



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Education and Skills Committee

**Wednesday 24 February 2021**

**Session 5**



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**EDUCATION AND SKILLS COMMITTEE**

**7<sup>th</sup> Meeting 2021, Session 5**

**CONVENER**

\*Clare Adamson (Motherwell and Wishaw) (SNP)

**DEPUTY CONVENER**

\*Daniel Johnson (Edinburgh Southern) (Lab)

**COMMITTEE MEMBERS**

George Adam (Paisley) (SNP)

\*Kenneth Gibson (Cunninghame North) (SNP)

\*Iain Gray (East Lothian) (Lab)

\*Jamie Greene (West Scotland) (Con)

Ross Greer (West Scotland) (Green)

\*Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Oliver Mundell (Dumfriesshire) (Con)

\*Alex Neil (Airdrie and Shotts) (SNP)

\*Beatrice Wishart (Shetland Islands) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Johann Lamont (Glasgow) (Lab)

Robert McGeachy (Camphill Scotland)

Gil Paterson (Clydebank and Milngavie) (SNP)

Bill Scott (Inclusion Scotland)

**CLERK TO THE COMMITTEE**

Gary Cocker

**LOCATION**

Virtual Meeting



## Scottish Parliament Education and Skills Committee

*Wednesday 24 February 2021*

*[The Convener opened the meeting at 08:30]*

### Decision on Taking Business in Private

**The Convener (Clare Adamson):** Good morning, and a warm welcome to the seventh meeting in 2021 of the Education and Skills Committee. I remind everyone to turn mobile phones and other devices to silent for the duration of the meeting.

We have received apologies from George Adam, and Gil Paterson is a substitute member for him. We have also received apologies from Ross Greer, although he might join us later this morning.

Our first agenda item is a decision on whether to take items 3 and 4 in private. Any member who objects to taking those items in private should put an R in the chat box.

I see no objections, so that is agreed.

## Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill: Stage 1

08:31

**The Convener:** Agenda item 2 is on the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill. We will hear from those who have written the bill. I welcome Johann Lamont MSP; Bill Scott, senior policy adviser with Inclusion Scotland; and Robert McGeachy, policy and engagement manager with Camphill Scotland.

Due to broadband issues, Johann Lamont will participate by audio only today. I will come to Ms Lamont first to answer questions, but Mr Scott and Mr McGeachy can also answer if they have anything to add. I invite Ms Lamont to make an opening statement.

**Johann Lamont (Glasgow) (Lab):** I am grateful to the committee for giving me the opportunity to discuss my member's bill. My only regret is that I am not able to be with you in person to have the discussion, but these are the times that we are living in.

As you said, my member's bill is the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill. I am grateful for the committee's attention today, and I am also grateful for the support from Robert McGeachy from Camphill Scotland and Bill Scott from Inclusion Scotland in developing the proposal that we present today.

I am conscious of the pressures on your time, but I urge the committee, if possible, to proceed with full consideration of the proposed legislation and, in particular, to hear the voices of disabled young people and their families, who have been the driving force behind the proposal.

The bill emerges from the direct experience of young disabled people and their families. It seeks to address the huge disadvantage that disabled young people face as they move into adulthood, and it presents a challenge and an opportunity—a challenge to listen directly to those who know how they are currently being failed and an opportunity to put in place legislation that allows them to be treated fairly.

The bill would place a duty on the Government to create a transition strategy, to be kept under review, and there would be a Government minister with responsibility to ensure that the strategy was not put to one side. Local authorities would have an obligation to give each disabled young person a transitions plan as they move into adulthood.

Support for the bill is very high. I have been grateful to receive support from 53 MSPs, from across the parties, which is a significant number when we take out Government ministers and the Presiding Officer, who are not entitled to get behind that kind of proposal. Support was high during my consultation on the bill, and strong supporting evidence has been given to the committee, including from the Facebook survey by the national carer organisations, which received 308 responses, with overwhelming support for the bill.

It is clear that the current system is not working and that young disabled people are being failed. The bill seeks to concentrate minds in Government and, at local level, to ensure that, in transition, young people get the support that they need. It creates responsibility at Government level to give as much attention to transitions for disabled young people, so that they can achieve their potential, as is given to those for young people without disabilities.

The extent to which young disabled people are not supported is clear. For example, after being contacted by the parents, I recall supporting the family of a young person who was preparing to leave school with no plans, no options for college or employment and no discussion on budgets. On being asked why no one was co-ordinating planning, I was advised that social work case loads were very heavy and that the young person could not expect to be a priority.

Disabled young people deserve more than a shrug of the shoulders. If we are serious about the rights of young disabled people, their move to adulthood cannot be left to chance. That is evident in the contribution from the Children and Young People's Commissioner Scotland, who supports the bill.

There are already limits on who is entitled to a child support plan. Even among those who are entitled to a plan that provides transition support, only 1 per cent secure such a plan.

In late 2019, the Scottish youth unemployment figure was 9 per cent, but only 37 per cent of disabled young people aged 16 to 24 were in work. Six months after leaving school, disabled young people were twice as likely as their non-disabled peers not to be in employment, education or training. Nine months after they left school, that was three times more likely.

We also know that young people with additional support needs are six times more likely to leave school without qualifications. Do we imagine that that will improve in the face of the horrific consequences of the pandemic? Without proper planning and preparation for, and support with, transition, too many disabled young people will live

with the long-term consequences of being denied the right to achieve their potential. I am sure that the committee recognises that that is unjust and unacceptable. It is also unwise, denying us the contribution that those young people could make to our economy and communities. It is a false economy, as poor transition planning leads to lifelong consequences.

This is a matter of equality and justice. More of the same—having a plan or merely looking at good practice—will leave young people and their families abandoned. The bill provides rights and identifies responsibilities. It ensures that those are not some kind of bonus, but a real commitment.

We know that disabled young people already face disadvantage and inequality. A system in which there is no rigorous planning and in which they have to fight to be heard creates further inequality. The rights and opportunities of young people should not be left to chance or rest on their luck in finding a sympathetic ear or having a carer or parent who has the resources, energy and time to keep fighting.

I want to quote from a number of parents who make the case for change more powerfully than I could. One said:

"I think this bill would make a huge difference to the quality of life of people like my relative and our family. It would provide them with certainty, clarity and the ability to plan and understand what to do if things go wrong. It is hard to express the strain of constant worry not only about a loved one's needs but about the quality and availability of their care. This bill would go a long way to reducing that stress, leaving families, organisations and care workers better placed to provide the care they want and need to."

Another says:

"How we treat the most vulnerable in our society, says much about who we are. The Scottish Government has an opportunity to indicate clearly how we value this group's contribution to the society we live in and recognise its role in enabling it."

Finally, one parent says:

"This is a human right that through loopholes has been ignored by many councils. By placing in law and by providing a responsible person you give parents the support they need and those individuals what is rightfully theirs without the current battles. As a parent who has resources and resilience I am lucky that I can fight to get what my son deserves, this will ensure this for all parents and individuals."

That speaks powerfully to the importance of the bill, which would enable young disabled people to plan their transition to adulthood in a way that ensures that they can achieve their full potential.

