



OFFICIAL REPORT
AITHISG OIFIGEIL

Education, Children and Young People Committee

Wednesday 22 February 2023

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 22 February 2023

CONTENTS

| | |
|---|---------------|
| BUDGET 2023-24 | Col. 1 |
| DISABLED CHILDREN AND YOUNG PEOPLE (TRANSITIONS TO ADULTHOOD) (SCOTLAND) BILL: STAGE 1 | 21 |

EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE

6th Meeting 2023, Session 6

CONVENER

*Sue Webber (Lothian) (Con)

DEPUTY CONVENER

*Kaukab Stewart (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Stephanie Callaghan (Uddingston and Bellshill) (SNP)

*Graeme Dey (Angus South) (SNP)

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

*Ross Greer (West Scotland) (Green)

*Stephen Kerr (Central Scotland) (Con)

*Ruth Maguire (Cunninghame South) (SNP)

*Michael Marra (North East Scotland) (Lab)

*Willie Rennie (North East Fife) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Sam Anson (Scottish Government)

Tracey Francis (Association for Real Change Scotland)

Sara Hampson (Scottish Government)

Clare Haughey (Minister for Children and Young People)

Graeme Logan (Scottish Government)

Christina McKelvie (Minister for Equalities and Older People)

Vanessa Redmond (Scottish Government)

Scott Richardson-Read (Association for Real Change Scotland)

Shirley-Anne Somerville (Cabinet Secretary for Education and Skills)

Rebecca Williams (Association for Real Change Scotland)

CLERK TO THE COMMITTEE

Pauline McIntyre

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education, Children and Young People Committee

Wednesday 22 February 2023

[The Convener opened the meeting at 08:49]

Budget 2023-24

The Convener (Sue Webber): Good morning, and welcome to the sixth meeting in 2023 of the Education, Children and Young People Committee. Agenda item 1 is evidence on the budget for 2023-24. I welcome our first panel of witnesses: the Cabinet Secretary for Education and Skills, Shirley-Anne Somerville; and Graeme Logan, director of learning at the Scottish Government. I thank you for joining us today.

We will begin with a short opening statement from you, cabinet secretary. You have up to three minutes.

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): Thank you, convener.

As I have highlighted previously, the current budget is taking place in a turbulent economic context. The Scottish Government is not immune from that turbulence, and we continue to take decisions that will achieve the greatest impact on the outcomes that we are seeking to achieve. At a macro scale, that means adopting a firm focus on tackling child poverty, creating a wellbeing economy with a just transition to net zero and ensuring the sustainability of first-class public services.

With those outcomes in mind, the committee will be aware of my recent statement regarding our commitment to protect teacher and support staff numbers, and the current number of learning hours for children. As I said in the chamber, I remain grateful

“to our colleagues in local government for their dedication to the delivery of a first-class education for our children and young people. For example, we remain close to record levels of teacher numbers, and our pupil teacher ratio remains historically low, at 13.2. Last year, we witnessed the biggest single-year decrease in the attainment gap in primary numeracy and literacy levels since records began”.—[*Official Report*, 7 February 2023; c 25.]

Equally, I understand the difficult budgetary choices that local government faces. However, it is my responsibility, as education secretary, to ensure that we have in place the fundamentals to build on the current success. That is why we have funded new financial commitments around the

funding that we have provided for teacher numbers and pupil support staff. In particular, that is to at least maintain teacher numbers at current levels in the year ahead, while working towards the delivery of our commitment to increase teacher numbers by 3,500 by the end of this session of Parliament; to maintain the number of school support staff at their current levels; and to continue to ensure that places are available for probationary teachers on the teacher induction scheme who need them.

In addition, the committee will have seen the reports that some councils were considering a reduction to the length of the school week. There is already statutory provision that pupils must receive 190 school days per year, but I am concerned that a reduction in learning hours would materially reduce pupil attainment and wellbeing. For that reason, I will commence the provision in the Education (Scotland) Act 2016 that will enable ministers to set the minimum number of learning hours in a school year. Following thorough consultation, I will bring forward regulations that will specify the minimum number of learning hours per annum and effectively provide a statutory basis for the pupil week. There is currently some limited variation in delivery across Scotland. That has arisen for a range of reasons, and it will need to be fully explored through the consultation, and considered before regulations are laid. Those regulations will be subject to affirmative parliamentary procedure.

Finally, I take the opportunity to update the committee briefly on the teacher pay negotiations. Notwithstanding financial challenges, the Scottish Government has demonstrated our commitment to teachers to provide a fair pay offer in 2022-23 and is now providing further additional funding to enable the two-year pay deal offer to teachers. That offer will provide the most experienced teachers at the top of the main grade pay scale—70 per cent of all teachers—with a pay increase of more than £5,000 in comparison with January 2022.

In comparison to the previous offer, the new offer significantly increases the financial envelope, with an overall cumulative increase of 11.83 per cent for the majority of staff over two years. Although some other unions are currently consulting their members, the committee will have seen that the Educational Institute of Scotland has already rejected that enhancement. Although I am obviously disappointed, it goes without saying that the current disruption is extremely difficult for young people, parents and carers, and I will continue to do everything that I can to secure a deal that is fair and affordable for all.

The Convener: Thank you for that statement. We move to opening questions, from Graeme Dey.

Graeme Dey (Angus South) (SNP): Good morning, cabinet secretary. I go back to what has triggered all this—namely, how an additional sum of £145.5 million that was given for the purpose of increasing teacher and learning support assistant numbers was used, or not, by local authorities. A lot of muddying of the water has been attempted around that, and two points are being lost. One is that we should acknowledge that eight councils, and the grant-aided sector, used the money for the purpose for which it was given and have increased their numbers, but it is clear that the majority of councils have not done so.

I want to explore with you what the Government has ascertained with regard to how the moneys were used at local authority level. I have knowledge of one council—Angus Council—where the sums that were given were deployed to add 28 full-time equivalent teachers and 10 learning support assistants. However, Angus Council's numbers have gone down by 27 overall, which gives the impression that it has clearly not replaced temporary and permanent posts that already existed. There has also been an admission that £1 million of that money was allocated—the council tells me that a strategic proposal was made—to meet the costs of a saving that the council was making, so the money was obviously not used for the purpose for which it was given. I apologise for the long-winded intro, but has the Government found that to be typical—is that what most councils utilised the moneys for?

Shirley-Anne Somerville: First, I would point out that, in 2022-23, the money was given with the understanding that it would be used for teacher numbers and pupil support staff, and that was our expectation as we went through the year. We have received and continue to receive reassurances from the Convention of Scottish Local Authorities that it was spent on education and issues surrounding education—particularly teacher numbers. However, if Mr Dey would like to pass on a copy of that letter from Angus Council to let me see the details, I would be happy to respond, because clearly the situation will vary from council to council. However, the overall reassurance from COSLA that the money was spent on education is something that we had to take on good faith.

Clearly, when the teacher census numbers came out, there was concern that that might not have been the case in every situation. That is why, looking forward, we are very keen to ensure that we have further monitoring in place to ensure that we get from that money what we expect, which is to at least maintain teacher and pupil support staff numbers over the year ahead. I would be happy to

receive that letter and to look into it in further detail, if Mr Dey wishes to pass that on.

Graeme Dey: Yes, I appreciate that, cabinet secretary, but the situation appears to be pretty clear when you look through the list of numbers for each council. The vast majority of councils saw their teacher numbers go down, so, in the majority of cases, the money clearly was not used for the purpose for which it was given.

Shirley-Anne Somerville: The overall number of teachers went down by 92 and it varies by local authority. In fairness to local authority colleagues, I would also say that some of the numbers go down by very small amounts and some of that might be due to genuine recruitment and retention issues, particularly in rural remote areas or in specific subjects. Therefore, there is a real need for us to look very carefully at this and to work with local authorities and councils as we go through the process to ensure that we are cognisant of some of the challenges that they might face in particular areas or particular subjects that might lead to numbers going down by quite a small number. That might not be due to strategic decisions made by the council but due to genuine recruitment challenges. I would separate out those two issues.

Some of the reductions were small and some of them might have been due to those practical issues, but that is clearly still a concern. We also had to bear in mind that some of the proposals—I accept that they were proposals from officers, not decisions that were made by councils—were really quite grave in terms of what they would have meant for teacher and pupil support staff numbers. It was on that basis—not just looking at the teacher census for last year, which showed that small decrease—that I was keen to take action. Therefore, it was a case of looking at the situation historically—looking at the previous year—but also at some of the proposals from officers for the year ahead.

The Convener: I am conscious of the time, so we will now move to questions from Stephen Kerr.

