,” suggesting that this could see some young people “falling off the cliff edge.”¹³⁵

201. While supportive of the use of the 2010 Act definition of disability in the Bill, the National Autistic Society Scotland suggested that clear guidelines on who would qualify for a transitions plan would be needed. They told the Committee: “We are pleased that the Bill is explicit about the use of the Equality Act compliant definition of disability. We would also suggest that clear and concise guidelines are provided on who exactly would qualify for a transition plan under the Equality Act definition of disability. Specifically, the right to a transition plan should not be dependent on having a diagnosis, as many autistic children and young people find difficult to get a diagnosis or can wait months, sometimes years, for a diagnosis. Section 7(3) refers to the need for a diagnosis and, as such, we would urge that this is amended.”¹³⁶

202. Echoing this, Partners in Advocacy Scotland told the Committee: “The Bill references a disability as defined in the Equality Act 2010, how will the Bill plan to address the issues of requiring a diagnosis? The current waiting lists and timescales that disabled young people and their families are facing are extensive, the Bill needs to be clear if a diagnosis is required and who determines if a young person is eligible to access the Bill and what the process is.”¹³⁷

203. Similarly, from the perspective of schools, NASUWT told the Committee: “One initial key point to note is that the focus of the Bill is disability. Within an education context, teachers, schools and local authorities are currently working within a policy framework built around additional support needs (ASN). While many children and young people with ASN will have a disability, some may not. The Union is concerned that an unintended consequence of the legislation would be that an unhelpful two-tier system of support for ASN children and young people in schools would ensue.”¹³⁸

204. In an informal session with practitioners, the Committee heard that assessment and criteria can be a barrier for some young people in receiving support. One practitioner said: “Some less complex and more neurodivergent young people might not want to go through assessment for disability but doesn’t mean they shouldn’t be eligible for support.”¹³⁹

Requirement for diagnosis – conclusions

- **The Committee notes that the requirement for a diagnosis set out in the Bill is inconsistent with the Equality Act 2010 definition of disability, which does not require a diagnosis.**
- **Given the gap in resources and difficulties in obtaining a diagnosis, the Committee is concerned that requiring a diagnosis in order to access support would be a barrier for many disabled children and young people in accessing a transitions plan.**
- **The Committee asks the Member in Charge to respond to these points.**

Impact on the parents and carers of disabled children and young people

205. Section 11(b) of the Bill states that when preparing a transitions plan, a local authority must, in so far as it is reasonably practicable, ascertain and have regard to the views of “the parents, legally appointed guardian or other carers of the disabled child or young person”.

206. The Committee wanted to gain an understanding of the impact of transitions on the parents and carers of disabled children and young people.

207. The Committee heard that, at times, the role required of parents or carers in managing transitions went far beyond what could be reasonably expected of them.

208. Parents and carers told the Committee that they were forced to coordinate their young person’s transition to adult services and take on a role that should be fulfilled by a professional.

209. In an informal evidence session, one parent said: “we’ve become the CEOs of our children. A semi-professional psychologist, local councillor, semi-professional teacher...”¹⁴⁰

210. The level of time and commitment required of parents and carers led to some having to give up paid work in order to support their young person in the transition to adulthood. The Health and Social Care Alliance Scotland said: “Family members have had to give up employment because there are so many appointments across a week that they have to attend – there is no co-ordination.”¹⁴¹

211. The Committee acknowledges the difficulties faced by parents in navigating complex systems of health, social services and education. Across the evidence gathered, there was a clear sense that support was often something that had to be fought for by parents and their young people, and information was not always readily available.

212. The disadvantages faced by disabled young people were compounded for those whose parents or carers were not as able to navigate such systems, or advocate for their young person as effectively as others, such as those who may themselves have a learning difficulty.

213. In an informal evidence session, one practitioner told the Committee that there was an “assumption that all parents are able to do all this.”¹⁴²

214. In some instances, the professional backgrounds, knowledge or connections of parents were beneficial to supporting young people in their transition, but this is not available to all disabled young people in Scotland.

215. To illustrate this, in an informal evidence session, a support worker stated: “One participant and their sibling are at university, but the participant’s school never thought they would make it to university. Their parents had to advocate for them and get private tuition as the school didn’t provide it. Credit to their parents for doing this, not everyone’s parents would be able to.”¹⁴³

Impact on the parents and carers of disabled children and young people - conclusions

- **The Committee acknowledges that parents, carers and legal guardians play an essential role in supporting transitions for their disabled child or young person. However, there is currently an over-reliance on parents and carers to advocate for their young person, and to coordinate support and facilitate communication between agencies more broadly.**
- **The parents, carers and legal guardians of disabled children and young people should themselves be supported through the process of transitions; their voices should be listened to by professionals and their expertise on their child or young person’s needs be valued and meaningfully engaged with.**

- **The Committee asks the Scottish Government what it is doing or plans to do to ensure that parents, carers and legal guardians are provided with the support and resources they need to support their young person’s transition to adulthood. The Committee asks the Member in Charge how the provisions in the Bill would improve the position for parents, carers and legal guardians, given that availability of services and resources can present barriers.**

Advocacy and being heard

216. In relation to transitions plans, section 7(5) of the Bill states: “In relation to any child or young person who lacks capacity to express a view, or to make a decision, for the purposes of agreeing a transitions plan under section 7(2) or 7(3), a local authority must, in so far as it is reasonably practicable, ascertain and have regard to the views of the child’s or young person’s parents, legally appointed guardian or other carers.”