**The Convener:** We will move to questions. I remind members and witnesses to keep their questions and answers as brief as possible. Please put an R in the chat box if you wish to speak, as I often do not have the whole gallery

picture available and cannot see if people want to come in. A number of members have already indicated that they want to come in and I can see others putting questions in the chat box.

**Gil Paterson (Clydebank and Milngavie) (SNP):** I have questions on councils' responsibilities for preparing plans and eligibility. Is it the intention that the duty would be to prepare a plan for every disabled person in the local authority area between the ages of 18 and 25—in other words, when they leave school?

**Johann Lamont:** Yes. If a disabled young person did not want that support, that would be for them to decide. The transitions plan involves thinking about what a young person who is about to leave school needs in order to secure an employment opportunity, an educational opportunity, housing and other things that they need to be an active citizen.

**Gil Paterson:** I note that you said that it will be up to the child or the families to decide whether they want a transitions plan.

**Johann Lamont:** Yes. However, families desperately want support, and they are not—[*Inaudible.*] There might be people who do not need it—people who have made their plans, have work available or are going to university and are clear about what they are doing—but the bill highlights the fact that, for most families, there is a battle to even have that conversation when a young person is transitioning to adulthood.

**Gil Paterson:** If a disabled person moves to another local authority area before the age of 26, what would be the responsibility on the new local authority to prepare a plan if one does not already exist? What would happen if, for example, the person had arrived from outside Scotland or a plan had been ended?

**Johann Lamont:** In the case of someone who was moving from one local authority to another, I would expect there to be a conversation between the local authorities and with the family about who was going to take on the plan. If somebody was coming into the country, that would clearly be a matter for the receiving local authority, if a conversation was needed about a plan.

Fundamentally, it is about young people leaving full-time education. That is the stage at which that conversation would take place for most young people. I repeat that, from the evidence that you and I have seen, we know that that discussion and rigorous planning does not happen for too many families. I am not saying that it does not happen—it clearly does, and there is very good practice, and the Scottish Government is looking at how to develop good practice—but the point of the legislation is to get a focus on the responsibilities

of Government and local authorities to these young people and their families.

**Gil Paterson:** Perhaps someone in your team could come in on that matter. I agree with the sentiments expressed. However, with regard to having a plan prepared in the event of a local authority move or someone coming from outside Scotland, the bill is a bit loose. How do you tighten up that responsibility on local authorities to act, rather than hope that they will?

**The Convener:** I will bring in Mr McGeachy.

**Robert McGeachy (Camphill Scotland):** On the management of plans, particularly where someone is coming from another local authority area or from a country outside Scotland, section 12 sets out a power that

“Scottish Ministers may by regulations make provision about the management of transitions plans”.

That would give the Scottish ministers the power to consider issues such as those that the member raises.

A young person moving to another local authority area is also covered in the bill. One of the decisions that the local authority can make, as part of a review of the transitions plan, relates to transfer of the plan to another local authority. The issue could also be dealt with through guidance under section 14. In addition to the power to introduce regulations on the content and management of transitions plans under sections 10 and 12, the Scottish ministers will have the power to introduce guidance, which could cover a range of issues.

08:45

**Bill Scott (Inclusion Scotland):** Robert McGeachy has covered the technical aspects well. I will go into the principle. The important thing is that the plan will be created before the young person leaves school. The transitions plan should be there to assist them in the move between school and adult life and, we hope, in realising their ambitions for education, training or the move into work.

The plan would remain in place between the ages of 18 and 25 to put young disabled people on a par with care leavers. It has been accepted that care leavers face particular barriers to entering employment and realising their ambitions after they leave care and, therefore, the support available to them remains in place until they are 25. The bill would put young disabled people on a par with them. The support that care leavers receive is absolutely necessary, but young disabled people have worse outcomes in terms of entering employment.

We need transition planning to make sure that the young person is not abandoned a month after they leave school but can come back and look for support from the local authority. As Robert McGeachy points out, there are ways in which that support can remain in place if the young person moves between authorities.

Robert dealt with the technical aspects; I am trying to deal with the principle. There is a need for transitional support at a crucial time in a young person's life. The problem is that, if we do not intervene at that point and effect change to achieve positive outcomes, a young person who remains unemployed and workless for several years after they leave school is unlikely ever to work. That means that, 50 years later, they will retire with nothing to show from their life—none of what they wanted to achieve. At 16, a young disabled person has exactly the same ambitions as a young non-disabled person. However, by the age of 26, three times as many young disabled people think that their lives are hopeless and that there is nothing they can do to change things. We have to change that and give hope back to young disabled people.

**Gil Paterson:** I appreciate those answers. How is it envisaged that disabled children and young people would be identified by the local authority, particularly those for whose education the local authority is not responsible?

**Johann Lamont:** First, schools have already identified disabled young people and will be aware of their main impairment. The idea that schools would not know who disabled young people are is not right. They would know and already be in discussions. If you are talking about out-of-authority placements, the local authority still has a responsibility to the young person. The local authority is funding the place, for example, so it will be aware of them.

If we are saying that the system does not identify disabled young people, we have a problem. However, we know that there are disabled young people in mainstream education and in other forms of education. The bill addresses how we support them and ensure that they have a smooth transition into adulthood, because families in the system have identified that that is where there is a big gap. The issue is not that the young people are invisible, although it is perhaps true that their right to, and need for, a planned process of transition is less visible than it should be in the system.

**Bill Scott:** It is very easy to identify a young disabled person at school, because additional support for learning plans identify the main impairment of a young person. The plans mean that Skills Development Scotland can identify the destinations of disabled and non-disabled school

leavers. The information is broken down into impairment groups, such as those who are deaf, those who are blind, those who have mobility issues, those who have mental health issues, those who have learning difficulties and so on. All the main impairment groups are covered.

The information is broken down very well. Some of the statistical evidence has to be covered up, to an extent, because it is so detailed that it can be broken down to local authority level and even to school level, and we obviously do not want to be able to identify an individual child. The information that is needed to identify young disabled people is already in the system through their additional support for learning plans.

**Robert McGeachy:** I refer members to section 7(6), which states:

“A local authority must take action to raise awareness of—

(a) its duties to prepare and implement a transitions plan for each child and young person with a disability within the local authority area, and

(b) the rights of all disabled children and young people within the local authority area to have a transitions plan.”

In addition to Bill Scott's points, a local authority would have an active duty to “raise awareness” among young people and their families about the existence of transitions plans and their rights.

In addition, under section 16(2)(f), the Scottish ministers would have a duty to include in the annual report details of the actions that local authorities had taken to raise awareness of the existence of transitions plans and the rights of disabled children and young people and their families to the plans.

**Gil Paterson:** Thank you.

I have had a good kick at the ball, convener, but, if we have time, I would like to come in later on another point.

**The Convener:** I will try to allow for that, Mr Paterson. As you can imagine, there is huge interest in the bill from members—every member of the committee is on the list to ask questions. That said, if members want to come in on a particular area, they should put an R in the chat function, as normal.