Stephen Kerr (Central Scotland) (Con): Good morning, cabinet secretary. I will stick with the issue of the figure of £145.5 million. In relation to the agreement that you and John Swinney made in the summer of 2021—I use the word “agreement” and I will come back to that word—you have used words such as “understanding” and “expectation” with regard to the idea that that money would be made core to local authorities for the purposes that you have described. Was that simply a verbal agreement? Was there an exchange of memos or letters? Was anything actually set down that could be referred to for future accountability? How was that done? I will put the matter in context. In my previous life, before I became a politician, lots of multimillion-

pound deals were done but they were never done on the basis of a verbal agreement. They were always done on the basis of some pretty solid paperwork.

09:00

Shirley-Anne Somerville: How I thought that that money should be spent was not in any way private. I remember discussing it a great deal in Parliament. How it was to be spent was very public. Similarly, the discussions with COSLA went on at that level as well. I said it in Parliament and directly to COSLA. Of course, the money then went from the Scottish Government to the settlement distribution group, which had to decide how it will be divided between the 32 local authorities. There is no dubiety about how the—

Stephen Kerr: Is there nothing substantive on the agreement that you reached? Was it simply verbally agreed? You refer to the *Official Report* of the proceedings of Parliament. I get that and I agree with you that your expectations were well described but, when you make an agreement with COSLA, surely it has to be set out in specific detail what the expectation is and what the accountability is for it.

Shirley-Anne Somerville: Yes, and I would be happy to provide written detail on that. As I said, there was no dubiety in public or private with Government, Parliament or COSLA about how the money would be spent.

Stephen Kerr: If you are willing to share any documentation on that, that would be useful.

The £100 million that was announced yesterday in the budget is going to local authorities and is to be used exclusively or is expected to be used—we have to use the right language—to increase the salaries of non-teaching education staff. That is correct, is it not?

Shirley-Anne Somerville: Yes.

Stephen Kerr: That money is part of the Barnett consequentials—the adjustments—that come at the financial year end. Is that where it comes from?

Shirley-Anne Somerville: The £100 million is part of the settlement for next year, 2023-24, but the Deputy First Minister made it clear that there were late changes to the 2022-23 budget that allowed him to use some of that to assist with the 2023-24 budget.

Stephen Kerr: So, I am correct in saying that.

Shirley-Anne Somerville: Yes, I think that we are agreeing with each other.

Stephen Kerr: It is the normal, run-of-the-mill stuff that there is an adjustment at the end of the

year. That £100 million has gone to the non-teaching education staff.

I come back to the question of where the money comes from. I am genuinely seeking to understand that. One of the great defences that is deployed frequently against those of us in opposition who ask questions of Government about spending is that, if we want to spend more money in a particular area, we have to say where it will be taken from. Last week, you announced that £156 million, split between this year and next, will be used to fund the pay offer for teachers. Where did the money come from?

Shirley-Anne Somerville: As the Deputy First Minister tried to explain to you yesterday in the chamber, Mr Kerr, £33 million of that comes from the 2022-23 budget. That has been done with exceptional difficulty and not without consequences, to ensure that we can improve the offer for 2022-23.

Stephen Kerr: Is that from generic savings?

Shirley-Anne Somerville: It comes from the decisions that we have taken on savings and analysing the money that we have for 2022-23 to ensure that we can—

Stephen Kerr: So, that is on the back of the announcements that John Swinney made last year about how he was clawing back money and seeking savings from all of his Cabinet colleagues.

Shirley-Anne Somerville: There was not just one announcement but a series of announcements of the changes that we had to make. Those are the types of challenges that the Deputy First Minister has understandably made to Cabinet colleagues to see what could be done to initiate savings.

Stephen Kerr: And the money for next year?

Shirley-Anne Somerville: For next year, the £123 million comes from the education and skills budget.

Stephen Kerr: So, that money was already there.

Shirley-Anne Somerville: The money is in the budget for next year.

Stephen Kerr: It has been reallocated.

Shirley-Anne Somerville: It now has to be found to be spent on teachers' pay.

Stephen Kerr: There are cuts in the education and skills budget for 2023-24. That money is being moved from somewhere in your budget to local government to pay for the new offer.

Shirley-Anne Somerville: I will have to find that money in year to assist with the pay offer. I go back to the point that I have made all along in the

teachers' pay dispute that, if we increase the capacity for local government to improve its offer as the employer, the money needs to be found and that is not without consequence. That money will be found from the education and skills budget.

The Convener: Mr Kerr, are you looking for what the consequences are?

Stephen Kerr: Yes, I am. Where is that money going to be cut from?

Shirley-Anne Somerville: Well, I will have to analyse that and make those decisions in year to ensure that the education and skills budget balances. Clearly, though, Mr Kerr, you have been demanding that I take action to improve the pay offer. I have made it clear to you every single time that the only way in which that can be done is by the money being increased—

Stephen Kerr: I am not sure that I am powerful enough to be responsible for what you decide in the Government.

Shirley-Anne Somerville: But then you have to understand the consequences of that, Mr Kerr.

Stephen Kerr: Can I just make one last point—

The Convener: A small point, Mr Kerr, before we move on.

Stephen Kerr: It will be a small point, but this is deeply concerning. Cabinet secretary, what you are telling us in the final moments of this budget process is that you are going to cut other education and skills programmes to the tune of £110 million, but we do not know the details of that and you do not know what they are either.

Shirley-Anne Somerville: With the greatest respect, Mr Kerr, I say to you that for the entirety of the teachers' pay dispute I have said that, if the money is to be increased, that money will have to come from somewhere else. I genuinely do not know how that is a surprise to you—the balance has to be found within the budget.

Stephen Kerr: I am hearing all of that; it is your traditional defence, and I get it—

Shirley-Anne Somerville: No, it is just numeracy.

The Convener: Please—

Stephen Kerr: But you do not have the details of where the money is going to be cut from at the moment.

The Convener: I think—

Shirley-Anne Somerville: We will have to work through that in-year.

The Convener: I think that the cabinet secretary has answered the question, and I think that the answer is no, there is no detail.

Stephen Kerr: Right. We need to know what that means as you go along, cabinet secretary, because at the minute you do not know the detail.

Shirley-Anne Somerville: Well, indeed, and every single time, Mr Kerr, you demand that I put a new offer on the table—

The Convener: Cabinet secretary—

Shirley-Anne Somerville: —and that has consequences—

Stephen Kerr: Cabinet secretary, that defence has been well deployed.

The Convener: Cabinet secretary, Mr Kerr, please. We will now move to questions from Michael Marra.

Michael Marra (North East Scotland) (Lab): On 18 December 2022, the Deputy First Minister, John Swinney, issued his budget circular to COSLA; on 18 January 2023, cabinet secretary, you were in front of us, giving details of the budget; and, on 1 February, you wrote a letter to COSLA, saying that you would be ring fencing one third of its net revenue budget and demanding that it get back to you by 5 pm to say how it was going to deal with that and whether or not it would be accepting that. What changed your mind between your appearance here and your letter of 1 February?

Shirley-Anne Somerville: As soon as the teacher census numbers came out, I was concerned about them and quickly wrote to COSLA to raise those concerns and to suggest that we meet urgently to discuss the numbers. We then moved forward with discussions with COSLA on those issues.

Private discussions took place with COSLA, but they were not on finding a way of coming forward in the way that we have with the proposals that we have now; they were on finding good will and an understanding that teacher numbers would not be cut. However, when it became clear to me that, unfortunately, further action would have to be taken, we changed from the policy that we had in 2022-23, which was based on an understanding of how that money would be spent, to what will happen in 2023-24, which is to ensure that the money is spent in that way and to initiate clawback if ministers so decide. There was an on-going private discussion with COSLA, as I hope people will appreciate we should have, all the way from the publication of the teacher census in December 2022 to the letter that was then sent through officially on how that would be done.

Michael Marra: You were questioned on the issue of teacher numbers in the chamber and by the committee, and you did not at any point, I think, say that there was any mechanism or push to try to resolve things. However, as I have said,

between 18 January and 1 February, you resolved to ring fence in its entirety one third of the net revenue budget of councils across Scotland. The Society of Local Authority Chief Executives and Senior Managers—SOLACE—said at that point that it was impossible, with no notice, to rewrite budgets by 5 pm and in one working day. Is that the way in which the Scottish Government should be running not just education but, frankly, its finances?

Shirley-Anne Somerville: As I have said, the letter was the final piece that came after a number of meetings between the Scottish Government at ministerial level with COSLA spokespeople and at official level before that final opportunity was given to see whether more could be done in a different way.

We were very clear that we wanted to see progress, but we were also very clear with COSLA that that could be done in a number of different ways. Unfortunately, I came to the conclusion that that approach was required. The reason why that was required was obviously the teacher census, which sparked concerns about what happened in the previous year.

