

# **Education, Children and Young People Committee**

## **Easy to Read Report – Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill**

This is an easy to read report about the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill.

A Bill is a draft law. You can find out more about laws and how they are made on [the Scottish Parliament website](#).

There are three stages to making a law in Scotland. This Bill (draft law) is currently at Stage 1.

This draft law is being looked at by the Scottish Parliament's Education, Children and Young People Committee.

### **What is the Bill designed to do?**

The Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill is a Member's Bill.

This means that it is a new law which is being suggested by a Member of the Scottish Parliament. Most draft laws (Bills) are suggested by the Scottish Government.

Pam Duncan-Glancy MSP is the Member in Charge of the Bill. That means she introduced the Bill to the Scottish Parliament.

Pam Duncan-Glancy MSP thinks disabled children and young people need extra support to help them transition into adulthood. This will help them have the same opportunities as other children and young people.

The Bill Ms Duncan-Glancy introduced would require:

- The Scottish Government to have a strategy explaining how they are going to improve opportunities for disabled children and young people
- A Scottish Government Minister to be in charge of improving opportunities for disabled children and young people moving into adulthood

- Local Authorities (councils) to have plans for each disabled child and young person as they move into adulthood.

## What the Committee does at Stage 1

The Education, Children and Young People's Committee's job at Stage 1 is to look at the draft law (Bill) and to make recommendations to the Scottish Parliament about:

- whether the Bill should continue to the next stage of the law-making process (known as Stage 2).
- if it does move onto the next stage, which changes might be needed to improve the Bill.

This involves asking several questions:

- **Is there a need for the law to change?**

Committee Members think about what the Bill is trying to do and whether there is a problem that the draft law is trying to fix.

They also think about whether the problem could be fixed in another way (that is, without a new law being made).

They will also speak to a wide range of people to ask them what they think. In the case of this Bill, that included children and young people, parents and carers and professionals (e.g. teachers, social workers etc.).

- **Will the changes to the law work?**

Committee Members think about whether the Bill has been written well and whether it will do what it is designed to do. So, for example, if the Bill says that it will fix an issue by creating a plan, then the Committee will listen to a wide range of people to see if they believe this is what will actually happen.

- **How will the changes to the law affect different groups of people?**

The Committee wants to make sure that the Bill is fair to everyone. That is, if a Bill makes things better for one group of people, they want to make sure that it doesn't accidentally harm others. If a Bill appears to do this, Committee Members may make recommendations about how to fix any unfairness.

- **What improvements are needed to the Bill?**

If the Committee thinks that changes are needed to the Bill, then they will make recommendations in a report.

This includes thinking about whether the Bill could be improved in any way – and if any problems that the Committee has been told about could be

resolved. It also involves thinking about how the Bill fits with laws that are already in place.

Once the Committee's report is published, the whole Parliament will then debate whether the draft law should move onto the next stage of becoming a law – known as Stage 2.

## Who the Committee spoke to

The Committee used a wide range of information to decide their views on the Bill at Stage 1.

This includes asking people with an interest in the Bill to share their thoughts by:

- writing to the Committee (also known as “written evidence”).
- speaking to the Committee at one of their meetings (also known as “oral evidence”)

You can find more information about this evidence on the [Bill's webpage](#).

The Committee also wanted to speak to disabled young people who had experience of going through a transitions process.

Committee Members spoke to a group of young disabled people called [the Divergent Influencers](#).

The Committee also spoke to [a group of parents and carers](#) and a group of people working to support disabled young people into adulthood.

The Committee also visited [Buchanan High School](#), an additional support needs secondary school in Coatbridge, North Lanarkshire.

This evidence has helped the Committee decide whether the Bill would work well for disabled children and young people, and those supporting them.

## What does the Bill mean by transitions?

The Committee heard that transitions could range from something very simple, to something much more complicated.

For example, some disabled young people might need a plan that just covers moving between a child health service to an adult health service.

Other disabled young people may need help going through a transition that involves education, health, social work and health and social care support.