**Jamie Greene (West Scotland) (Con):** I thank Ms Lamont for introducing the bill, which concerns an important issue. This is my first session in the Parliament and, to be honest, I was not live to the issue until I received some casework from my local authority areas on the west coast. I was then struck by how much of a cliff edge there is for many young people, so I am hugely sympathetic to what you are trying to achieve with the bill. People are falling through the net, and I hope that the bill will go some way to improving the situation.



As always with legislation, the devil is in the detail. Is the bill's overall premise to ensure that there is a national strategy at Government level? I suspect that the Government will claim that legislative and non-legislative measures are already in place, such as the principles into practice strategy and others. What level of support or otherwise have you received for your proposition for a national transitions strategy? What additional statutory duties that do not currently exist will be placed on local authorities?

**Johann Lamont:** Thank you for your positive comments.

You mentioned a cliff edge. One person who gave evidence said that they were falling into an abyss. That has to concentrate our minds.

I am more than open to addressing any anxieties about the detail of the bill, but the fundamental issue is that there could be lifelong consequences of our not identifying proper plans at the stage when young people move into adulthood.

The Government has said that it does not want legislative proposals, because it is working on principles and practice. I know that people are doing good work in the field, with serious intention. However, the gap between good practice and the direct experience of families is very wide. It is a very simple issue.

You are right. The bill says not simply that it would be good to improve the system but that there will be a focus on the issue at the national level. That is because the consequence of our not having such a focus, an obligation and a right for disabled young people will last for their lifetimes and will carry a cost for our communities through the loss of their contributions, which will be denied us. That has to be at the centre of our discussions.

The Government says that other measures are in place. My argument is that families tell us that those are not enough and that they want there to be more of a focus on the issue. Think of the time and energy that have been spent on, and the conversations that we have had about, the importance of young people leaving school and being able to sit the right exams and access the right places in education and the right employment opportunities. Yet, in all of that, by the time that nine months have passed, disabled young people are six times less likely to be in education. We know that, and I think that everyone recognises it. My argument is therefore that the existing system is not sufficient.

The obligation that the bill would place on local authorities would be to ensure that any disabled young person had a plan that addressed not only their education but their other needs, including their social care needs, to ensure that they could

access employment or education or experience a degree of independent living. That would mean looking at the young person in the round.

As I have said, the current response is, "Well, yes, it would be good to have that conversation, but look at all the other things that we are having to do." The point of putting the obligation on local authorities is to place a focus on the importance of a transition for disabled young people, but not on a single point, as they would do for other young people.

Perhaps Robert McGeachy or Bill Scott would like to come in on the technical aspects of the obligation on local authorities.

**Robert McGeachy:** Mr Greene referred to where there might be gaps in existing policy and legislation. From the outset of the process, during the member's consultation and in the stage 1 evidence, it has been suggested that a transitions plan could be made available under the legislation on additional support for learning. However, that would fail to ensure that all disabled children and young people are able to access transitions planning. Under the ASL legislation, a young person will be able to access such planning only if they have a co-ordinated support plan in place. Unfortunately, although many young people with disabilities meet the eligibility criteria for a CSP, as Johann Lamont referred to earlier, the reality is that fewer than 1 per cent of all young people actually receive one. Therefore, to suggest that that process could somehow open up transitions planning is not a fair reflection of the situation.

It has been suggested that transitions planning through the additional support for learning legislation, limited as it would be because of the lack of CSPs, would focus on education but would not capture the other areas in a young person's life that will be important in relation to their transition to adulthood. I am thinking of things such as social care, health and employment support. All those things will be required in the transition to adulthood. It has been suggested that the 2017 ASL guidance covers that but, unfortunately, the guidance is more honoured in the breach than the observance.

09:00

It has been suggested by respondents to the consultation and in stage 1 evidence that somehow a route to transitions planning could be found through part 5 of the Children and Young People (Scotland) Act 2014. However, the Cabinet Secretary for Education and Skills, Mr Swinney, announced in September 2019 that part 5 of that act is to be repealed, so that route would not be available either.

It has also been suggested by some respondents that developing practice and guidance is the way forward. I first came across the transitions issue 15 years ago, when I was at Action for Children. Colleagues in disability services said that one of the key issues in transitioning to adulthood for young people was the lack of support that continues into their adult lives and the negative impact of that. If we go down the route of best practice and guidance, as opposed to a statutory solution, we will probably be discussing the same issue in another 15 years.

**Jamie Greene:** Before Bill Scott comes in, perhaps I could wrap in my next question. Rather than doing the rounds, he could then respond to both questions, and that would save some time.

My concern is that we are often culpable of lumping local authorities with additional responsibilities without properly backing them up with resource. The varying destinations that people who are transitioning will go to—including college, university, apprenticeships, training or workplace employment—are all factors that other bits of Government, not local councils, are responsible for. Councils naturally have responsibility for what happens at the school level and, to an extent, in other localised forms of education, but I wonder whether the focus on this particular approach is putting the responsibility, including the financial responsibility, on local councils, whereas it should be a Government statutory responsibility to ensure that there is a plan and that the council is resourced to deliver the plan. Why are we taking a local angle and not a national approach?

The issue of finance, which I am sure others will bring up, is linked to that. Some councils do not think that there will be a financial impact, but others do. I know that the Convention of Scottish Local Authorities thinks that. I do not have a problem with that—if the approach costs money, it costs money—but it is clear that councils can work only within the confines of what they are currently forecasting to support people who are transitioning.

I have lumped two questions in together. I am probing that point of view on behalf of local councils, which are, no doubt, sympathetic but are a bit worried about the focus on them.

**Bill Scott:** I will answer the second question first. Local authorities have been given the responsibility because the transition planning has to start when the young person is at school and, obviously, the local authority is able to do that relatively easily. Thereafter, the local authority retains responsibility for reviewing the plan and trying to continue to assist the young person, but it can draw on other agencies.

One of my main concerns with the way things are at the moment is that, once a young person leaves school, it is difficult for other agencies to maintain contact with them if the local authority does not. For example, the proportion of young people between the ages of 16 and 25 claiming jobseekers allowance has fallen from more than 70 per cent of those entitled to well under 50 per cent. That means that those young people who are unemployed and entitled to benefit but who are not claiming it cannot be contacted by the Department for Work and Pensions, so they are not aware of things such as the modern apprenticeship scheme, because the DWP has no way of informing them of those opportunities. Therefore, we need a way of maintaining contact with young people in order to raise awareness of the opportunities. The local authority is well placed to do that and has employability resources that whoever is placed in charge of the case can draw on—I am talking about local enterprise agencies, voluntary organisations and other agencies in the area—to find out what is in place.

On the political strategy, I am not making a party-political point, because I know that there are people in the committee from all parties who are dedicated to the welfare and success of young people. However, I point out that the Scottish National Party's 2016 election manifesto said:

“As part of our new Disability Action Plan we will produce and implement a National Strategy for Young People with Disabilities to improve the outcomes of young disabled people and ensure they are getting the best provision and support possible.”