For clarity, I highlight that the proposals are from officers, but we saw a number of councils coming out with proposals for the 2023-24 budget that were exceptionally concerning in terms of what they would mean for teacher numbers.

If we put those two things together, that is why we were on a trajectory—

Michael Marra: You have already said that, cabinet secretary; you are repeating your first answer. I want to try to understand how you moved within that period. You cannot think that the situation is optimal and desirable. There is chaos in councils following the decision to take a third of the entirety of their budgeting options. We could have a discussion about whether we think that that is a good thing for teacher numbers, but councils are left having to make massive cuts in other areas.

I will give one example. Dundee City Council is about to cut its funding for Big Noise Douglas in Dundee, which is an education programme that works with kids in the most impoverished area. The council has been left in that position in which it is making that cut. Is that a reasonable position for you to have put it in with just days to go before it sets its budget?

Shirley-Anne Somerville: I will say a couple of things about that.

Overall, local authorities spend £6.4 billion on education. I note that figure to give some balance to some of the numbers that you have mentioned.

I have a funny feeling that, if we, as a Government, did not come in and do something that would protect teacher numbers, Opposition parties would be jumping up and down—indeed, they were at First Minister's question time—

Michael Marra: That is precisely my point—

Shirley-Anne Somerville: Mr Marra, you should let me answer the question.

The Convener: Give the cabinet secretary—

Shirley-Anne Somerville: What was the alternative to protect teacher numbers? We tried very hard with local authorities to find out what that would be, but that was a challenging conversation and we were unable to come to any conclusion, so I had to take the action that I took. There is no alternative that I have in front of me or that has been presented to me that would have protected teacher numbers.

I will make a final point. We concluded the budget process yesterday. At no point in that process did any Opposition party come forward with costed plans on how to increase the amount that is given to local government, if they wanted that. There are more demands for spending money but few to no suggestions about where that money would come from. I am afraid that the reality of the situation is that there is a lack of alternatives.

Michael Marra: I am afraid that that was not an answer to either of the questions that I have asked. The situation can be described only as chaos, which is how SOLACE has described it. There has been a complete failure of planning on the part of the Government to deal with a fundamental issue in relation to ensuring that teacher numbers are maintained over the long term. It strikes me that the one thing that seems to have changed is that the First Minister was challenged on that very issue on television on 30 January—

The Convener: Is there a question?

Michael Marra: Is that why you changed your position between 30 January and 1 February?

Shirley-Anne Somerville: Letters went from me to COSLA straight after the teacher census, so no, Mr Marra. I think that you are trying to suggest something. The discussions about that started right after the teacher census. I point out that teacher numbers are still at a near record high in Scotland.

The Convener: On the subject of the timeline, I was in discussion with West Lothian Council councillors earlier this week. They spoke about how they had been consulting on their budget since last September. On the last-minute change that came, I do not want to pre-empt anything—

they have their budget meeting today—but there could be a council tax increase as a result, given the short notice. They were also concerned that there had not yet been a decision on the schools for the future funding, which was meant to be announced in December. Will you update us on that?

09:15

Shirley-Anne Somerville: Certainly. I totally appreciate that the work for the budget proposals that come from local authorities goes on for a number of months before anything goes to the councils themselves. I go back to the point that the teacher census comes out at the start of December. That was when we had the information that showed the reduction in teacher numbers. I completely appreciate that councils had been working on it, but the material and information came out in December, which is when we began immediately to take action.

I am conscious of the fact that we have said previously that we would make the announcement on the next stage of the learning estate investment programme. I have been looking at that very carefully, and I hope to make the announcement soon. It would be fair to say that a number of local authorities have come forward with proposals, all of which are of good quality and that fulfil the criteria, so I am giving the matter due and serious consideration. I appreciate that my taking some more time to look at that is difficult for councils, but I hope that they appreciate that it is because I recognise the real significance to them of the decisions that we would take and because of the number of proposals that came in.

The Convener: Thank you. We move to questions from Ross Greer.

Ross Greer (West Scotland) (Green): I do not have questions in this session, convener.

The Convener: Apologies. We move to questions from Bob Doris.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I am looking at teacher numbers. I can see in Glasgow City Council that—thankfully—from 2021 to 2022 more than 100 new teachers were appointed, so there is positive news in Glasgow. However, overall, there was a 0.2 per cent dip in teacher numbers across all schools in Scotland.

I am not quite sure what the baseline is for judging progress, though, so I refer you, cabinet secretary, to the non-recurring funds that were given to local authorities in July 2020, August 2020 and March 2021. They came to £140 million and were for more teachers and teaching assistants, at the height of Covid, to do all that we

could to support schools and education. When we look at the recurring funds, we see that the total is roughly the same.

Do we have data on how many teachers and teaching assistants were employed following the non-recurring funding in those three periods? That would allow us to compare where we were before the recurring funds were given and how the non-recurring funds were spent for that particular funding year.

Shirley-Anne Somerville: Yes, we do have that. I would be happy to provide some information about how the money has been spent. There was a clear increase in the number of teachers. If we look at 2021, we had 54,285—I mentioned the reduction of 92 teachers in that regard—but, in the previous year, we had 53,400 teachers. Overall, we have seen an increase, from pre-pandemic levels to where we are now, of an additional 2,000 teachers.

On how the money was given to councils—this was Covid money, so it was before the baseline—there were two parts to that. We saw an increase in the number of teachers in employment, particularly from that first batch of Covid money. It is quite challenging to know whether the second batch was spent to improve the number of teachers and pupil support assistants, as we might have thought that it would be; it was Covid money, and there are a number of ways in which that could have been spent. Again, I would say to councils that there was more flexibility for them at that point. I would be happy to provide the information about the breakdown over the years and a breakdown of our expectations about where that money would be spent.

Bob Doris: Thank you, cabinet secretary. There is a lot in that. Without seeing it written down, we, as a committee, cannot really analyse it. Will the Government be absolutely clear where the baseline is on which it will be judged in terms of maintaining and increasing teaching numbers and teaching support assistants? Will that be crystal clear when we get that information?

Shirley-Anne Somerville: That will all be from the teacher census, in essence. The census gives the national statistics on teacher numbers. The numbers on pupil support assistants are not published in December; as I referred to previously, they are published in March. When you look at where the baseline is for each of the years and where the numbers that I quoted came from, you will see that those are from the teacher census.

Bob Doris: We look forward to getting those figures, which the committee will want to scrutinise.

In its early days, the committee had a discussion about schools and local authorities

employing teachers and assistants on temporary contracts as quickly as they could to support education during Covid. It was recognised that they were not necessarily the right education facility, with the right skill set or where you would want them to be going forward. What monitoring does the Government do in relation to temporary contracts that were awarded at the height of Covid, and where we will be in that regard going forward?

Shirley-Anne Somerville: I had a number of discussions in the chamber on the issue of temporary and permanent staff, particularly with, I think, Mr Rennie. One point that local authorities continually raised with me was the difficulty in moving staff from temporary to permanent positions, because the money was not permanent—it was not baselined. That is why we moved from using Covid money to providing permanent funding.

We looked at the teacher census to see what had happened in that regard. It was clear that there had not been the movement that we had wanted to see. I would have hoped and expected to see an increase in the number of permanent contracts. Very understandably, because the money was temporary and because of the urgent need to get people in, the number of temporary contracts was high during Covid. I had hoped and expected that that would change, but that has not happened. However, I am keen to work with local government to see what can be done on that issue.

Bob Doris: Okay. Thank you.

Ruth Maguire (Cunninghame South) (SNP): Good morning. I would like to ask about fairness and consistency when it comes to local authorities managing localised needs and changing needs, such as falling rolls. I will give the example of my local area: North Ayrshire is experiencing a decline in population and, with that, a decline in the pupil roll. That is reflected in a reduction in the grant-aided expenditure that the council receives. Is it the case that councils with an increasing pupil roll will receive additional funding through grant-aided expenditure, but that, rather than having to increase the number of teachers, they need maintain them only at 2022 levels?

Shirley-Anne Somerville: In the letter that I have just issued on teacher numbers, I recognise that pupil numbers have decreased, and are expected to decrease in some local authority areas while some others will experience an increase. It is clear that, in certain local authorities, it would be possible keep the pupil teacher ratio the same with a reduction in teachers. That is something that local authorities could look at.

However, the challenge that we face is that we also want to improve attainment, and it is clear—the Organisation for Economic Co-operation and Development's research supports this—that teacher numbers and teacher quality have an impact on attainment. Therefore, a decreasing pupil roll is not necessarily a reason to reduce teacher numbers, particularly if an authority is considering how it can support pupils from the poorest communities or pupils who, for whatever reason, are struggling in school. Teachers can be used in different ways.