## What the Committee heard

The Committee heard that many disabled young people have very poor experiences when they are going through transitions.

This included:

- young people and their families not always being listened to by professionals. Some young people told the Committee that their transition was often built around what other people thought was right for them, rather than what they wanted to do.
- poor communication between children and adult services, meaning that plans were not followed, and young people were left feeling unsupported.
- professionals not always involving young people and their families in making plans.

Yet, the Committee also heard some good examples of where transitions were working well for disabled children and young people.

The Committee thinks these examples should be shared across Scotland, so that others can learn from them.

The Committee also heard that:

- There are lots of current laws and policies which are meant to make transitions work well, but these are often complicated, confusing and difficult to navigate.
- It is often unclear who should take the lead on transitions. This means that young people and/or their parents regularly have to advocate (stand up) for themselves to make transitions happen.
- Resources are a particular problem. A good transitions plan can be undermined by a lack of local services, staff time or money.

Disabled young people said transitions worked best when:

- Transitions planning was built around them as an individual. Young people spoke warmly about the people who had gone above and beyond to help them. They said that this often led to better results for them.
- Transitions planning started from the point of view of the young person's hopes and wishes – rather than what adults thought they were capable of or what was easily available.
- Transitions planning was flexible – allowing a disabled young person to change their mind, and to set new goals at any point, in their transitions journey.

## What people said about the Bill itself

As well as listening to disabled young people, parents and carers, the Committee heard the views of people working in health and social care, education and social work.

They also heard from people in disability organisations who support disabled children and young people. The Committee also spoke to the Ministers in the Scottish Government who are currently in charge of transitions.

The Committee was interested to hear whether they thought that the ideas in the Bill would work well or not.

The following sections provide a summary of what the Committee heard.

If you want to read more information about this, please read this [letter](#) and [annexe](#) the Committee sent to Pam Duncan-Glancy MSP. A very similar letter was sent to the Scottish Government.

You can find the responses to these letters in the correspondence section of [the Bill's webpage](#).

## National Transitions Strategy

- The draft law suggests that there should be a National Transitions Strategy. This would set out the Scottish Government's plans for improving opportunities for disabled children and young people going through their transition to adulthood.
- The Committee heard that the Scottish Government is already creating a National Transitions Strategy.
- The Scottish Government's strategy would allow local councils to choose to do what's in the strategy.
- The strategy in the draft law would say that local council must do what is in the strategy.
- The Committee asked the Scottish Government how they would make sure their National Transitions Strategy would be monitored. They wanted to make sure the Government made those improvements, should the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill not go ahead.

## Minister with Special Responsibility

- The draft law suggests that there should be a Scottish Government Minister, who would have special responsibility for improving transitions for disabled young people.

- There was a lot of support for this suggestion from the people who provided their views to the Committee.
- The main reason for this was that people felt it would help make sure that transitions were seen as an important issue.
- They also felt it would provide clear leadership, so that change was more likely to happen.

## **Current arrangements**

- The Scottish Government currently has two Government Ministers with special responsibility for transitions. These are the Minister for Children and Young People and Keeping the Promise and the Minister for Equalities, Migration and Refugees.
- The Scottish Government suggested it was better to have more than one person with responsibility for transitions.
- This is because it felt transitions covered so many different areas of the law, that responsibility should not just sit with one person.

## **Powers of the Scottish Parliament**

- The Scottish Government also said that it wouldn't be right for the Bill to try to create a single Government Minister with special responsibility for transitions. This was because it wasn't within the Parliament's powers to do so.
- Instead, it is up to the First Minister to decide who should be in the Scottish Government and what their roles should be.

## **Other Issues**

### **Identifying who needs a transitions plan**

- The Committee felt it was unclear how the transitions plans suggested by the Bill would work in practice.
- It also was not clear who would have responsibility for identifying those disabled young people entitled to a plan.