Five years later, that strategy has not been put in place. Basically, I am asking the committee to ensure that a strategy is put in place, because I agree that national Government, as well as local government, should be accountable. If we have a minister who is responsible for the implementation of the strategy, MSPs can hold them to account for its success or otherwise.

To go back to Robert McGeachy's point, the problem with best practice and guidance is that they are not mandatory. Guidance does not place a duty on the local authority and, unfortunately, the outcomes that are being achieved are not in line with the very good model of best practice and the good guidance that is being produced by disabled people who are involved in that process. The guidance is not being used, so we need to have some statutory authority behind it, such as regulations that say that a local authority must do something rather than choose whether to do something.

**Johann Lamont:** First of all, there is a simple issue of equality and equity. Even if there were no more resource, disabled young people are entitled to a fair share of the resource that is there, and it

is a fact that plans are not being made and resources are not being used in ways that allow that.

I think that the responsibility should lie with local authorities. The young person will be best known at the local school level. The problem is that, if everybody is responsible, nobody is responsible. Delivering the plan requires accountability at the local level.

Local authorities are quite right to say that, if they are being given responsibilities, there must be funding to go along with them. That is a more general point about the relationship between national Government and local government. I am on record as saying that it is not good enough to tell local authorities to do X, Y and Z but not to fund them to do those things. However, the fact that that is a difficult conversation to have does not mean that we should not be ensuring that young people with disabilities have their needs met.

The current system means that young people with disabilities are discriminated against in the workplace and in terms of their access to education and so on. The proposals in the bill are about seeing the young person, thinking about what their needs are, and planning for them. Having that obligation would mean that hard conversations with Government about the means to deliver it would take place. At the moment, it seems that people are saying that that would be very difficult and would create financial challenges. The only reason why there is no financial challenge in that regard currently is that we are not looking at the issue. We are looking away, and the families are left to deal with it.

As members will know from the evidence, some local authorities recognise that there is an opportunity. Aberdeen City Council said:

“We take the view that if passed this Bill would compel Local Authorities to review their existing transition policies to ensure that no child or young person fell through the cracks between Children, Social Work and Adult Services. If a duty was placed on agencies to develop a transitions plan, this is likely to go some way to bridge the recognised gap and potential for drift. It is also recognised that greater resource allocation to this aspect of service delivery for children with disabilities would likely impact positively on transition planning.”

That is the argument that, if there is an obligation, the conversation has to be had about the resources behind it. Those resources are needed currently; the only reason that that conversation is not taking place is that the problem is largely hidden. Everyone on the committee understands the need for the problem not to be hidden and that those young people have as many rights as their non-disabled peers do.

**Robert McGeachy:** I have a brief point to add to Bill Scott’s point about the national transitions

strategy and parliamentary accountability. The Scottish Government would have to outline the actions that it would take to meet the aims and objectives of the national transitions strategy.

On parliamentary accountability, the Scottish ministers would have to provide a statement about the strategy, which would give MSPs the chance to hold Government to account, and there would also be an annual report, one aspect of which would be a report on the progress made in relation to the national transitions strategy and the implementation of the transitions plans.

**The Convener:** Do you have any more questions, Mr Greene?

**Jamie Greene:** I have lots of questions, but there are many members on the committee and we do not have much time. I thank the witnesses for their evidence. Johann Lamont is absolutely right that people are falling through the net. I appreciate that she is trying to prevent that. There will be a new Government in May, and we can only hope that whoever is in government will consider the issue. Perhaps we might not need legislation to achieve that; if there is a strategy, it should be implemented. I am hugely sympathetic to Johann Lamont’s ambition, and I thank her.

**Iain Gray (East Lothian) (Lab):** My question has more or less been answered but—[*Inaudible.*]

**The Convener:** Mr Gray, we are having problems with your sound. Will you start again?

**Iain Gray:** Can you hear me now?

**The Convener:** Yes.

**Iain Gray:** Johann Lamont has answered my question, in a way, but I want to ask it bluntly in the hope of a direct answer.

Johann Lamont talked about the broad support for the bill. In response to the committee’s call for evidence, there was a lot of support for the bill from disabled young people, their families and organisations such as Inclusion Scotland that work with disabled young people. The notable exceptions to that were COSLA and the Association of Directors of Education in Scotland. There is a discontinuity in support for the bill between those who are looking for support and those who are tasked with providing it. COSLA and ADES say that the bill is not necessary, enough legislation is already in place and there are better ways of doing this. Why does Johann Lamont think that that is the case?

**Johann Lamont:** The support for the bill is overwhelming. It comes from the direct experience of families, so we have to listen to that. They have been through the system and dealt with local authorities. In my opening contribution, I talked about the inequality that disabled young people

face, but there is double inequality for those who live in a family where the parents or carers do not have the energy, resource, resilience and stamina to keep fighting. They are fighting for the rights of their young people, and that cannot be right, so we must listen to that.

09:15

Secondly, I emphasise again that a majority of our own colleagues in the Scottish Parliament who were able to support the proposal have supported it. That is hugely significant. Robert McGeachy and others have spoken about the criticism that the bill is unnecessary because there is existing legislation. As we have already identified, that is wrong, because the additional support for learning legislation deals only with education, but we are talking about a more holistic approach.

My assumption is that COSLA and ADES are looking at this and saying that they are not resourced to deliver it. If they are not resourced to deliver on the needs of young disabled people in their transition from childhood to adulthood, given the lifelong consequences of that for them and their communities and the denial of their contribution to society, that needs to be addressed. I can understand that, if you are in the system and you will have to deliver this and you do not have the resource to do so, you will be reluctant. The response then should not be to say, "We had better not do this," but to ask, "How do we properly resource it?" That is a challenge for the Government.

I would hope that, rather than explaining how difficult it is, COSLA and ADES would recognise that there is a failure and that the bill would be a stand-alone piece of legislation that said that the process of transition should be rigorous and ensure the rights of young people. Nobody is denying that that is true, so it would be helpful if COSLA were to challenge the Government to ensure that it can fulfil its duties to young people with disabilities, because all the figures tell us that we are failing them.

**Robert McGeachy:** I will refer to the evidence from parents. I would like to highlight a piece of evidence from Kate Monahan and other parents from the Because We Matter group. Kate said:

"Within our family support and advocacy group ... every single one of our families, without exception, have had to fight, in a stressful, prolonged and tenacious manner in order to secure education and care provision for our children and young people with Additional Support Needs. Many have had to undertake legal processes."

It is very concerning to hear that.

I would go further in relation to what Johann Lamont has said. Given the weight of evidence from parents, families and young people and the

overwhelming support for the bill—an analysis of the stage 1 evidence puts support for the bill at 81.7 per cent—COSLA should make a commitment. COSLA should provide alternative costings, because Johann asked others to do that, and, although COSLA found fault with our costings, it made no attempt to provide its own, which is disappointing. COSLA should give a commitment to hold an open meeting for disabled children and young people and their families to get a sense of their concerns. I suggest that that would fully underpin the conclusion of the national carer organisations group's Facebook survey that the system is failing many children and young people, which is not acceptable.