217. The Law Society of Scotland raised concerns around the wording of this section in the Bill. They stated that there should be a presumption in favour of all children, young people and adults having the ability to express a view. They suggested that this section should not state “lack capacity to express a view” but rather “be unable to express a view” and that “this section should include the consideration of the past and present views, rights, will and preference of the child or young person.”¹⁴⁴

218. The Bill states that a local authority officer would be responsible for the management of a transitions plan, but some stakeholders questioned this. In relation to the responsibility of the local authority to appoint an officer or social worker, Partners in Advocacy Scotland told the Committee: “The officer may not know the young person, their needs, wants or communication requirements, or the young person may not feel comfortable in speaking to them. Transitions and change of any kind can be particularly difficult for disabled young people. Dealing with stressful situations, such as meetings with decision makers or speaking up for your rights, can be overwhelming for children and young people...Not all young people have positive relationships with the named professionals in their lives.”-

219. The Committee heard that many young people were, through necessity, adept at advocating for their own needs. In an informal session with parents and carers of disabled young people, one parent stated that both she and her daughter had to continually advocate for her needs: “I spent my entire life going into schools and explaining what my daughter’s deafness meant, what people needed to accommodate – and she did too. From the age of 7 or 8 years old, my daughter was advocating for her own needs and giving talks to classes on deafness.”¹⁴⁵

220. A number of witnesses highlighted that young people were not always listened to or respected by professionals who were supporting them through transitions. In an informal session with a group of disabled young people, supported by ARC Scotland, one young person said: “I am still regularly

spoken over, to my parents, carers or whoever I am with. When doing my plan, I would say what I wanted. Social workers would say “it isn’t what you want, it is what you need.” My aspirations were not listened to. I was disrespected in meetings.”¹⁴⁶

221. Similarly, another young person told the Committee that they felt dismissed by staff in school: “I attended a disabled unit within a mainstream school and I was treated like I was a child and spoken to like I was a child. They acted as if they knew more about my disability than I did and I think that they were quite dismissive of what I was saying.”¹⁴⁷

222. This problem was not confined to school settings. Young people attending further education settings also reported not being listened to. One young person stated: “There are lots of time when I have felt that I wasn’t respected. And I felt that some of the college lecturers treated me as more disposable. I struggled with one unit towards the end of my course and the college suggested I should just drop out, rather than support me.”¹⁴⁸

Communications support

223. The need for support in communications was a key issue highlighted to the Committee in evidence. The Committee heard that it is imperative that disabled children and young people have their voices heard throughout the process of transition. In some instances, additional support is required in order to facilitate young people being able to communicate their needs and wishes. A number of witnesses told the Committee that this did not always happen.

224. In some instances, children and young people were using communication aids or alternative forms of communication, such as Makaton, whilst in school but those working in adult services are not always trained in these methods so young people lose their ability to communicate. St Crispin's Out of School Care Association stated that: “Many of our young people are non-verbal, therefore innovative ways of seeking their voice are needed and, we reiterate, time is needed.”¹⁴⁹

225. Some disabled children and young people and their families may require support in the form of interpretation owing to having English as their second language. One practitioner told the Committee in an informal evidence session that a lot of schools were reporting a language barrier and a lack of support from interpretation services.

Advocacy support

226. Sections 11(c) and 12 (3) (c) stipulate that in the preparation and reviewing of a transitions plan, local authorities must consult “any advocate or support agency instructed by the child or young person, or instructed by the parents, legal appointed guardian or other carers of the child or young person to act on behalf of the child or young person.”

227. In written evidence, Partners in Advocacy Scotland urged that Independent Advocacy is included in any National Transitions Strategy. They said: “There is potential of disabled young people to not being listened to or consulted on their transitions plan in a meaningful and independent way. Without this, a transitions plan will not be appropriate or effective. Disabled young people need access to independent advocacy services to be able to have their views heard and included, to challenge decision makers and have their needs met.”¹⁵⁰

228. One young person told the Committee that they had been told in the past that there was no one able to advocate for them as they had physical disabilities rather than a learning disability. The young person said: “...it is exhausting so [we need] more advocates for people with physical disabilities and that it is important that we can choose our own advocates, someone that we feel understands us and can give their additional voice to what we want, not what they think we want or need.”¹⁵¹