The pupil teacher ratio is important, but so, too, is how the overall teaching workforce is used. When it comes to expenditure, whether pupil numbers go up or go down has an impact on the funding that goes to local authorities.

Ruth Maguire: Forgive me for staying with the example of North Ayrshire, but its figures are the ones that I know, although I think that my line of inquiry about the situation there will be relevant to other areas of Scotland. North Ayrshire was one of the areas that lost Scottish attainment challenge funding. We have had that debate, and I absolutely recognise that there is poverty everywhere and that that funding needs to be provided across Scotland. However, the local authority employed an additional 17 teachers with that funding. Now that its funding has been reduced, it needs to find that money from elsewhere.

I recognise what the cabinet secretary has said about teacher numbers, which are important. However, when we talk about the poverty-related attainment gap, for children and families in my constituency, good services such as libraries and leisure centres are also crucial for their opportunities. What assessment has the Scottish Government made in relation to those things?

Shirley-Anne Somerville: When it comes to the challenge authorities, parts of my letter to local authorities recognise that we might need to take into account exceptional circumstances. I mentioned recruitment and retention earlier; we would take cognisance, too, of the changes to challenge authorities.

I fully appreciate the difficult decisions that local authorities have to make. I said in my opening statement that local authorities have very difficult decisions to make, just as the Scottish Government did as we put our budget together. We have—this is a joint understanding—a desire to improve attainment. I have yet to see any suggestion that reductions in teacher numbers or pupil support assistants would help to close the poverty-related attainment gap.

If we want to get those education fundamentals in place, we have to take the decisions. If we have

a joint understanding about why money has been put into a budget, it is not surprising that local government would wish to provide further challenge to local authorities to ensure that that money was spent in that way.

Local authorities have to make very difficult decisions on other areas of their expenditure. However, to go back to the point that we made earlier when we were discussing the budget that was set yesterday, the Deputy First Minister introduced additional expenditure for local government of more than £700 million, which is a substantial real-terms increase. The decisions that we have taken allowed that to happen.

As I mentioned earlier, no costed proposals came forward from other parties to suggest how that funding could be increased.

The Convener: I am conscious of the time. I know that you have one more question, Ms Maguire. I ask that the cabinet secretary keep her answers as concise as possible, please.

Ruth Maguire: I appreciate the cabinet secretary's answer. You mentioned exceptional circumstances. We all acknowledge that there is no evidence that reducing teacher numbers would assist in reducing the poverty-related attainment gap.

We might have a case in North Ayrshire of a surplus of teachers. Perhaps the Scottish Government could look to the specific circumstances of the area—not to consider additional funding, but to ensure that we are taking a fair and consistent approach that benefits the children and schools there.

Shirley-Anne Somerville: There is a myriad of ways of using a teaching workforce—it could be for supporting pupils with additional support needs or for smaller group work that assists with numeracy and literacy. I do not see those teachers as surplus but as a teaching workforce that can be used by a local authority to assist children in a variety of ways as it sees fit, particularly to try to improve attainment.

Kaukab Stewart (Glasgow Kelvin) (SNP): Good morning, cabinet secretary. I will continue on the theme of workforce planning. I am interested in getting a bit of insight on the communications that you might or might not have had with the teacher workforce planning advisory group and consultations that might have occurred regarding that 3,500 figure. It would be good to know about that.

09:30

Shirley-Anne Somerville: A great deal of work is being done to model what happens with the teacher workforce. The Scottish Government does

not undertake that work alone; a lot of it is done with stakeholders. The model that is used looks at, for example, the number that has to go into initial teacher education to maintain pupil-teacher ratios, the number of teachers who are in the system, retirements, the number of people who are returning from maternity leave and so on.

There is then a group that looks at that modelling but, as I said, it is not just the Government. It involves the universities, the funding councils, the General Teaching Council for Scotland and, importantly, the teachers union and the local authorities as the employers—I should not forget to mention them. A number of stakeholders are looking at the best modelling and forecasting that can be done on the numbers of teachers who will leave the workforce and who might have to come into it. Such groups will also analyse what has to be done to assist the Government with its proposals, which are supported by the Bute house agreement, for additional teachers.

Kaukab Stewart: Okay, so that is how the initial teacher education programme intake is determined—I get that. Is there capacity in ITE courses to meet the Government target?

Shirley-Anne Somerville: The Government target remains at 3,500 by the end of the year. We have to work with local government colleagues once budgets are set to analyse further projections in-year, and we also need to look at what the ITE number will be. That is not a one-stage process but an iterative process that will go on throughout the year. The Government's commitment to those numbers remains.

The Convener: We all support recruiting those additional teachers, but we have heard a lot about violence in the environment in which teachers are operating. In order to achieve the numbers and attract people into the profession, will serious changes have to be made to teacher contracts?

Shirley-Anne Somerville: Changes to teacher contracts are an issue for the Scottish Negotiating Committee for Teachers to look at. The Government is part of that committee, but it is only one part, quite rightly. The SNCT meets regularly. Unsurprisingly, the SNCT agenda is currently taken up by the teachers' pay dispute although we still are still having on-going bilateral discussions with teaching unions as well as through the SNCT about a number of issues such as workforce, workload, the impacts on staff and their mental health and wellbeing and so on.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): Cabinet secretary, you already touched on this point in your response to Ruth Maguire. I am going to roll what I want to ask into one question because I am mindful of the time.

We are all clear that narrowing the poverty-related attainment gap is a key education priority. Will you outline the role that teachers play in narrowing that gap? Are we seeing results from investing in teacher numbers? Finally, what impact will cutting teacher numbers have?

Shirley-Anne Somerville: Teachers are only one part—but an exceptionally important part—of reducing the poverty-related attainment gap. As I said earlier, we have seen an increase of 2,000 teachers on pre-pandemic levels and, as in other countries, the overall attainment levels have been impacted by Covid. However, in large part because of the exceptionally hard work of teachers and support staff, we have seen improvements in the attainment gap, such as the biggest single-year decrease in the attainment gap in primary numeracy and literacy since levels began. We absolutely still have more work to do on that but we have seen recovery in place and, as I said, that would in large part be down to the teachers.

There are a number of ways in which that work can be done; I pointed to some of those earlier. It is not just done by one teacher in front of a class, but involves specialist work by teachers for small groups of pupils and support for those with additional support needs. There are a number of ways that that can be done.

The quality of teaching and learning is also important. It is not possible to say that there is one thing that will improve attainment. There are different aspects to that, but I hope we can agree that teachers are an integral part of that. That is why the Government has placed such importance on increasing teacher numbers and why I have taken decisions to ensure that we do not see decreases in teacher numbers, which should be maintained throughout the year.

Stephanie Callaghan: What direct impact would a cut in teacher numbers have on closing the attainment gap?

Shirley-Anne Somerville: For brevity, I will restate something that I said earlier. I have seen no research to suggest that cutting teacher numbers, or the number of learning hours that children spend in school, would improve attainment. There is an obligation on Government to do all that we can to try to ensure that numbers are maintained if not improved.

The Convener: The committee's report on the attainment challenge made it clear that it is a very complex issue that is not binary, and there is not just one contributing factor.

Willie Rennie (North East Fife) (LD): Talk me through this, cabinet secretary. If a council ignores your warning on teacher numbers, what happens next? What is the process?

Shirley-Anne Somerville: As we go through the year, we work with local authorities to put monitoring arrangements in place. One challenge for us was that the figures that showed the problem came out in December but, because our agreement with local authorities did not include additional monitoring, we did not have in-year monitoring last year. We want to improve on that. We are still looking at how that will be done, but it will probably be done quarterly and will flag up in-year issues with local authorities. Our discussions with COSLA are on-going. We do not want an overly onerous or a continuous monitoring process. We also recognise that numbers will go up and down because of recruitment and retention at different times of the year.

If there is an in-year issue, that will begin with concerns being raised at council officer or official level. They will look at the reasons for that and at the challenges in the area. If the issue has to be escalated to me and we have to have discussions with that particular council, that will happen. If we reach a point where the situation still has not improved by the end of the year, the last tranche of money can be withheld from a council at that point. That is absolutely a worst-case scenario and is one that we do not want to get to. We want to work with local authorities in-year to understand their specific circumstances. There is no blanket approach.

Willie Rennie: Okay. Let us say that you have clear evidence that a council has ignored your warnings and has cut teacher numbers. If you withdraw the funding, what does the council do next? For example, what happens if the council decides that, as a result of that cut in funding, it has to make further cuts in teacher numbers? Will you impose a further penalty on that council? How does that work?