**Bill Scott:** I want to quote from the Children and Young People's Commissioner Scotland's submission to the original bill proposal. COSLA has said that legislation is in place, but the commissioner's evidence states that the additional support for learning legislation relates solely to education, and

"does not address the social care ... employment support, or health support required to ensure that disabled children and young people transition to adulthood in a way which enables them to fully realise the rights contained in the UNCRPD"

and that,

"As a result, as the bill proposal identifies, disabled young people do not currently have a clearly defined right in domestic law to ongoing, multidisciplinary transition planning and support once they leave school, resulting in a failure to realise the human rights of many disabled children."

The issue is with resources. I believe that that is where COSLA's objections lie, and that issue has to be addressed. We have tried to identify the core cost of implementing the bill. I do not deny that more resources need to be put in place to support young disabled people; that is inevitable. However, it is the cost of not doing anything that bothers me. Previous research has shown that the total cost to the state of a young disabled person who leaves school, never works and does not achieve an independent life is an additional £1 million by the time they retire in the cost of social care, healthcare and so on. We have to think about that. In other words, we should invest in those young people to save money in the longer term, give them hope back and give them lives in which they can achieve their ambitions, rather than the majority, unfortunately, never achieving the ambitions that they leave school with.

**Daniel Johnson (Edinburgh Southern) (Lab):** I remind the committee of my entry in the register of interests and the fact that I was one of the people who signed the bill proposal. It is great to have Johann Lamont back at the committee.

Some of this has already been covered, but I would like to delve a bit more into the current statutory provisions, how those compare and what the implications are. In particular, I want to consider the bill as constituted and reflect on the discussion that has been had. To what extent will the transitions plan be, in effect, the continuation of the logic of the co-ordinated support plan, given that not only are there only a small number of such plans still in place—1 per cent was the number quoted—but it is a declining number despite the fact that the number of children with additional support needs is increasing? I am interested in Johann Lamont's reflections on how the bill sits with co-ordinated support plans. To what degree would those figures for co-ordinated support plans undermine or hinder these proposals, and to what extent might these proposals redress that position?

**Johann Lamont:** There has been a lot of discussion about planning. Even when the idea of a children's support plan was being introduced, it was recognised that it excluded a lot of young people who might have significant needs but did not meet the criteria. People were already concerned about that. We now have to be concerned that a process that was supposed to support planning for a child through their education and into adulthood is being accessed by only 1 per cent of children who are entitled to it, when that is a narrower group. That is a fundamental problem.

My concern is that we do not have a plan, because if you have a plan, you have an expectation. Therefore, if people are not given a plan, they are not given any expectation. This is, sadly, about people having to manage resources. There is a bigger question about the extent to which we, as a society, are willing to make real what is theoretical. That is that children need to have a plan and be supported. It opens up that much broader and perhaps deeper question about how serious we are about ensuring that young people with additional support needs are actually being supported. In part, what is being exposed is a feeling that, if you do not ask the question, you do not have to deal with the answer.

My commitment is to making real the language that we use more generally. We say that of course we want to support everybody and make sure that they can access the support that they need, that we want to understand them as individuals and that every child matters, but we do not put in place a process that makes that real. I would like to think that the bill is, in part, about confronting the gap between what is theoretically supposed to happen and the reality. We can see in the evidence what the reality is.

I want the process to be rigorous. The reason why we want a national strategy is that that says, "This matters." It would not be a statement of opinion; it would be a strategy, and practical measures would be needed to deliver on it. If Government time and energy is put into it, that will mean having conversations about the budget and discussions to enable local authorities to deliver on it.

That brings us back to our responsibilities. Any policy is only as good as its delivery. Do we pass law and not look to see whether it is addressing the gaps that it was meant to? Daniel Johnson is right to link the question to the intention of co-ordinated support plans and what sits behind that in terms of multi-agency work and so on, but that exposes the fact that that is not currently happening. The bill seeks to bring those two things together—to bring statements and aspiration into the process of distributing resources to meet the needs of those disabled young people who, as I have already identified and as everybody knows, fall way behind. It does not have to be that way, and that is the challenge that the bill presents.

**Robert McGeachy:** Adding to what Johann Lamont said, I note that the bill will ensure that there is a specific and express statutory focus on transitions planning and the young person's entitlement to a transitions plan. It would not be left to the vagaries of the young person trying to access transitions planning through the ASL legislation. Johann referred to Professor Sheila Riddell's research, which found that fewer than 1 per cent of all the young people who are entitled to CSPs are in receipt of them. That route for transitions planning would be extremely limited.

The contents of the transitions plan are addressed in section 10 of the bill and the Scottish ministers would have to confirm, as part of the annual report, what progress had been made on transitions plans and how many had put been put in place by local authorities. I suggest that those are significant improvements on the current system and necessary to ensure that young people have a right to transitions planning, which would help them to make the most of their lives.

**Daniel Johnson:** It is impossible to look at the bill without reflecting on what the Morgan review and report came up with. Things that have stuck with me are the insight that so many young people and their families have to fight for the support that is provided, that it is incredibly difficult to navigate the system, which uses different terminology and processes and has gate keeping prevalent within it and, finally, that there is very little ability—outside of co-ordinated support plans, which have statutory footing—to get accountability and redress when things go wrong in relation to support for learning.

With those insights in mind, how do we ensure that we have clarity and the ability to hold authorities to account in delivering transitions plans? Are there any other insights that Johann Lamont or the other witnesses have, reflecting on the Morgan review, in particular on how the proposals might reinforce the insights from that review? Could any developments be made in the light of what Morgan found?

09:30

**Johann Lamont:** On the point that you make about having to fight to get support, we hear such language being used all the time by families with a young person who is disabled. They have had to fight; they have had to struggle; they have had to battle. They have to make a nuisance of themselves—and in some circumstances, as soon as people make a nuisance of themselves, they can be viewed as the troublemaker or the problem, because they are seen as causing difficulties. That cannot be right, just at a basic level of fairness. A young person who is disabled already has the challenge of their disability but, in order to access the things that allow them to achieve their potential, they must fight far harder than their non-disabled peers. That is simply unacceptable. We know from the evidence that it is not just a few folks saying that; it is the lived experience of families.

If someone's family circumstances make it more difficult for them to fight, they are doubly disadvantaged. The most vulnerable people with the most pressures on their family are the least likely to access resources. In what universe are we if we think that resource distribution should be defined by someone's capacity to fight for it? That is what is behind this proposed legislation.

The bill would put pressure on the local authority not simply to react to a person who approaches it and says, "I want this to happen," but to have a plan. They know who the disabled young people are, and they know the expectation that is on them. That means that people would not get the response that I got when I raised the issue on behalf of a constituent. As I described, I was told: "What do you expect us to do? Look at our case loads." Rather, the system could say, "We need to plan for the needs of these young people, and we will do that rigorously."

None of us wants our children's lives to be determined by happenstance. A lot of really good work is being done, and some very serious people are working in this area. It is a matter of taking the pressure off the individual worker and saying, "This is the plan, and this is how we will resource the plan. If there is a gap in resources, this is the conversation that we will have with Government."

It is about rigour, and it is about challenging Government.