### **Equality Act 2010**

- The Bill says that a young person is entitled to a transitions plan if they meet the definition of disability set out in the Equality Act 2010.
- This definition is very wide, which means that lots of young people in Scotland would potentially be able to ask for support.
- To deliver what is set out in the Bill, lots of extra resources would need to be put in place.

- The Committee heard that not having enough staff, time or money to make young people's plans a reality could also be very stressful for teachers, social workers, health and social care workers.
- The financial information provided with the Bill suggested that a lot of the costs could be met without the need for extra staff or money.
- The Committee did not feel this was realistic. It said that the Member in Charge of the Bill should provide some updated information about this.

## **Who might miss out on support?**

- Despite the definition of disability being wide, the Committee is concerned that this may mean that some disabled young people would not receive support.
- This might be, for example, if they do not identify as disabled or where their impairments may not always be visible and/or change over time.
- The Committee also heard that services for disabled young people transitioning into adulthood were inconsistent. One young person's experience could be very different from another person's experience, depending on where they live in Scotland.

## **How the Bill would work with current laws and policies**

- The Committee recognised that the Bill was attempting to address some very serious issues being experienced by disabled young people transitioning into adulthood.
- The Committee heard that the current situation was complex, with different plans already being put in place/created for young people.
- However, the Committee was not convinced that introducing a new law would necessarily sort out the problems disabled young people had identified when transitioning into adulthood.
- The real issue for many people was that there was often a gap between what support should be provided to a young person, and what was delivered in reality.
- Others pointed out that Additional Support Needs, rather than disability, are what are often used now as the basis for young people accessing support.
- Additional Support Needs is broader and doesn't just cover disability. It also covers situations where a young person might need support temporarily, e.g. to recover after a bereavement.
- Some people pointed out that some young people who meet the Equality Act 2010 definition might not regard themselves as disabled. They might not want a plan – but the Bill means that a local council would have to produce one.
- Some people felt this “top down” approach could make it harder for a young person to opt out (that is, if they didn't feel a transitions plan was necessary or if they felt what had been planned wasn't right for them).

## Responsibility

- The Committee heard that it wasn't clear from the Bill whose job it would be to identify young people who needed a transitions plan.
- The Committee heard that much of the initial transitions planning work was expected to be carried out by guidance teachers in schools. However, there wasn't agreement as to whether this should happen for all disabled young people. For example, for some young people, it might make more sense for health and social care staff to take the lead.
- Neither was it clear who should manage a transitions plan once it was in place.
- The Committee heard from those who had already been through a transition, that having a single point of contact was vital. Committee Members felt it was important that the Bill was clear about who would play this role.
- The Committee was also concerned that the Bill significantly under-estimated the work, time and complexities involved in delivering effective transitions planning for a wide range of disabled children and young people.

## What the Committee decided

After listening to views on the Bill, the Committee's job is to make recommendations to the rest of the Parliament, to help Members of the Scottish Parliament decide whether the Bill should move to the next stage of becoming a law – Stage 2.

Based on everything it has heard, the Committee has reached these conclusions:

- The Committee recognises that this draft law has already made a difference in highlighting the experiences of disabled children and young people.
- The Committee also acknowledges that current arrangements for disabled young people planning their transition to adulthood cannot be allowed to continue.
- Transitions are often complex and require many people, organisations and agencies to be involved. There can also be several different transitions for a young person that do not necessarily take place at the same time. The responsibility to co-ordinate these highly complex transitions must not fall to parents, carers and young people alone.
- Whilst there are pockets of good practice, too many young people are currently forced to lower their expectations, or to agree to a plan that doesn't meet their needs, due to a lack of local services or resources.



- However, the evidence the Committee has heard has highlighted problems with how the Bill would work and the Committee is not convinced that the Bill should become law.<sup>1</sup>
- The Committee believes that the Scottish Government needs to take urgent action to improve disabled young people's experiences of transitions. It must place their needs at the heart of transitions planning.

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<sup>1</sup> Martin Whitfield MSP disagreed with this point.