229. Echoing the importance of support for communications to be made available, the National Autistic Society Scotland stated: “Any strategy introduced by the Scottish Government should ensure that communication aids and advocacy services are made available to guarantee that the voice of the young person is heard in the plan that is subsequently produced.”¹⁵²

Communications and advocacy – conclusions

- **The Committee acknowledges the importance of access to independent advocacy, communication aids, languages such as Makaton, and interpreters for disabled children and young people going through the process of transitions.**
- **The Committee recognises that disabled children and young people are the experts in their own needs and that they should be at the centre of the transitions planning process. Any adaptations or support required by the young person in order to communicate must be provided to ensure a person-centred planning process.**
- **The Committee asks the Scottish Government to set out how it ensures that these requirements are met.**
- **The Committee also asks the Member in Charge to comment on whether the Bill, as currently drafted, would address the issues highlighted to the Committee in evidence relating to communications and advocacy support.**

Who manages the transitions plan?

230. In the context of the Bill, transitions plans would be managed by an officer of the local authority. Some witnesses questioned whether local authorities are sufficiently resourced to support this role, whilst others suggested that other bodies would be better placed to lead on transitions plans.

231. The Royal College of Psychiatrists in Scotland stated that “local authorities taking the lead on this ignores the new landscape of health and social care”¹⁵³ They suggested that IJBs and Health and Social Care Partnerships should be leading on developing transitions plans, with local authority input.
232. ARC Scotland, said: “I think that the assumption is that social work will be responsible, but we know that, in practice, many families are struggling to be allocated a social worker because resources are not as good as they should be.”¹⁵⁴
233. ARC Scotland also highlighted the SEEMIS data 2021 pupil census which indicates that out of the young people at school with additional support needs only around 20% of them are known to social work presently.¹⁵⁵
234. The Bill envisions that much of the initial planning would take place in school and be managed by guidance or pastoral care teachers as part of their existing responsibilities.
235. Bill Scott, Inclusion Scotland, stated: “It will only be the initial work and the planning that will take a lot of time at school, because the plan does not really take effect until the young person leaves school.”¹⁵⁶
236. Particularly for those children and young people with more complex needs, having the initial transitions planning managed by a teacher may not be appropriate. St Crispin’s Out of School Care Association shared the concerns expressed by one parent on the administration of the plan, in the first instance, by a member of school staff.
237. The parent said: “I am not clear whether school staff would have the skills, and in particular the agency, to put together an effective plan. If I look at (Child’s name) case this involved housing, care and support, potential adaptations, third party funding, CAMHS, work with other agencies...Quite a different skill set and role to the current school staff.”¹⁵⁷
238. NASUWT told the Committee: “At the sharp end, a lack of time for guidance teachers is certainly an issue...Something as simple as a guidance or pastoral teacher trying to bring together a social worker and someone from the health sector can sometimes take a long time, because those other areas of the public sector are struggling with staffing.”¹⁵⁸
239. The Member in Charge told the Committee that: “It is absolutely not my intention to put something in place that burdens people, with them not having the resources or capacity to deal with the issue.”¹⁵⁹

Transitions coordinator and dedicated transitions teams

240. The approach to transitions varies widely across the different local authority areas. Some local authorities have dedicated transitions teams, but most do not. The work in one local authority area, and the commitment of one

individual who is employed as a dedicated transitions coordinator was continually highlighted to the Committee as an example of best practice.

241. As part of the Principles into Practice Trial, Falkirk created a dedicated Transitions Coordinator role and are now establishing a team.
242. The Committee heard from a number of different stakeholders that it would be beneficial to establish dedicated transitions coordinators within transitions teams across all the local authority areas. In an informal evidence session, one parent said: “Why can’t we have a Transitions Co-Ordinator in all Local Authorities?”¹⁶⁰ They went on to state that with Principles into Practice, “the framework is there” and questioned the need to “rewrite this” in reference to the Bill.¹⁶¹
243. Addressing this point, the Member in Charge told the Committee that: “There is nothing in the bill that says that the principles into practice framework should no longer exist or that it would not continue.”¹⁶²
244. Several witnesses told the Committee that it would be beneficial for young people and their families to have a consistent key point of contact – or ‘key person’ – who would be with them throughout the process of transitions.
245. The Scottish Commission for People with Learning Disabilities stated that there “have to be dedicated transitions workers” and that these should be “made mandatory”.¹⁶³
246. One young person, a pupil at Buchanan High School, said that for transitions planning, they should have a “dedicated person who you can talk to”.¹⁶⁴ In an informal evidence session, practitioners were also enthusiastic about having dedicated transitions coordinators and teams in each local authority.¹⁶⁵

Who manages the transitions plan? - conclusions

- **At present, it remains unclear exactly who should take responsibility for a child or young person’s transitions planning process at different stages of their transition and who might monitor the plan’s implementation over time.**
- **The evidence heard by the Committee suggests that much of the initial transitions planning work is expected to be done by guidance/pastoral care teachers in schools. However, there was no consensus from stakeholders that this should be case for all young people. E.g. for some young people where there was a significant health/social care element to their day to day life, then it might make more sense for health and social care staff to take the lead.**
- **There were also concerns raised as to whether the Bill, as currently drafted, significantly under-estimates the work, time and complexities**

involved in delivering effective transitions planning for a wide range of disabled children and young people.