Shirley-Anne Somerville: We have clearly laid out that we would withhold the last tranche of funding if councils do not follow through. That is important. Clearly, that will have implications for councils, which is the whole point of having a system that attempts to prevent councils from reducing teacher numbers.

That is not a blanket approach. There may be reasons why teacher numbers go down, in which case there would not be any financial penalties for local authorities. We have been very clear, right from the start, that there will be financial penalties if councils are seen to take strategic decisions to reduce teacher numbers. That will have implications for councils.

Willie Rennie: If you penalise councils that believe that they have no other choice than to cut teacher numbers, is it possible that there could be even fewer teachers at the end of that process? Is that a possible scenario?

Shirley-Anne Somerville: Because we will work closely and carefully with local authorities in-year, there will be a clear understanding from them about what will happen and the implications of that. It is for local authorities to then weigh up whether it would be sensible to carry on strategically cutting teacher numbers because they will know the implications. I do not think that we will get to that situation because, through the collaboration that we will have in-year, they will be very clear about the implications of that and how it might not make financial sense for a council to do it.

Willie Rennie: I understand that you do not want to get to that and you want to have a collaborative approach. That is what you have been trying to do for years but, apparently, it has not succeeded. I am curious as to how you think that withdrawing more funding from a council will help it to balance its budget and get the appropriate number of staff in the right schools. Will it not end up undermining the objective that you set yourself at the beginning? Will we not end up with fewer teachers and classroom assistants?

The councils do not want to take that approach. As you know, they face really difficult financial challenges—you acknowledged that yourself. I do not understand how the penalty helps anybody. The councils are not the enemy. They are trying to do their best and your penalty might make it even worse.

Shirley-Anne Somerville: I will challenge something that you said in your question, if I may. We have not been taking the 2022-23 approach for years. We tried that one year. Actually, until 2018-19, we had exactly the system that we are now putting back in place. During that time, no council got to the stage of having a financial penalty. That proves that that approach worked and I anticipate that to happen again.

What we did for years is what we are just about to reintroduce. I hasten to add that I do not want it to be in place for years—I want to get to a different situation for the next financial year—but, when you look at what happened historically, not a single council in any of those years got to the point of having a financial penalty.

Willie Rennie: There is no point in having the threat of a penalty if you are not prepared to contemplate the consequences of that penalty. You have to accept that we could end up with a scenario in which councils have even less funding and, therefore, cannot employ as many teachers as they would like, so there will be a further cut in teacher numbers. You have to accept that that is a possibility with the penalty.

Shirley-Anne Somerville: Well, you are looking at a hypothetical situation in the future.

Willie Rennie: Yes, I am, because you set it out.

Shirley-Anne Somerville: I am looking at the evidence of what has happened in the past, which shows that that has not happened in any council in any year in the past. That shows that the approach works and has been demonstrated to work in the past.

Willie Rennie: In rural areas, in particular, some specialities are finding it difficult to recruit. Will those councils be penalised if they are unable to recruit the appropriate number of teachers?

Shirley-Anne Somerville: No.

Michael Marra: My question is regarding the exceptional circumstances that you laid out to Ruth Maguire for the challenge authorities where you have cut the funding for the poorest communities. Dundee City Council sets its budget tomorrow. Has there been an application for exceptional circumstances from that council or any of the other challenge authorities?

The Convener: Or perhaps any local authority.

Shirley-Anne Somerville: For a start, we have not cut the funding for the poorest communities.

Michael Marra: You have.

Shirley-Anne Somerville: What we have done, as agreed with COSLA, is look at where the poorest communities and the poorest children are, and we have put the funding to those areas—and, yes, that is across the 32 local authorities.

The exceptional circumstances application would take place once we were in-year and looking at changes to teacher numbers, either up or down. Councils would come forward and suggest that there were exceptional circumstances for a change. No council will be making an application now, because they are setting their budgets and it would be inappropriate for a council to do that just now. That is what the in-year discussions are for, as I just went through with Mr Rennie. They are about dealing with any variations to teacher numbers. That is the point for us to talk about exceptional circumstances.

Michael Marra: It is useful to have clarity on that mechanism and that it is an in-year process prior to the budget being set. For clarity, Dundee's budget for this has been cut by £4.9 million, for the poorest community in the country.

The Convener: Thank you for your time, cabinet secretary.

I will now suspend for around five minutes to allow for a change of witnesses.

09:44

Meeting suspended.

09:50

On resuming—

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

The Convener: Welcome back, everyone. The next item on our agenda is an evidence session on the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill.

Two panels of witnesses join us today. I welcome our first panel: Tracey Francis, Scott Richardson-Read and Rebecca Williams, who are all policy and development workers from the Scottish Transitions Forum, Association for Real Change Scotland.

We have a lot of ground to cover, so we will move straight to members' questions. The first questions are from Ruth Maguire.

Ruth Maguire: Good morning, panel. I have asked previous witnesses what the key barriers are to a good transition for our disabled children and young people, so I put that question to the whole panel. I ask you, in reflecting on that, to give me your views on what drives good practice where it happens.

Tracey Francis (Association for Real Change Scotland): One of the problems is that transitions are complex. When young people move from childhood to adulthood, it is not just about finishing school and finding the next step, but about a social life and healthcare, and it could involve social services. Many people are involved. It is easy to underestimate the complexity of that and how much of an impact it has on the whole life not just of the young person but of their family and siblings.

Many of the barriers relate to consistency of working and joined-up thinking between the services that are trying to support the young person. As you say, there are many areas of good practice where good things are happening, but there is not enough connection between the services. Often, they use different language, and they might use different processes. The young person and the family who are at the centre try to make sense of that, but it is confusing and can be a scary place to be.

Some of the barriers that we hear a lot about are about young people and families not having the information that they need. They are not getting the communication from the people who are supporting them. Sometimes, it is because those people do not have the information themselves. Sometimes, if you are in a

professional role and are used to working in that environment, you forget that the person who is in front of you is going through it for the first time, so you assume that everyone knows what you know and do not think to pass something on or to explain something as clearly as you might do. That can cause difficulties.

There are difficulties around the person centredness of the system. Each individual you are dealing with will have a different set of circumstances, a different level of complexity and perhaps different requirements and aspirations for their lives. Managing to create a system that is flexible enough to work with all the individuals who come through that process can be quite a challenge.

Ruth Maguire: Is the flexibility that you are talking about to do with resource or capacity? What makes for a good, person-centred, flexible service?

Tracey Francis: It is a little bit of everything, to be honest. Sometimes, the issue is thinking about what needs to happen and having the conversations. From what parents, carers and young people tell us, sometimes it is about listening to what they have to say about what they want and being flexible enough on that to think outside the box. It is about not necessarily being tied down by what someone else has experienced or what you can see happening in your own area, but being open to being flexible to try to bring about the outcome that the young person wants and achieve the goals and ambitions that they happen to have.

Ruth Maguire: I am sorry that I am focusing on you, Tracey. Does more legislation and guidance assist with being more flexible?

Tracey Francis: In Scotland, we have a pretty good legislative landscape around the area at the moment. Nowhere is perfect, but we have a good landscape.

One of the challenges is that local authorities, in particular, as well as other organisations, have not necessarily had practical guidance on how to put the legislation into practice. They have the statutory duties and the framework that they are meant to be working with, but it is about what that translates to on the front line. We sometimes refer to that as the "implementation gap". We have the legislation, but it is not making it through to the families who need to have that service.

I know that my colleague Rebecca Williams will talk about this in a moment, but a lot of the principles and practice framework that we have been developing through ARC Scotland—which the committee has had communications about—is very much geared towards providing some of the practical support and guidance around putting

those things into practice. We know what works. It is about asking how we translate that into how we do things, how we change those teams, and what people we need to have in place to make that happen.

Ruth Maguire: Thank you. That is helpful. I am happy to hear from any other members of the panel if they have anything to add.

Scott Richardson-Read (Association for Real Change Scotland): I will come in on some of the points that Tracey Francis talked about.

As Tracey said, we know what the barriers and problems are, and we probably know what the solutions are, too. Why transitions are complex is also a bit of a meta-issue. It is probably useful to define what we mean when we talk about “transitions”. A lot of people seem to think that transitions are simply a step into education, employment or training. But, for the young people and families we work with, transitions are a whole life change—they are a change to everything. It is not only about going to college or getting a job; it is also about a change in their benefits and their human rights. It is also about how siblings might relate to the young person and how members of their family might have to quit their jobs in order to support them, because there is no support for them to step into.

When I talk about transitions, I am therefore talking about that move into young adulthood. As Tracey said, a really robust but complicated legislative framework sits around that. We created the transitions framework in order to support people, and it has become more and more complicated, with legislation sitting on top of different legislation.