At Government level, people have the luxury of talking about aspiration. Perhaps COSLA is more nervous because it has to deliver on that aspiration. If there is an obligation, authorities will have something to bring to the discussion with Government. They could say, "Don't give us obligations without the capacity to deliver on them." To me, that is fundamental.

Robert McGeachy and Bill Scott will be able to say something more specific about the Morgan review.

**Bill Scott:** I can only echo some of the findings of the Morgan review regarding the lack of support for young people and their families. I will quote a young disabled person who wanted to give evidence today, but the panel size has been restricted, unfortunately. I hope that, if the incoming committee in the new session takes up the issue after the election, it will hear directly from parents and young people themselves, because what they say is really powerful.

That young person said:

"Leaving school was really hard. It just felt like jumping off a cliff. Everything just stopped in terms of support and I have really struggled to find employment. I've had lots of interviews but then the inevitable rejections ... I never felt I was supported to make any kind of plan for my future."

All that young disabled people are looking for is the chance to have a future—the same as everybody else.

School leaver initial destinations figures were released yesterday. Over the past two or three years, about 17 per cent of young disabled people leaving school have entered employment. A higher number of young non-disabled people—nearly one in four—moved into employment from school. Worryingly, in the past year—the figures take into account the very beginning of the pandemic only—the proportion of young disabled people entering employment after school dropped to 9 per cent, which is fewer than one in 10.

Unless we do something to assist and support young people into employment, they will remain workless and will live in poverty for the remainder of their lives. We have to make the difference and put the support in place. As I said, it is an investment in the future of our country, because the more young people who we support into employment—thereby growing the economy—the better for everyone who lives in Scotland. It is not exceptionalism to ask for that support for young disabled people. It is because they face the biggest barriers that they need that support. This is about making reasonable adjustments, as the law says, to provide them with support when they face those barriers.

**Robert McGeachy:** I want to pick up on a point that Daniel Johnson made, which, if I am correct, was getting at implementation and what difference would be made by the framework that the bill would introduce. I suggest that having a national transitions strategy would provide the overarching framework for transitions to adulthood for disabled children and young people. Many of the respondents to the consultation and the stage 1 call for evidence called for and are supportive of having a bespoke minister focusing on transitions. They referred to the minister being a champion for disabled children and young people in their transition to adulthood.

Under the bill, statutory duties would be placed on local authorities and others. To ensure that implementation is robust, the bill provides for on-going parliamentary accountability for the national transitions strategy and the progress made in relation to transitions plans. That accountability would come through the obligation on the Scottish ministers to publish an annual report on the progress made by the strategy and on individual transitions plans. The bill would also place a requirement on ministers to make a statement about the national transitions strategy and, under section 15, the Scottish ministers would have powers to issue directions on implementation to local authorities and others. The framework is well equipped to ensure that implementation of the legislation is robust.

**The Convener:** There are still four members who wish to speak and we are tight for time. I would appreciate succinct questions and answers.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I will be as brief as I can be.

I apologise if I have missed the answer to my question in the briefing, but it would be useful for it to be repeated. How many young people in Scotland would the bill help?

**Johann Lamont:** Can Robert McGeachy give us the figure?

**Robert McGeachy:** Bill Scott would be best to lead on that aspect.

**Bill Scott:** I do not have the figure to hand, but it is in the briefing. I think that it is around 5,000, but I will check that for you.

**Rona Mackay:** I have a brief question for Johann Lamont about the single point of contact. I fully understand the need for a single point of contact for families, but how would that work when several services are involved? That goes back to multi-agency working.

Can you also confirm that scrutiny of implementation would be carried out annually?

**Johann Lamont:** You talked about a single point of assessment, which is a challenge for multi-agency working. I know that there is a suggestion that provision has already been made in legislation, but often it only identifies education. The challenge is for people to get together. I hope that the bill would encourage that, because it would mean that families would not have to fight with all sorts of different groups and that one person would have responsibility for everything.

It is true that transition is not a single event. When young people leave school, they may go to college and drop out or they may try a job that does not work out, but they are not simply left to it. There is an issue about maintaining that engagement with young disabled people over a longer period.

Robert McGeachy can address the question on process better than I can.

**The Convener:** Mr Gibson has put a note in the chat box saying that the briefing has a figure of 4,000 for young disabled school leavers.

**Robert McGeachy:** The figures are outlined in the policy memorandum.

The process for the review of transitions plans is addressed in section 12 of the bill, on “Management of a transitions plan”, which makes provisions on the duty on the local authority to keep the plan under review. The national transitions strategy would be reviewed every three years.

**Rona Mackay:** Thank you. That is very helpful.

**Beatrice Wishart (Shetland Islands) (LD):** Ms Lamont has already referred to families having to fight for their disabled young person. I can relate to that—constituents who are parents have told me that they have become exhausted because of having to fight constantly for their young people. As Bill Scott said, it is about investing for the long term.

I want to ask about the options available for disabled young people leaving school. Are enough good-quality options available now?

**Johann Lamont:** Bill Scott will be able to say more about the experience of families in that respect. The challenge is that if we do not even have the conversation with the young person and their family about what the options are, we are not even at first base. Young disabled people have a range of needs. For some, it is about simply identifying what measures, including in relation to transport and social care, need to be put in place for them to be able to access a place in education. I go back to the example of my constituent, who had not even had a conversation about the budget that they might need in adulthood.

You are right to ask whether there are enough places in the system that are alert to what disabled people need to access the options that are available. However, the issue is also that, if we do not have the conversation, even where options are available, young people will not be aware of them.

**Bill Scott:** The truth is that there are too few options. However, there are some positive destinations for young people. In future, the young person's guarantee will be there to guarantee every young person the employment, training or educational opportunities that they want. The problem is that if we lose contact with the young person, we cannot make them aware of those opportunities. We need a system that allows young people and their families to maintain contact with the agencies that can provide those opportunities.

Local authorities do a pretty good job with a lot of people around employability and employment opportunities. I go back to the modern apprenticeship scheme. It came as a shock to Parliament to find out that fewer than 1 per cent of all modern apprenticeships went to young disabled people. Once that came to light, action was taken at Government level, within Skills Development Scotland, and with providers to address the issue. The rate of modern apprenticeships that go to young disabled people is now about 9 per cent.

09:45

Government action can make a real difference to the proportion of young disabled people who reach positive destinations. That is why the bill is so important. To be aware of those positive options, we need a system that will give young disabled people those opportunities not just as they leave school, but after they have left school.

Almost half of young disabled people leaving school go on to further education and college, but, unfortunately, two years later, when they are 18 or 19, they leave with barely any improvement in their qualifications from when they left school. Although it looks like a positive destination, it does not always turn out to be so for many young disabled people. We could address that by ensuring that they get relevant qualifications that will be useful to them in moving on to employment, rather than just using college as a day care centre that takes care of young learning disabled people and others who have not got anywhere else to go.

**Beatrice Wishart:** I assume that that is why it is important that the definition of young person in the bill goes up to the age of 25.