- **If it is to be education professionals carrying out the initial planning process, then who will take ownership of the plan once that young person leaves school?**
- **The Committee notes the significant difference having a single, consistent point of contact throughout the transitions process has made for disabled children and young people, and their families.**
- **The Committee is of the view that in order to deliver effective transitions planning, those carrying out the planning would require additional resources and that this would need to be factored into the costs set out in the Bill's Financial Memorandum. In the absence of additional resources being provided, the Committee is aware that this may mean existing resources will have to be reallocated. The Committee asks the Member in Charge and the Scottish Government to set out how they see the provisions in the Bill operating, in the absence of additional resources being provided.**
- **The Committee asks the Member in Charge and the Scottish Government to respond to the findings relating to the management of transitions plans.**

Communications and information sharing across agencies

247. The evidence highlighted that transitions are complex and often involve a number of different agencies. The Committee heard that the approach towards information-sharing could vary between agencies.

248. In an informal evidence session, parents and carers of disabled young people told the Committee that various professionals such as physiotherapists and speech therapists do not routinely speak to each other and the responsibility for sharing information fell to parents.¹⁶⁶

249. This was echoed in an informal evidence session with practitioners, supported by ARC Scotland, where one practitioner said that there is a disparity in IT systems and information sharing across health boards which means families have to negotiate many different systems.¹⁶⁷

250. Whilst recognising that there are often legitimate reasons not to share information – including where the young person has withheld consent – young people, parents and practitioners all recognised that, in the right circumstances, information-sharing could improve transitions planning and coordination.

251. One parent stated: “Sharing information [is an issue] – children and families, GP records, social work records, someone from education – and even the systems don't speak to each other to share information. Or it can't be

recorded or it gets lost in translation...it's hard as a parent and the young people themselves."¹⁶⁸

252. The Scottish Commission for People with Learning Disabilities, told the Committee: "It is difficult and upsetting for young people to have to tell their stories again and again. There needs to be better co-ordination between health-based plans and more general transition plans that does not require young people to retell their stories repeatedly."¹⁶⁹

Communications passports

253. The Committee heard evidence about how disabled children and young people could hold their own information; a number of communications passports have been developed to support disabled young people to communicate their needs.

254. In an informal session with practitioners, one practitioner said: "I sit on local networks and data sharing is huge - by far the biggest issue. The easiest solution is for the young person to be able to hold that information themselves, with support. That supports all the values."¹⁷⁰

255. Similarly, the Royal College of Psychiatrists in Scotland suggested that a legal version of the transition care plan would empower families in that it would "become their own document that they carried with them, as a story."¹⁷¹

256. Dr Joshi went on to state: "That passport could then be carried with them and would be owned by them rather than being limited by the health, education or social work systems. It would be owned by the children, young people and parents, and it would be modified as they moved forward."¹⁷²

257. The Committee notes that Compass, the passport developed through the Principles Into Practice Trial, was made available to all young people with additional needs, their parents and carers and all Local Authorities in Scotland from April 2023.

258. ARC Scotland, who supported the development of Compass, explained the purpose of digital application: "This enables young people, parents and carers and professionals to access information specific to their individual circumstances, increase their awareness of understanding their statutory rights and how to exercise them, and to share their opinions and experiences with their local authority."¹⁷³

Communications and information sharing across agencies - conclusions

- The Committee notes the national roll out of Compass, the online tool developed by ARC Scotland, scheduled for April 2023 following a trial of two years.
- The Committee acknowledges that transitions are often complex and require coordination between a large number of people, organisations and agencies. There can also be multiple transitions for a young person that do not necessarily take place in tandem. The responsibility to facilitate communication between different agencies and coordinate highly complex transitions must not fall to parents, carers and young people alone.
- The Committee asks the Scottish Government and Member in Charge to respond to the conclusions set out above.

Financial Memorandum

259. Under Standing Orders, Bills must be accompanied by a Financial Memorandum (FM) which sets out “best estimates of the costs, savings, and changes to revenues to which the provisions of the Bill would give rise, and an indication of the margins of uncertainty in such estimates”, along with best estimates of the timescales over which such costs, savings, and changes to revenues would be expected to arise.

260. The FM for the Bill was prepared by Camphill Scotland and Inclusion Scotland on behalf of the Member in Charge. The overall estimated costs are set out in the table below.