Tracey also spoke about communication. On that point, we could argue that transitions are also an issue of education for professionals. My background is in social work, and I am a trained psychologist. I have also worked in schools and have been a support worker for young people with complex and challenging behaviour. I never knew what other people knew. That might sound a bit weird, but I was trained to be a social worker, so I knew my social worker roles, but I never really knew what teachers had to do when it came to helping young people to move on. I could be accountable only for my element as a social worker. I did not know what the accountability was for teachers, healthcare professionals, occupational therapists or allied health professionals, or how all of that tied in to careers, benefits, housing and transport.

When we look at transitions as more of a wider meta-definition of stepping into young adult life, we suddenly see why it gets really complicated, because all these different professionals come

together for a meeting and nobody necessarily knows what other people should be doing. One of the solutions to those barriers is joined-up training and a joined-up approach, which could potentially start pre-graduation in order to get transitions on the map and on the radar.

We do some of that work with student nurses at Edinburgh Napier University. The committee will have met the divergent influencers, a lot of whom go in to speak to the young student nurses about their experience and about how they had to become the key driver, along with their parents, in holding all that information.

Another barrier in relation to transitions is the professionalising of parents. They suddenly have to know all the stuff, but that is not their job; it is their job to be parents in that situation. One issue that can occur is that parents get flustered and burnt out and do not get the support that they need.

A solution is to bring all of that together around transition and to help people to understand the whole picture that sits around the legislative framework. The framework is robust and, on paper, does the job that it should be doing. So, for us the question is whether adding more legislation to that legislation salad will solve the problem in the round.

I am sorry—is it okay to talk about “legislation salad”?

Ruth Maguire: It sounds like the least tasty salad ever, but yes.

Scott Richardson-Read: Very tasty. I will offer that question to Bec to respond to.

10:00

Rebecca Williams (Association for Real Change Scotland): Further to what Scott Richardson-Read and Tracey Francis have said, I think that one of the things that makes this a tricky issue brings us back to something that Scott said. As a professional in a particular role, you know what you are meant to be doing most of the time but not all of the time, because transition is often just a tiny bit of someone’s job. There are not many people in the country for whom it is their complete focus. As a result, we sometimes find that people do not know what their role in transition is, and we do a lot of work in trying to ensure that people understand their role in that respect and are able to carry it out.

If you know what you are meant to be doing, you will know that there are clear timelines for transition. For example, the Education (Additional Support for Learning) (Scotland) Act 2004 sets out a clear timeline for when things should be happening, and other bits of legislation sit on top

of that. However, if one person is not able to do what they are meant to be doing at a certain point in time, it has a knock-on effect on others being able to do their statutory duties, follow best practice and so on.

As a result, we have, for a number of years, run training courses for people across all sectors, as well as for parents and carers, so that they can come together and really unpick this issue. The dynamics in the room can be really quite challenging, because there is a lot of emotion when it comes to transition. After all, as people know, when it goes badly it is awful for everyone involved, and people's anxiety is often heightened. However, when we start to unpick things and ask, "Why is this not working?", we might find that, although education, say, should be doing this or that at a certain time, it cannot because it might not be aware of a particular case, or we might find that social work cannot be involved until a certain point in time because its capacity is restricted. We can then see the knock-on effect quite clearly. It is one of the reasons for our saying that enough time must be given to planning for transition, because that will allow all of those things to take place.

Ruth Maguire: Those insights were really helpful, and your reflections on parents having to become professionals to take all of this on certainly resonate with our own experience of speaking to them.

I know that lots of colleagues want to come in, convenor, so I will leave it there.

Stephanie Callaghan: I just want to pick up on something that you guys were talking about. In the evidence that we have taken, we have heard quite a lot about the fact that, where there has been a transition lead, say, or someone working with families the whole way through the process who has been able to build long-term relationships and trust, that has made all the difference, because they have been able to reach out to all the other organisations and pull everything together. You are welcome to comment on that view, but do you think that the bill takes us any further forward in that respect or provides the potential to resolve that issue?

Tracey Francis: To be honest, I would say yes. Having something like a transitions co-ordinator or a designated person who can be a point of contact is incredibly valuable.

Going back to the point about professionalising parents, I would just say that, when this process starts, people do not know what they do not know. They do not know what questions to ask. If you have a range of professionals, all of whom are saying something slightly different, it is very difficult to bring all of that together, and it is therefore hugely reassuring to have one point of

contact to turn to. Moreover, if there is such a commitment to investing in that role and to making it somebody's responsibility to be on top of what—and how—information is shared with parents and young people, it shows that transition is seen as important.

Again, this has been trialled through the principles into practice framework—one local authority area is trialling having a designated person—and it has been seen that, where such a commitment has been made, it has made a huge difference to the parents who are going through that process now. Indeed, they will speak very passionately about how valuable it has been for them.

One of the key issues with the designated person is who that person happens to be. It has to be somebody with whom young people, parents and carers feel that they can build a relationship of trust. As we have seen in the past and in another context—with the named person, for example—if young people, parents and carers do not have confidence in the person in question and feel that the role encroaches on their family life, their responsibilities or whatever it might be, it can be counterproductive.

Scott, do you have anything to say about what the bill says about this issue?

Scott Richardson-Read: I want to come in on Tracey's point about having a key person. For me, the young people I work with and the parents I talk to, it is about aspirational stuff; it is not about saying, "You should go to the jobcentre every Tuesday and do X". I am talking about the planning element in the bill, which links to the idea of a key person and to who does the planning, what the plan looks like and whether we can legislate for a relationship. My thrust is very much that our work must be relational and person centred. Those might sound like jargon words, but they simply mean that the key person must at least get on with the person who is in transition, who must be at the centre of what is being discussed.

We can give examples of this after the meeting if they would be useful; for the moment, I will say that, where there has not been a key person, that role has then arisen out of need. That sounds dramatic, but simple examples are a person in the church, a teacher who goes the extra mile and pulls everything together through personal experience, a particular social worker or a support worker who has a good relationship with the person. It is about the pedagogy—I am struggling to say that word, but the committee will know what I mean, and I hope that it can be spelled correctly in the record of the meeting—of that young person and their family that will help the relationship to move forward. We can probably legislate for

someone to be in that role, but the values that they bring when they come into it cannot necessarily be legislated for. It should be an employment-focused approach: is this the right person to fulfil a role that can sit as a co-ordinator for families? They will have a key role to play in the planning.

The way in which planning is dealt with in the bill that we are discussing is problematic for me, because it makes no sense on how it will work. Who should make the plan, who is it for, and what is it about? We need to go back to the definition of transition being a whole-life change. Let us say that I am a social worker who is limited by resources and time—we all know the situation in social care at the moment. My plan might be to say that the person should go to the jobcentre every Tuesday. I will then have met the legislative requirement for that plan. On the other hand, let us say that I have worked with Scott—I will use my name as an example—for six months and I know that, down the line, he wants to be a surgeon. It is not that I want that myself. What does that mean as regards planning? To me, taking such an approach represents really good planning.

We already have such brilliant examples of good planning in Scotland. For example, members will have heard about the Thistle Foundation's big plan project and from Kieran, one of the young people I work with, who has talked about effective planning. Independent Living Fund Scotland offers a grant of upwards of £500 to allow good person-centred planning to happen.

Going back to the issue that Tracey mentioned, people do not know what they do not know, so they do not necessarily know that they can access those resources or why they might need planning. They might think that transitions are fully supported, which again goes back to the key person being really key. I am sorry; that was a bit—

Stephanie Callaghan: Can I just check a point, so that I am clear? Is the issue that what matters to the individual needs to be central to the plan but it is missing?

Scott Richardson-Read: Yes, but how do we put that into legislation? We have similar issues with the concept of a plan around a child, where the young person should be included but the plan becomes a statutory framework and the young person's voice and aspirations come at the bottom of the list of concerns.

I am sorry. I have taken up a lot of airspace with my answers.

The Convener: Michael Marra wants to come in on that thread.

Michael Marra: Your answers have been really useful, Scott.

I am a little worried by your comments about the quality of plans, some of which might be poor. Do you recognise that, at the moment, many young people simply do not have plans? The current approach has not really worked in that regard. Would it be a step forward to insist that they should first have such plans and then their quality can be worked on after the event?

Scott Richardson-Read: Yes and no. I would like to see the legislation recommend the kind of planning that should happen and not just a plan. A plan could be just that you will go to the jobcentre every Tuesday, or it could be that you will work with somebody to help you to achieve your aspirations, whatever they are. I would like to see that in the legislation. I might be cynical, but what will happen is that we will go to the lowest common denominator of planning because of resource restrictions. By that I do not necessarily mean budgets; I also mean staffing time and resources in a more general sense.