**Alex Neil (Airdrie and Shotts) (SNP):** I support what Johann Lamont is trying to do with the bill and I appreciate that such support is necessary for young people. I am old enough to remember when

the first ever minister for the disabled, Alf Morris, was appointed by Harold Wilson in 1974. The very act of appointing a dedicated minister turbocharged Whitehall to do much more for disabled people. It was nothing like enough, but it was still a turbocharge. I hope that in May, the newly elected First Minister will appoint a dedicated minister for disabled people who will ensure that legislation similar to the bill is passed.

My worry about the bill, if it is passed, is that, like the legislation on co-ordinated support plans, it will be ignored. As we know, only about 1 per cent of kids who are entitled to a co-ordinated support plan—which is really the beginning of a transitions plan—have one, even though it is a statutory entitlement. Is some way needed of ensuring that every child who is entitled to a co-ordinated support plan gets one? Without a co-ordinated support plan, your proposals will not maximise their impact and potential.

**Johann Lamont:** Sadly, I, too, am old enough to remember such things. You are right. If we name the issue and give someone responsibility for it, that challenges the system. That is the issue at Government level. If we were to say that someone is responsible for young people's transition to adulthood, it would become a thing for which they are accountable, and it would be visible. It would be an indication that it is a matter for Government, which is really important.

I also recognise that the challenge—which applies to us as legislators all the time—is that we signal that something matters through legislation but do not follow it through. I argue that the bill would be stand-alone legislation that would do more than send a signal. There would be an expectation that the national strategy would have to be reviewed at local authority level, and, because it would be a statutory duty, it could then be challenged.

We recognise from the contribution of the Children and Young People's Commissioner Scotland that the issue is about young people's rights being denied. There are opportunities to challenge those who would simply ignore that.

Alex Neil is right to identify that there is more than one way of rationing services. Children who need a support plan in order to access support and a transitions plan are not given support plans. The bill is not about placing another hurdle in the way. It says that disabled young people would have the right to transitions plans and that their local authority would have an obligation to facilitate that. It would be different to the children's co-ordinated support plan, because disabled young people would have the right to a transitions plan. There would be no gate-keeping process.



Alex Neil was also right to identify that it is not good enough simply to say that we care. The business of Government is to follow up on that. I hope that in the next Parliament—of which neither you nor I will be members, Alex—a commitment to recognising the evidence from families about their experiences and the experiences of disabled young people will be seen as central for Government.

Some of our young people are being denied achievement of their potential simply because work is not being done to make college accessible, to make employment opportunities available and to ensure that their education experience is not as we see it now. Disabled young people leave school with disproportionately few qualifications, so doing that would be an important piece of work.

The bill is a practical measure. It challenges the ways in which systems gate-keep and manage resources. Fundamentally, as Alex Neil suggested, it is about equality and the rights of disabled young people, which the bill seeks to facilitate. It cannot do that alone, but it would be an important part of the process.

I do not know whether my colleagues want to say something more specific about the issues that have been flagged up.

**The Convener:** They want to, Ms Lamont, but before they do I will ask a supplementary question to Mr Neil's. It is to do with the decision to repeal the child's plan that is provided for in part 5 of the Children and Young People (Scotland) Act 2014. In the chamber, Mr Swinney said:

"The child's plan is also being used across children's services, and it has been well received. Children and families already benefit from practitioners working closer together in a co-ordinated way to support children in all aspects of their wellbeing.

Our commitment to those policies and the practitioners who implement them is reaffirmed today."—[*Official Report*, 19 September 2019; c 52.]

The crux of Mr Neil's question is that we have confirmation of leadership in the area at the top level of Government and that we have the experience of the statutory duty on CSPs. We want to understand whether there is best practice—whether the work is being done well anywhere and whether existing plans and operations, as detailed, could be used to improve outcomes for young people.

I will bring in Mr Scott and Mr McGeachy on that point.

**Bill Scott:** I will reply to Alex Neil's question first. I remember working with Mr Neil, when he was a cabinet secretary, on the failure of local authorities to address the accessible housing needs of disabled people. I was grateful when he

issued a direction to local authorities that, if their local housing plans did not include identification of disabled people's accessible housing needs and of how they would address such needs, he would not accept the plans. That led to a change in practice.

The bill contains a power for ministers to issue directions to local authorities, so that there would be a way for ministers to hold them to account if they failed to implement the rights and duties that the bill entails.

I add that I am absolutely sure that there is good practice. I believe that co-ordinated support plans make a real difference to young disabled people when they get them. The problem is that 99 per cent of those who need one do not have one. We need a system in which it is mandatory—in which it is an absolute right of every young disabled person who wants such a plan to get one. There should be no way in which a local authority can fail in its duty to provide such a plan. The bill would achieve that.

We can look at all the best practice in the world, but we also need to look at outcomes. At the moment, they are not improving—actually, they are getting worse. We need to address that and ensure that outcomes get better.

**Robert McGeachy:** I will add to that, briefly. The convener referred to the child's plan. Part 5 of the 2014 act, which provides for a statutory plan, is being repealed. I assume that Mr Swinney is referring to the non-statutory plan, which, because of its nature, is not enforceable. The bill would address the need for a statutory transitions plan in a specific way.

**Alex Neil:** The point that I wanted to make—and, in general, what I have been hearing—is that there is agreement that we need to look at the co-ordinated support plan. When it was introduced, we did not have a figure as high as 30 per cent of pupils being classed as requiring additional support, so there was probably a gross underestimation of the resources that would be required.

It seems to me that there needs to be a fundamental look at the plans, because a lot of children have said that they ain't getting them. If they ain't getting them that will undermine, to some extent, the plans that are provided for in the bill. Clearly, for a lot of kids, if they do not have a co-ordinated support plan by the time they get to the age of 16, 17 or 18, it will be too late to plan their transition, which will reduce their choices. We need co-ordinated support plans for such youngsters much earlier; the bill would represent a continuum of that provision. I think that I am getting that there is universal agreement from the panel on that point.

**The Convener:** I am sure that they will correct you if that is not the case, Mr Neil.

We will move on to questions from Oliver Mundell, and I ask Mr Gibson and Mr Paterson to indicate whether they still want to come in.

**Oliver Mundell (Dumfriesshire) (Con):** I welcome the bill. It addresses a real problem for many families, which I continue to see regularly. People who struggle, all the way through formal education, to get the support that they need suddenly find out, at the end of that time and after years of fighting, that the support that they have just seems to disappear. Local authorities are often focused on simply getting people off their books or on trying to find something to fill the gaps.

What provision is there in the bill to ensure that such conversations and plans are meaningful? I find that, in my own local authority area, decisions on transition are often dictated by costs and, in a rural authority area, the services that are available locally. Such authorities are always keen to keep young people within the region rather than to consider facilities, support and services that are available elsewhere in Scotland. What is in the bill, as it is currently drafted, to ensure that there will not be conversations in which families are simply told what is happening to them?

10:00

**Johann Lamont:** I will answer briefly, then I will ask Robert McGeachy to identify the bits in the bill that deal with that.