Item	Cost	One-off or ongoing
Preparing and implementing the National Transitions Strategy	£123,000	One-off
Reviewing the National Transitions Strategy every 3 years	£92,500 [£30,833 per year]	Every three years
Publishing the National Transitions Strategy	£2,000	One-off
Publishing copies of revised National Transitions strategies	£2,000	Every three years
Publishing copies of the report on the review of the National Transitions Strategy	£2,000	Every three years
Local authority costs of preparing, implementing and reviewing transitions plans	Approximately £893,372 in Year 1 rising gradually to £4,467,360 in Year 10	Annual

261. The FM states that the Bill’s intention is “to give young people an opportunity to identify, and to access, existing resources and potential positive destinations, rather than for each transitions plan to require new funding for each destination identified by the transitions plans.”¹⁷⁴

262. The FM expects all costs associated with the Bill, including “the relatively small amount of additional resources which local authorities will require to prepare and manage transitions plans, and to keep them under review” to be funded by the Scottish Government.
263. The Finance and Public Administration (FPA) Committee scrutinises FMs although the lead committee retains responsibility for considering and reporting on them. The FPA Committee received six responses to its call for views on the FM, all of which came from local authorities and related bodies.
264. After considering written evidence, the FPA Committee wrote to the Committee setting out “some of the key issues highlighted in written evidence”¹⁷⁵ including questioning the modelling of salary costs and the number of transitions plans required annually. The FPA Committee’s letter states that respondents suggested that “the Bill has significant financial implications for local authorities, particularly for children’s and adult’s social work services and...the expectation that some of the costs could be accommodated within existing resources is unrealistic.”
265. Under Standing Orders, a Bill containing provisions which charge expenditure on the Scottish Consolidated Fund or where the likely effect would be to increase significantly expenditure charged on that Fund, may not proceed beyond Stage 1 unless the Parliament has agreed a financial resolution. Only members of the Scottish Government can lodge a motion for a financial resolution and unless such a motion is lodged and agreed to by the Parliament, a Bill requiring a financial resolution falls. The Presiding Officer has determined that a financial resolution will be required for this Bill.
266. The FM does not include estimates of downstream costs arising from the Bill. For example, neither the costs of meeting any duties set out in the National Transitions Strategy, nor the costs of meeting the needs of and supporting disabled children and young people as part of the implementation of plans are covered in the costs. It is not clear how the FM reflects the duty on local authorities to “ensure each disabled child or young person within the local authority area receives the care and support necessary to meet the needs identified in the child’s or young person’s transitions plan” as set out in Section 9 of the Bill.
267. The FM also expects any plans developed while the pupil is in school to be met from existing resources by guidance or pastoral teaching staff. This assumes that such teachers have additional capacity, or that there are other tasks that would be replaced by the development of transitions plans. COSLA’s written submission¹⁷⁶ indicated a cost of delivery estimate of over £9.5 million from the first year of implementation, significantly higher than the FM’s estimate of £893,372 in year one.

Number of transitions plans needed

268. The FM uses data from the 2011 census to estimate the number of school leavers for whom local authorities would have a duty to prepare and implement transitions plans. The extent to which the Bill will apply to individuals with disabilities which may not be immediately visible but may meet the criteria of disability under the Equality Act 2010 will impact on the number of transitions plans being prepared and implemented. The number of transitions plans required each year would be a key driver for costs under the Bill.
269. The FM suggests that, on the basis of the 2011 census figures, around 4,000 school leavers per year would meet the current definition of “disabled” which translates to around eight per cent of school leavers from state schools. COSLA dispute this figure on the basis that the Bill states that all school leavers up to the age of 26 will have plans.
270. They said: “This means an estimated 32,000 transition plans will be in place for those in post school destinations. Whereas the FM suggests that only those leaving need a plan, but this is really only for Year 1 - later on the FM does account for some compounding (although it assumes significant 'attrition'). However, there is nothing to reflect the implementation for people over 16 when the Bill is enacted.”¹⁷⁷
271. The FM further states that there are on average 125 disabled young people per local authority leaving school each year and suggests that approximately 60 disabled children per year per local authority will require support with their transitions plans.
272. East Lothian Council highlighted this figure as being significantly higher than its current provision of 25 children per year who are supported to transition from children’s to adult services. As such, it considers it unrealistic to expect that support for all eligible children and young people can be met from within existing resources.
273. In written evidence, COSLA expressed concerns about the numbers of disabled children and young people estimated to be entitled to a statutory transitions plan in the Financial Memorandum (FM). Based on the 2011 Census figures, the FM states that there were approximately 60,000 Scottish children and young people aged 0-18 who had “a long term limiting health condition or impairment.”¹⁷⁸
274. COSLA told the Committee that the 2020 Pupil Census indicated that there are 226,838 pupils with additional support needs in mainstream and special schools, of which 18,852 pupils are assessed or declared disabled. COSLA stated that it was unclear whether the figures used in the Financial Memorandum (FM) include autistic children and young people and if not, “these would increase the anticipated demand substantially.”¹⁷⁹