The Convener: Tracey, do you want to come in?

Tracey Francis: Yes, if you do not mind. We do not want a plan to be something that is done to a family or a young person. The key is not necessarily who is responsible for the plan. As Scott said, that could be somebody in the church whom you trust, or it could be a trusted teacher, or whoever. The plan has to be led by the young people and their parents and carers.

I am speaking now as a parent of a young woman who has autism. She is in her 20s now, so I have been through this situation as a parent. I have been in a situation in which the person who has been allocated to work with me on something is somebody we do not know. There is a group of people who are supportive of us, but we are having to include someone else in the process whom we do not know and who is coming in from the outside. That does not mean that they are a bad person or that they do not know their stuff, but we are kind of asking, "Who are you and why are you here?" That is one of the things that can sometimes cause planning to feel a little bit distanced, arm's-length and not actually connecting with your real life, because it involves people you have been allocated rather than those you have chosen. I would like to see that addressed.

Rebecca Williams: I have one quick point to make about the key point of contact. I agree with Scott Richardson-Read that it has to be a person with the right values, but, thinking about the area that has been trialling this really successfully, it is also about the role. I believe that the person in that role has done a fantastic job for a lot of reasons, one of which is the links that she has to the different teams that are involved, such as the

children and adult social work teams and the schools. Those relationships are really strong, and we know that, to support the planning and the young person moving through that, someone who is in that position is really key. We also know—and probably could have guessed, because it became quite obvious—that one person is not enough and that that person is working well over the amount that they should be. There needs to be a team with those strong links.

That does not just provide a go-to person for the young person and their family; it provides a go-to person to form a relationship with the people who are working in other teams and sectors that are involved in the care of young people, and that is just as important.

The Convener: That is certainly something that we recognise from what we have heard so far.

Stephen Kerr, do you have a supplementary question?

Stephen Kerr: Scott Richardson-Read, your contribution was interesting, especially when you referred to the legislation salad. You also talked about the plan. Am I picking up that you do not think that that can be legislated for? Is it just that you want the bill to be more prescriptive? In the same vein, you talked about what I think is the question of the morning: can you legislate a relationship? Of course, you cannot. What are your thoughts?

Scott Richardson-Read: I think that you can legislate for a robust methodology of planning—you can put that into legislation—and we know that there are ways of planning that are evidenced to be really good, and young people, parents and carers tell us what those are.

At the moment, how the proposed legislation is written—I am not talking about the rhetoric that comes with the guidance and so on—would be challenged. Is it more than we already have? It just says that, by the age of 16, someone should have a written transitions plan. That already happens in schools under the Education (Additional Support for Learning) (Scotland) Act 2004, under which pupils should—I stress “should”—have a transitions plan by that age. Will the proposed legislation that says the same thing make any difference if they already should have a transitions plan under the 2004 act? Further, I am also not so naive as to expect that the fact that something is law means that it will happen on the ground. It can take a lot of time.

The planning element of the bill is not strong enough. I would want to legislate for the kind of enhanced planning that is needed by young people with additional support needs: a person-centred big plan, such as MAPS and PATH—really effective planning.

10:15

Stephen Kerr: That is a realistic approach to what legislation can and cannot do. Should the matter be legislated on?

The Convener: We are about to move into a section of questions about the legislative element, Mr Kerr. We have other members who were going to lead the questions on that.

Stephen Kerr: Yes, but it just seems logical to ask the question.

The Convener: Carry on, then—I will deal with you later, Mr Kerr.

Scott Richardson-Read: Knowing the legislation and how people struggle to get rights in legislation met, I guess that there is a bigger question: does law make a difference to practice? It does, but the system does not necessarily change very fast because there is a law. You have to embed training and the change of culture into it.

Does putting the matter into legislation allow the culture change to start to move through? My answer to that is maybe. However, from working with the legislation that we already work with across health, such as the National Institute for Health and Care Excellence guidelines and the additional support for learning legislation, we know that new people on the ground need retrained in that and what it means. It will be an on-going challenge, if that makes sense.

The Convener: I will move to questions from the deputy convener, Kaukab Stewart, to kick-start the discussion around the legislation.

Kaukab Stewart: The witnesses might find that my colleagues have already touched on some of the areas that I will ask about, but I will drill down a little bit further. I am interested in whether the bill is required to create better outcomes. Will it have the impact that it is trying to achieve? The witnesses have already mentioned a load of good practice that is required. They also mentioned relationships. Can we legislate for cultural change and good leadership? Those are also part of having good transitions and supporting our young children.

Scott Richardson-Read: There have been two versions of the bill. The first version was tidied up into the second. On the first version, my answer would be absolutely not. It has changed in the second version because it brings in the definition of disability under the Equality Act 2010, which is an important consideration. That means that we are talking about not just disabled people but anybody with a moderate or severe enduring condition because it is the 2010 act definition—I think that I have got that right, but tell me if I have not.

That potentially opens the demographic to a lot of young people in Scotland. I am pulling figures out of my head, but I think that 37 per cent of young people in Scotland at the moment have an additional support need. In some local authorities, it is something like 43 per cent. It is almost around one young person in two or three.

The bill might impact those young people through transition planning. If it does not, they will potentially have to prove that they are disabled enough under the Equality Act 2010 definition to get the support that they need so that the bill can help them. That is a huge shift. When young people are in school, they have an additional support need but, when they are adults, they are disabled because there is a transition. The language suddenly changes and they go through diagnostic processes to access services. That is in the bill.

Another question is how the bill aligns with existing legislation. There is nothing in the bill about the Education (Additional Support for Learning) (Scotland) Act 2004 or the tribunal structure. There is nothing in it about what happens if transition planning does not happen or who someone should complain to. I have the right to live the life that I want. In my mind, it is a rights-based bill, but there is no consideration of that rights-based approach in it. If my rights are not being met, who do I go to under the bill? Where is the complaints process? If you do not have accountability in legislation, is there any point in having that legislation?

We have already touched on planning. I think that that is the meat and potatoes of the bill. I really agree with the aims and objectives of the bill and can totally see where those are coming from, but I am concerned that introducing more legislation into the legislation salad—which is the phrase of the morning—will give us a more complex situation. Some people will use the bill as an avenue to get support and the other avenues for support will not be as well funded or will not be focused on so much.

Also, how do we identify what the extra entitlements from the bill will be? It sounds awful, but we can think of young people as being on a spectrum. On the spectrum of young people with additional support needs, you have people who have more complex needs and people who we kind of know will be all right, but all the young people in the middle are missed by the legislation that we have at the moment.

The bill has the potential to do something different. I think that it was originally drafted with a focus on learning disability only, which is a very strict diagnostic that includes having an IQ of less than 70 and all that kind of stuff. The bill has expanded the definition, which I think is the right

thing to do. I am not anti that at all, but it opens up the definition to include mental health issues and autism. The numbers in the financial memorandum do not really reflect the number of young people. If we say that there are 120,000 in one school year, and we know that only 20 per cent of them are known to social work, I am not going to do the maths in my head, but that is not many.

If you go through the list of different conditions on SEEMiS, you can probably say that perhaps two thirds to three quarters of those young people would potentially fall under the premise of the bill, which would be roughly 75,000 or 80,000 people in one school year. If there are 80,000 of those young people in one school year, and we are talking about young people from the age of 16 to 26, then 800,000 young people would suddenly fall under the premise of the bill, if it was enacted, and would need transition plans and support.

Do not shoot me because of those numbers.

The Convener: We will not. That was quite a large number. Does anyone else want to contribute to that question?

Rebecca Williams: I do not want to add to the numbers.

If we get the planning right, that must be properly resourced so that people can achieve what they want to and what is in their plan. We must also look at how to increase opportunities for young people beyond education, out in the world and in communities. That has to happen at the same time. We could end up with fantastic shiny new plans that cannot be acted on, which could be even more devastating for families. Young people might build up an expectation of really being listened to and imagining what they really want in life. That is hard for a lot of young people, so for that not to come about could be devastating.

Tracey Francis: The bill assumes that, if a young person is under the age of 16, the education system will be responsible for their plan and for taking that plan forward. As we said, transition support goes up to the age of 25 or 26 if someone is care experienced. If the bill goes through, who will be responsible for the plans of those young people who have already left education and may be further down the line? I think that the assumption is that social work will be responsible, but we know that, in practice, many families are struggling to be allocated a social worker because resources are not as good as they should be. Who is responsible for that planning?