I agree that plans need to be meaningful. I think that too much of the conversation is dictated by cost, even in response to this legislation. Some people take the view that everything is fine and that we do not really need to do anything, and others take the view that taking action is difficult and that there are cost implications. However, in my view, the issue is about the rights of young people being denied, which is unjust. We need to change that conversation, and I think that the bill is part of an approach that, leaving aside the question of what is possible, says that there is an obligation to have a plan that is meaningful for a young person.

Robert McGeachy might be able to identify what the bill covers in regard to your question.

**Robert McGeachy:** Under section 7, the young person must agree to their transitions plan. Under section 11, a local authority must have regard to the young person's views when preparing the transitions plan, and, under section 12, it must consult the young person when reviewing their transitions plan.

The drafting also confirms that part of that process involves an advocate or support agency instructed by the child or young person. We have tried to ensure that the young person has support. There are also references to involving their families and others. Ensuring that the young person has to agree to the transitions plan and is able to rely on advocacy support is a step in the right direction.

**Bill Scott:** One of the most important things is the ability to review the plan once the young person has left school. That is why we believe that support has to remain in place and that there must be an ability to go back to the appointed person in the local authority who is responsible for ensuring that the plan is implemented, even after the young person has left school.

I accept that a lot of young disabled people are pushed to take further education places but end up no better off after a year or two in college. A review at that point would determine whether they had obtained the outcomes that they wanted. College was probably meant to be a stepping-stone to something else, because nobody expects to spend the rest of their life in college. The ability to review the plan and to ensure that it is still working to achieve the objectives of the young person after they have left school, up to the age of 25, is important. They should still be able to access that support and co-ordination and access the new and emerging opportunities that come about once they have left school. Often, there are positive opportunities for young people that might be there only after they have been unemployed for a certain amount of time, which they are not able to access at the point that they leave school. However, if there are no means of contacting them and contact is not maintained, they and their families will remain unaware of those opportunities.

I agree with Oliver Mundell. I also think that the young people need to look further afield than the boundaries of their own local authority, because some opportunities might lie in the neighbouring authority or even further afield. Also, there are national schemes and opportunities that young people could be made aware of.

There is a role for Skills Development Scotland in addressing some of the issues that young disabled people face. Unless we improve young disabled people's employment outcomes in particular, they will remain in poverty and we will not achieve the targets that we have set for reducing child poverty, because, as they grow up and become parents, their children are likely to live in poverty, too.

**Oliver Mundell:** I have a follow-up to that and another substantive question.

What happens if that process breaks down and the young person or their family does not agree with the local authority? It is very common for there to be a complete mismatch between what a local authority is willing to offer and support and what a young person and their family rightly expect. What happens if agreement cannot be found?

**The Convener:** Mr Mundell, could you also ask your substantive question? We will try to get answers to both.

**Oliver Mundell:** I am happy to do so. These are important issues.

The office of the Children and Young People's Commissioner Scotland has been established for a while, so why are important issues relating to transitions and young people's human rights still being ignored?

**Johann Lamont:** Again, Bill Scott and Robert McGeachy will be able to say more about the technical provision in the bill. To me, the bill provides a space for the conversation and the right to be heard in the discussion when people do not agree. Currently, in some cases, people get a shrug of the shoulders. I emphasise that there is lots of good practice, but there is no right for people to be engaged in the conversation on transitions. If a person is fortunate, they will have somebody who will engage with and work with them. If they are unfortunate, they will not, because there are other pressures on the system. The bill provides the obligation to sit and have that discussion, but Robert McGeachy and Bill Scott can say more on that.

The question on the Children and Young People's Commissioner is, in a sense, a matter for the commissioner. The commissioner provides, I think, an annual report to the Parliament. In the next parliamentary session, we should perhaps consider the extent to which the commissioner is free to speak and is heard and the extent to which he influences Government policy, local authorities and so on. I can only say that, in this instance, the commissioner has been very positive and that he frames the issue of transitions as a human right for young disabled people. The challenge to those who say that we do not need legislation and raise the question of cost is that, no matter what resources are available to local authorities, they need to be distributed fairly. In the current process, the rights of young disabled people are being denied. The commission might want to take up that issue in the future, but I am very pleased that the commissioner has made such a positive contribution to the bill. He sees it as a means of addressing the human rights deficit for young people with disabilities.

**The Convener:** I ask Mr Scott and Mr McGeachy to answer briefly.

**Bill Scott:** I look to Robert McGeachy to answer the technical question.

**Robert McGeachy:** On Mr Mundell's point about dispute resolution, under section 13, the Scottish ministers will introduce by regulations the provisions relating to dispute resolution. The Scottish ministers will want to consult stakeholders on the dispute resolution framework. On that basis, we feel that it is best for the dispute resolution framework to be introduced by regulations.

**Kenneth Gibson (Cunninghame North) (SNP):** My question is very straightforward; it is about resources. According to the financial memorandum, the estimated cost of introducing this bill is £783,000, although there is some dispute about that figure—from COSLA, for example. That figure represents less than 1 per cent of 1 per cent of the budget for local government. It is about 15p for every person in Scotland.

Johann Lamont said the reason that COSLA and ADES are against it relates to resources. Has there been indication from ADES and COSLA about whether—if we accept the financial memorandum—they would support the bill if those fairly modest resources were met?

**Johann Lamont:** COSLA and ADES have not said that they are against it because of cost. My suspicion is that they are fearful about creating a system in which a conversation is had about need and transitions planning. We are dealing only with the process, and they might be fearful that the process will expose a gap in provision.

COSLA and ADES focused on saying that what is mentioned has already been done and that we do not need more legislation because it is more bureaucratic. I do not accept their argument in that regard. There is a gap in the legislation as it stands.

The bill gives focus to need at that specific stage in people's lives, and it is not bureaucratic. What could be more frustrating for a family than trying to get help and going around and around the system without getting the help that they need?

Their focus is on the fact that things are being done already, but the sense I get from families and young disabled people is that whatever is being done is not working and that we need to address it now.

I repeat the point that has been made throughout this discussion, which is that there is an opportunity cost to not doing this rigorously. We are denying those young people an opportunity to

make a contribution, and there is a long-term cost to people being left unable to work.

I agree with Kenny Gibson that our proposal on finance is modest. Although people have questioned our figures, they have not come back with alternatives. The other arguments made against it do not stand up in the face of the scale of the response that says the current system is not working for young people. That system has the potential to deny young people opportunity, and the cost of that to all of us is significant, as Bill Scott said.

**Kenneth Gibson:** I fully accept that. If we are talking about a lost economic cost of £1 million over a lifetime for one person, even if your figures are significantly underestimated, the cost of introducing these measures will come nowhere near the cost of not taking action—never mind the misery that not doing so causes.

**The Convener:** I thank Bill Scott and Robert McGeachy for their contributions.

I suspect that this might be the last appearance at committee by Johann Lamont—certainly as an MSP. I thank her for bringing the issue to the committee and for presenting the bill this morning. I also want to thank her for her service to the committee and for her interest in education throughout the years. We wish her all the best following her retirement at the election.

I remind everyone that, next week, we will hear from the Scottish Qualifications Authority, ADES and Education Scotland.

10:14

*Meeting continued in private until 10:52.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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