275. Both East Lothian Council and Glasgow City Health and Social Care Partnership noted that the absence of a definition of “disabled child and young person” and the criteria used for eligibility for a transition plan could also significantly increase the numbers eligible, for example children and young people with autism or those with a mental health issue who are not necessarily involved with social work services under current provision could now be eligible under the Bill.
276. In oral evidence, the Scottish Commission for People with Learning Disabilities described the FM as “an underestimate of what is needed... because some of its other assumptions err significantly on the low side.”¹⁸⁰ Witnesses representing the RCPS, Royal College of Occupational Therapists (RCOT) and RCPCH agreed, with the RCOT stating “we know that there is increasing demand and complexity, and that we are still missing people. Therefore, 4,000 is probably a conservative number.”¹⁸¹
277. ARC Scotland went further still, suggesting that the FM exponentially underestimated the true figures: “If you go through the list of different conditions on SEEMIS, you can probably say that perhaps two thirds to three quarters of those young people would potentially fall under the premise of the bill, which would be roughly 75,000 or 80,000 people in one school year. If there are 80,000 of those young people in one school year, and we are talking about young people from the age of 16 to 26, then 800,000 young people would suddenly fall under the premise of the bill, if it was enacted, and would need transition plans and support.”¹⁸²
278. When invited to respond to this suggestion, Inclusion Scotland explained that “there are a lot of young people with additional support needs who do not qualify as young disabled people.” In its view, whilst there are probably around 7,000 who are potentially impaired, “we would have to look at the extent to which they are impaired.”¹⁸³
279. On that basis Inclusion Scotland had arrived at the figure of around 4,000 school leavers a year who will have impairments at a level that would qualify them for protection under the Equality Act 2010. It pointed out that “if the number of young disabled people is significantly more than that, the census has failed to catch them and so have a lot of other services.”¹⁸⁴
280. The SCLD also described as “shocking” the FM’s assumptions on attrition and the expectation that a proportion of service users will cease to use the support meetings each year. In its view, “if someone is not answering phone calls or emails, we should keep trying, find out where they live and do whatever it takes to make contact.”¹⁸⁵ However, Inclusion Scotland suggested that COSLA and the FPA Committee assume that “every young disabled person with a plan will still be accessing support eight or ten years after they leave school.” It went on to explain that “by providing support, we will increase the number of successes, so fewer people will access support later.”¹⁸⁶

Resource needed to develop and support transitions plans

281. Turning to the resource needed to develop and support transitions plans, the FM expects that each plan would need four hours of multi-agency meetings (approximately two hours' attendance per meeting, one hour for pre-meeting preparation and one hour for follow-up action).
282. Commenting on this assumption, the SCLD stated that "one of the big assumptions that is just wrong is that it will take only four hours per meeting," something it described as a "vast underestimate."¹⁸⁷ ARC Scotland agreed, stating "we know that, for young people to even engage in the process, that (four hours) is nowhere near what is needed."¹⁸⁸
283. East Lothian Council noted in its submission that the FM provides costings related to attending transition meetings only; however, "meetings alone will not achieve the Bill's aim of improving outcomes for disabled children and young people in the transition to adulthood". East Lothian Council went on to explain that implementing the plan is what will make a difference, and this requires significantly more time and resource than is outlined in the FM.¹⁸⁹
284. A number of submissions received by the FPA Committee questioned the accuracy of the costs of £27,197 attributed to supporting transitions in year one of the Bill's implementation (rising to £139,605 per year for each authority). East Lothian Council suggested that the cost of supporting young people moving from children's to adult services is approximately £350,000 to £400,000 per young person per year. As such, it estimates that increasing provision from 25 to 60 children per year in its own area would incur costs of between £12.25 and £14 million per year.¹⁹⁰
285. Glasgow Health and Social Care Partnership also expressed concern about estimated salary costs in the FM which suggests a £36,000 salary for the local authority officer preparing the transitions plan. Glasgow HSCP points out that its current salary scales for a qualified Social Worker are between £36,599 - £42,637 and notes that the FM does not factor in pay inflation or management oversight of staff.¹⁹¹
286. The Member in charge stated that "in a number of cases, what we suggest will be accurate." However, she did go on to "acknowledge" the SCLD's evidence.¹⁹²
287. When asked about the discrepancy between the FM's estimates of costs of £893,372 in year 1 and COSLA's suggestion that the true costs could be eleven times greater, Inclusion Scotland questioned how COSLA had arrived at that figure "because it does not provide any accompanying figures with that estimate of £10 million."¹⁹³
288. Inclusion Scotland did acknowledge, however, that "we might have got our figures wrong in terms of the amount of money that is required, but the amount that we are talking about is somewhere between £10 million and £15

million.” It went on to ask “is that investment in the future of tens of thousands of disabled school leavers worthwhile? It very definitely is, I would argue.”¹⁹⁴

