



The Scottish Parliament
Pàrlamaid na h-Alba

Education Children and Young People Committee

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Dear Ministers

Disabled Children and Young People (Transitions to Adulthood) Scotland Bill

I am writing on behalf of the Education, Children and Young People Committee in relation to the Disabled Children and Young People (Transitions to Adulthood) Scotland Bill. As you are aware, the Committee has been considering the evidence gathered during its Stage 1 scrutiny of the Bill.

At its meeting on 26 April 2023 the Committee agreed to write to the Member in Charge and the Scottish Government in advance of finalising its Stage 1 report.

The Committee ran a [call for views](#) on the Bill between 1 September and 27 October 2022 and received 47 responses which are published online. At the same time, the Committee also ran a shorter survey aimed at providing young people and their parents and carers an opportunity to voice their personal experiences. This survey received a total of 31 responses, a [summary](#) of which was published by SPICe. The survey was also available in Easy Read and BSL.

As you know, the Bill was first introduced in Session 5 by Johann Lamont but fell before Parliament was able to complete its consideration of the Bill. Owing to the short amount of time between the scrutiny of the Session 5 Bill and the introduction of the Session 6 Bill, the Committee agreed to consider the evidence received in Session 5 as part of its scrutiny. In Session 5, the Education and Skills Committee ran a [call for views](#) between 16 November 2020 and 11 January 2021, receiving a total of 75 submissions.

The Committee held informal engagement sessions with a group of young disabled people called the [Divergent Influencers](#), a group of [parents and carers](#) of disabled children and young people, and [a group of practitioners](#) involved in the Principles Into Practice trial. All of these sessions were supported by ARC Scotland. In order to allow those participating in the informal sessions to speak candidly, anonymised notes were produced for each session.

The Committee also visited Buchanan High School, an additional support needs secondary school in Coatbridge, North Lanarkshire. The Committee heard from staff working to support young people to prepare for life after school, and a group of young people who are preparing to leave school this year. The Committee produced an [anonymised note](#) following the visit.

The Committee held evidence sessions at its meetings on the 1st, 8th and 22nd February, where it took evidence from then Minister for Children and Young People, Clare Haughey and then Minister for Equalities and Older People, Christina McKelvie, and on the 1st March 2023, where it heard from the Member in Charge and Bill Scott of Inclusion Scotland. The Committee also took oral evidence from:

- Royal College of Psychiatrists in Scotland
- Royal College of Occupational Therapists
- Scottish Autism
- Scottish Commission for People with Learning Disabilities
- Heath and Social Care Alliance Scotland
- Linking Education and Disability Scotland
- Royal College of Paediatrics and Child Health
- NASUWT
- Donaldson Trust
- Colleges Scotland
- Universities Scotland
- Association for Real Change (ARC) Scotland

The Committee is grateful to all those who provided evidence, especially the young people who met Members and spoke about their experiences.

The Committee is extremely concerned by the evidence it heard about the poor experiences of transitions for many disabled young people. Several witnesses told the Committee that young people and their families were not always listened to by professionals, that there was a disconnect between children's and adult services with poor communication across agencies and with young people and their families, and often, there was no clear person to take the lead on transitions, leading to parents and young people having to advocate for themselves. The Committee recognises the need to act on these issues to improve disabled children and young people's experiences of transitions.

The Committee notes that there is already legislative and policy provision in this space and that it has not had the positive impact that was envisioned. The current legislative landscape was described by many witnesses as being complex, cluttered, and difficult to navigate for young people and their families, and, in some instances, for the professionals working to support them. Several stakeholders highlighted the

poor deployment of Coordinated Support Plans (CSPs) by local authorities despite these being statutory plans. The Committee heard that there was an “implementation gap” with existing legislation and policies owing to issues relating to resources, inconsistent practice and access to services across Scotland, organisational cultures, particularly the differences between children’s and adult services, and difficulties with information sharing. For that reason, the Committee has carefully examined the Bill and is not currently convinced that the Bill before it will resolve the issues being experienced by young people. The Committee recognises, however, the important role that the Bill has played to date in shining a light on these issues and the impact they are currently having on disabled children and young people and their families.

Several stakeholders expressed concerns about how the Bill would work in practice. The Bill differs from the existing legislative framework, which refers to Additional Support Needs rather than disability. It is unclear who exactly would be covered by the Bill and how they would be identified. The use of the Equality Act 2010 definition of disability is likely to entitle a much larger cohort of young people to a transitions plan than the number of young people currently being supported by social services. The Committee also heard that many disabled children and young people and their families are unable to receive much needed support from social services due to pressures on resources and staffing. This has implications for how the Bill would work in practice as it states that transitions plans should be managed by an officer of the local authority.

The Committee is concerned about the need for a diagnosis in order for young people to access support in the transition to adulthood. Sections 7(3) and 10(1)(a) of the Bill refer to disability as being “diagnosed”, while the 2010 Act definition of disability used in the Bill does not require a diagnosis to be made. The Committee heard that many children and young people face long waiting times for a diagnosis, and some young people do not wish to pursue a diagnosis or view themselves as disabled, or as having a disability. The Committee believes that requiring a diagnosis to access the provisions of the Bill would present an additional barrier to receiving support for a number of young people at a crucial stage in their lives.

The Financial Memorandum uses figures from the 2011 Census to estimate the numbers of disabled children and young people to be entitled to a statutory transitions plan, but COSLA considers the figures in the Financial Memorandum to be an underestimate. Without clarity on who exactly would be entitled to a transitions plan under the Bill it is not possible to accurately estimate the cost and resource implications associated with implementing the Bill.

A number of stakeholders also expressed concerns about the ability of teachers to manage much of the initial planning process as part of their existing responsibilities, as it is envisioned by the Bill. The Committee heard that teachers were already struggling with workloads and would be unable to do this without additional resource.

For young people with more complex needs and transitions spanning health, social care, education, housing, third sector funding and a number of different agencies, there is a question of how appropriate it would be for a teacher to take on this role.

This too would have implications for the costs associated with the Bill as well as the ability to implement it.

These issues are addressed in more detail in the annexe to this letter.

With that being said, the Committee is clear that doing nothing is not an option. If this Bill were not to be passed, the Committee asks the Scottish Government what it is going to do to address the issues of deep concern to the Committee.

Before finalising its Stage 1 report, the Committee is writing to request a response to the issues raised in this letter and in the annexe.

The Committee encourages the Member in Charge and the Scottish Government to meet to discuss the issues raised prior to responding to the letters.

The Committee would be grateful for a response by Wednesday 16 August. If there are any concerns about responding within this timeframe, please inform the Committee by 26 May 2023.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sue Webber', with a stylized flourish at the end.

Sue Webber MSP
Convener