289. Inclusion Scotland further stated that “the bill creates a duty on local authorities to have transition plans, and, if the Scottish Government agrees, it will provide local authorities with the resources to do the planning and to provide support after young people have left school.” It went on to suggest that the economic costs of not taking such action outweighed the costs associated with the Bill, stating “we cannot afford to lose that resource from our economy at the moment. We need those young people to be entering work or training to get the skills that they need.”¹⁹⁵

290. Commenting further in terms of costs and benefits associated with the Bill, Inclusion Scotland argued that “even if we say that it is another £5 million on top of the £10 million that we have estimated after year 8, I still think that that is money well spent, and I do not think that we should be quibbling about a few million here or there.”¹⁹⁶

291. The Member in Charge also highlighted the Law Society of Scotland’s statement that “the wider costs of inaction would be greater in comparison to the costs of implementation.” She pointed out that the National Audit Office had suggested that effective support for disabled people could realise savings of £1 million per person meaning that even if COSLA’s upper estimate was used, “we would only have to get it right for five people to make a longer-term saving for the state.”¹⁹⁷

292. The Member in Charge also pointed out that there was a lack of detailed budgetary information on the costs of the Scottish Government’s National Transitions to Adulthood Strategy and suggested that “because the figures in our FM are contingent on a given number of people, which relates to a number of hours and, therefore, the costs, it details the rationale for the costs in a way that some Government bills have not done.”¹⁹⁸

Discussions between the Member in Charge and the Scottish Government and COSLA

293. When specifically asked in evidence whether the Scottish Government would lodge a motion to agree the Bill’s financial resolution, the Minister for Children and Young People noted concerns raised by stakeholders that the FM underestimated the costs of the Bill and stated: “We would therefore welcome further evidence and analysis of the figures provided, and the estimated uptake of transitions plans to inform the Government’s position on the financial implications of the bill.”¹⁹⁹

294. The Minister for Children and Young People confirmed in oral evidence that she had met with the Member in Charge towards the end of 2022 where she raised concerns about the FM as presented. She told the Committee that “Ms Duncan-Glancy said that she would do some further work on that...and was continuing to engage with COSLA on some of the figures.”²⁰⁰

295. The Member in Charge confirmed in oral evidence that she had held further meetings with COSLA, but there remained certain points on which they disagreed such as COSLA's suggestion that additional staff would be required. In the Member's view, "existing staff already have such duties and responsibilities" and the fundamental point was that: "If COSLA and local authorities are arguing that it will be significantly more expensive to do this, we have to ask ourselves what we are not doing already that makes this such an additional cost...Either those responsibilities exist now and councils should be spending money on them, or they do not exist—which is another argument for the Bill."²⁰¹

296. When asked directly about the outcome of her discussions on the FM with COSLA, the Member stated that "there is a departure when it comes to agreement on the figures."²⁰²

297. The Member went on to explain that "the last thing that anyone wants to do is land local authorities with duties that they do not have the financial support to back up, but I contend that such support is government's responsibility."²⁰³

Financial Memorandum - conclusions

- **The Committee is deeply concerned about the disparity between the costs set out in the Bill's Financial Memorandum and those outlined in COSLA's written submission. The Committee asks the Member in Charge to provide updated figures following discussions with COSLA.**
- **The Committee notes that additional resources will be needed to address issues with transitions, irrespective of whether the provisions in the Bill are enacted.**
- **The Committee recommends that the Member in Charge engages with the Scottish Government on this point, given that a Financial Resolution from the Scottish Government is required in order for the Bill to progress beyond Stage 1.**

Delegated Powers

298. The Bill confers eleven powers to make subordinate legislation, one power to make directions, and one power to issue guidance on Scottish Ministers.

299. The Bill is accompanied by a Delegated Powers Memorandum which sets out the Member in Charge's reasons for conferring the delegated powers in the Bill and for the procedures chosen.

300. The Delegated Powers Memorandum explains that the Bill is of a "stand-alone" nature. It does not amend existing legislation, and the powers contained in the Bill are new, with no existing powers being amended or repealed.

301. The Delegated Powers and Law Reform Committee considered the Bill's delegated powers provisions on 8 November and 13 December 2022 before publishing its report to the lead committee on 4 January 2023.
302. The report confirms that the DPLR Committee was content with all of the Bill's delegated powers provisions with the exception of the regulation making power contained in Section 14(1) which provides "that the Scottish Ministers may issue guidance about transitions plans to local authorities, Health Boards, Integration Joint Boards, Further Education Institutions, Higher Education Institutions and to such other bodies as may be prescribed by regulations."
303. Under the Bill as introduced, guidance issued under section 14 would not be subject to any parliamentary procedure.
304. The DPLR Committee wrote to the Member in Charge asking whether she considered that it would be appropriate for the Parliament to have some oversight of the content of the guidance via the negative procedure, given that external bodies would be expected to follow the guidance in order to meet their duties under the Bill.
305. In her response, the Member in Charge confirmed her expectation that those prescribed would have regard to such guidance and would be expected to follow it in order to meet their duties under the Bill. She agreed that the negative procedure would provide an appropriate level of parliamentary scrutiny and indicated that she would be willing to lodge an amendment to this effect.
306. However, in its response to the DPLR Committee's letter to the Member in Charge, the Scottish Government questioned the appropriateness of making guidance issued under Section 14 of the Bill subject to the negative procedure as it stated that this is a procedure designed to ensure appropriate parliamentary scrutiny of subordinate legislation.
307. The Scottish Government's position is that "guidance is not subordinate legislation" as is made clear under section 37 of the Interpretation and Legislative Reform (Scotland) Act 2010 (read with section 27 and the definition of "subordinate legislation" in schedule 1), and Rule 9.3.3B of the Standing Orders.
308. The Scottish Government also highlighted other existing approaches to enable parliamentary scrutiny of guidance. For example, the laying of draft guidance before the Parliament in advance of it being finalised or the requirement for Ministers to lay a copy of the guidance before the Parliament.
309. In its consideration of the power, the DPLR Committee noted that it "would not always be appropriate to subject a power to issue guidance to the negative procedure, as guidance can be lengthy, changeable and often supplements detailed provision made on the face of the Bill." However, the

DPLR Committee considered that where persons are expected to follow guidance, “it could be said that such guidance is legislative in character and therefore it is appropriate that it is subject to parliamentary scrutiny.”²⁰⁴

310. The DPLR Committee therefore concluded that in this scenario the power to issue guidance should be subject to parliamentary scrutiny and made the following recommendation: “The Committee welcomes the Member’s response and commitment to lodging an amendment and calls on the Member to lodge an amendment that would require the Scottish Ministers to issue guidance by regulations subject to the negative procedure in section 14(1) of the Bill.”²⁰⁵

Delegated powers – conclusions

- **The Committee notes the recommendation in the DPLR Committee’s report that guidance provided for in the Bill should be subject to parliamentary scrutiny under the negative procedure.**
- **The Committee notes the Member in Charge’s response to the recommendation and asks the Scottish Government to provide its views on the matter.**

¹ [Disabled Children and Young People \(Transitions to Adulthood\) \(Scotland\) Bill, Policy Memorandum](#)

² [Royal College of Occupational Therapists, written submission](#)

³ [ENABLE Scotland, written submission](#)

⁴ [Scottish Autism, written submission](#)

⁵ [Education, Children and Young People Committee, Official Report, 1 March 2023](#)

⁶ [Education, Children and Young People Committee, Official Report, 1 February 2023](#)

⁷ [Education, Children and Young People Committee, Official Report, 1 February 2023](#)

⁸ [Education, Children and Young People Committee, Official Report, 1 February 2023](#)

⁹ [Royal College of Occupational Therapists, written submission](#)

¹⁰ [National Deaf Children’s Society, written submission](#)

¹¹ [National Deaf Children’s Society, written submission](#)

¹² [COSLA, written submission](#)

¹³ [A Fairer, Greener Scotland: Programme for Government 2021-22](#)

¹⁴ [Education, Children and Young People Committee, Official Report, 22 February 2023](#)

¹⁵ [Education, Children and Young People Committee, Official Report, 22 February 2023](#)

¹⁶ [Education, Children and Young People Committee, Official Report, 22 February 2023](#)

¹⁷ [Education, Children and Young People Committee, Official Report, 22 February 2023](#)

¹⁸ [Education, Children and Young People Committee, Official Report, 22 February 2023](#)

¹⁹ [Education, Children and Young People Committee, Official Report, 1 March 2023](#)

²⁰ [Education, Children and Young People Committee, Official Report, 1 March 2023](#)

²¹ [Education, Children and Young People Committee, Official Report, 1 March 2023](#)

²² [Education, Children and Young People Committee, Official Report, 1 March 2023](#)

²³ [Education, Children and Young People Committee, Official Report, 1 March 2023](#)

²⁴ [Education, Children and Young People Committee, Official Report, 1 March 2023](#)

²⁵ [Education, Children and Young People Committee, Official Report, 1 March 2023](#)

²⁶ [ENABLE Scotland, written submission](#)

²⁷ [National Deaf Children’s Society, written submission](#)

²⁸ [Education, Children and Young People Committee, Official Report, 1 February 2023](#)

²⁹ [Education, Children and Young People Committee, Official Report, 1 February 2023](#)

³⁰ [Education, Children and Young People Committee, Official Report, 1 February 2023](#)

³¹ [Scottish Government, written submission](#)

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93 [Iain Nisbet, Education Law Solicitor, written submission](#)

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129 [British Deaf Association Scotland, written submission](#)

130 [Equality and Human Rights Commission, written submission](#)

131 [Equality and Human Rights Commission, written submission](#)

132 [NASUWT, written submission](#)

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