A plan may be put together while someone is in education. Two years down the line, they may have done their college course and gone on to something else, but they may have changed their mind, or things may not have worked out, or

circumstances may have changed. Who then takes that plan, adjusts it and makes it relevant to their situation at that point? The plan is not something that is set in stone. We talked about flexibility. The plan should be flexible enough to follow a young person through whatever life throws at them during that period. I am still to be convinced that the bill deals with that as strongly as I would like to see it do.

Kaukab Stewart: You have given some great examples and have talked us through it. I sense no overwhelming feeling from you that the legislation would guarantee any better outcomes. That is clear.

One quick question—well, maybe it is not quick, but you can try—is this: which aspects of the bill as it is at the moment would you change?

Tracey Francis: To be honest, that would be one of them: what happens after someone is out of formal education. Whom would they go to if things started to fall apart and the plan needed to be changed? At the moment, the parents, carers and families tend to pick that up and carry it forward. Earlier, we mentioned the professionalising of parents. It is not a fair responsibility to put on parents who have other responsibilities and so on at that stage in their lives.

The Convener: Does anyone else want to comment on what one bit they would change? You do not need to do so.

Kaukab Stewart: You cannot say “planning”, because that has already been done.

Rebecca Williams: I guess I would say that there should be greater clarity about who would be responsible for the planning—although I am not going to go into the details of the planning. When it comes to the financial memorandum, there should be a robust look at the figures. In addition, it is important to ensure that the planning gets enough time. Four hours is written into the bill for that, whereas we know that, for young people to even engage in the process, that is nowhere near what is needed. We need a more thorough look at that and how it interlinks with the other pieces of legislation that are already there, and the other plans that are already in those.

Scott Richardson-Read: I have just one little thing to add—rather, I have loads to add, but no time. On the surface, the bill tries to make sure that people have the life that they want, and I totally appreciate that, but life is more complex and legislation does not just make that happen. One of the things that I would like the bill to address, which it does not do, is how it will deal with the stigma in the workplace for the young people who come through. We can make the best plan in the world, but, if the company, organisation

or holiday resort is not accessible or does not know anything about disability or additional support needs, the plan is not going to happen, because there will be no jobs or access, or there will be discrimination. The best planning in the world does not remove the barriers of discrimination that are faced daily by young people who have additional support needs, disabilities or autism.

The Convener: Mr Dey, if your supplementary question is short, I will let you in before I come to Ross Greer.

Graeme Dey: Thank you, convener. I appreciate it.

We have talked about the bill and how it could be improved. However, imagine that the bill was not there. Shortly, we will have two Government ministers in front of us. If you were sitting with them, what would you say was needed to improve the experience of those young people in transition, and how should they go about it? Be as brief as possible.

Tracey Francis: We have touched on a lot of those things, to be honest. Scott Richardson-Read mentioned joined-up training, across services and professionals. We have talked about having a designated role of co-ordinator, which does not have to be a named person but would hold things together. There is also the communication and information to everybody involved—professionals, parents and carers, and young people.

Another thing to mention is the data and evaluation of what works—how we track improvements and how we look at what is and is not making a difference and adjust practice accordingly, so that it is evidence based. We can talk a little about the Compass tool that we, at ARC Scotland, have been developing, which is going to produce some of that evidence but, at the moment, we do not have an evidence base; we have anecdotal evidence about people’s experiences. That makes it very difficult to make an argument for the shift and change that we know is going to be effective.

There is something in there about trying to get a better and bigger picture—the full picture of what transition is like in Scotland at the moment. That is our baseline. That is where we should start. Perhaps, rather than rushing to more legislation, that baseline should be established—through finding out what the facts are, what we can evidence and what people are actually experiencing—and then time should be given to embedding some of the things that we have been talking about in good practice and training. If that does not work, and we are still not seeing improvements, we may need to revisit the legislation and ask whether it is fit for purpose.

First, however, we need to give those things time to embed.

10:30

The Convener: For clarification, the first version of the bill did reference the Equality Act 2010.

We move to questions from Ross Greer.

Ross Greer: That was a really useful answer from Tracey Francis. I want to see whether Scott Richardson-Read and Rebecca Williams have any thoughts on the matter.

Without wanting to put words in your mouth, Tracey—you can cut me off if this representation is unfair—I think that you essentially said that we could prioritise non-legislative approaches first and then, if they do not work, a legislative approach similar to the one that is taken in the bill might be appropriate.

Scott and Rebecca, would that be your view, or would you like to see legislation at this point?

Rebecca Williams: I agree with Tracey Francis; that is probably no surprise. We are currently focusing on a lot of things, but there will not be a quick fix. If there was a quick fix for transitions, we would have fixed it. What we are doing will take longer.

In our focus, there is always a tension between knowing that long-term systemic change is needed and that these things take time, and knowing that young people are still going to transition at the rate that they are currently doing so. They are not going to wait for us to get it right for them.

This is not quite what you were asking, but, if I had a magic wand, I would say that we should keep investing and follow through with the approaches that we have now in order to embed the current policy framework to its full extent. At the same time, however, I would say that, if I was given the power, every young person and every family who are approaching and going through transition would have a single point of contact: someone who can support them through it.

Scott Richardson-Read: Again, it is a question of systemic change versus the idea that things need to happen fast and happen now to support young people. People need a co-ordinator and a place to go, and they need the information and the support to which they are entitled. Families and carers need support, too. All that stuff needs to happen, but we also need systemic change.

I live in a bit of a dream world where I would like legislation such as this to be co-produced by the people who are actually impacted by it. We could start with young people and their parents and carers and then move on to local authorities to get their views on what would be the best way to

support the people who are in it to do it, having tried all the other bits and pieces.

There are mechanisms that would potentially be useful, such as changing the adult social care criteria to allow adult social work to step in earlier. We could have interesting conversations about such minor changes. That is how I would like the legislation to be developed: through an on-the-ground upswell rather than as it has currently been produced.

Ross Greer: On that last point, just to be clear, would you prefer it if, rather than Parliament proceeding right now with full legislation in its current form, a bit more time was taken to do some co-development work with those who are directly experiencing transition? The bill or something similar could come back to us at a later point, with a bit more work having been done.

Scott Richardson-Read: Yes, I would probably prefer that. There are two parts of the bill that we have not discussed. The first concerns a minister in charge of transitions. That is a massive manifesto—if we go into that, with the definition of transition covering not just education and employment, the minister would have to cover everything that the Scottish Parliament does. Secondly, there is the strategy that the bill mentions. I know that there is currently a strategy under way, which the bill does not mention, that would potentially lead down that route.

Ross Greer: I have one more question. Part of the premise of the bill is that we will improve transitions if we compel public bodies to take on these duties. Compulsion is the core premise there. I think that we can all understand the thinking behind that: if we simply mandate something, it should happen, and that would resolve some of the inconsistencies, because there are some good experiences of transition out there. However, the comparator would be the co-ordinated support plan, as the one statutory plan that currently exists in this broad space. There are two problems with those plans. First, almost no children and young people with an additional support need have such a plan, and secondly, for a lot of those who do, it still does not result in what is in the plan being delivered.

I am interested in hearing your thoughts on that question. Is compulsion for public bodies the solution here, bearing in mind our experience with CSPs, or is the problem with CSPs a different, unrelated issue?

Scott Richardson-Read: I will come in briefly on that. CSPs were replaced a bit by the child's plan through the Children and Young People (Scotland) Act 2014, which meant that, in practice, there was a bit of a conflation. People thought that we did not need a CSP any more because we had

a child's plan but, in fact, you need both. However, they both say similar things, so people were a bit confused in terms of practice.

What has happened when people have had a complaint is that it has gone to a commission, which has taken so long to deal with the complaint that the young person has already transitioned out of school. There has been a kind of retrospective conclusion that, "You shouldn't have done that, but my life is better now than it was when I made the complaint." Therefore, we do a lot of work with people about realising early on what to do if they are not getting the support that they need and are entitled to, as a parent or young person.

I have a feeling that something similar will happen if someone does not get a plan. As I have already said, there is no mention in the bill about the accountability for that—where the accountability sits and how it sits alongside a co-ordinated support plan, an individualised education programme or a child's plan and all the other plans that people have. One thing that we are eager to see is young people having just one plan that involves all the other plans—which is planned around the plans, if that makes sense—to streamline all of that. Again, that is a huge systemic issue, which I could go into for hours.

Therefore, is compulsion the right way? Does giving somebody a route by which to complain work? It works sometimes, but what is the outcome? If I complain, do I get what is in my plan, or is it like a litigative year-and-a-half struggle that will be settled outside because we do not want to set a precedent on it in case law, but then I will get what I want because I wrote to my MSP? You probably all get written to about this stuff often. Is that the process that people would have to go through, and would that just end up really exacerbating the problem?

Tracey Francis: There are also issues around eligibility, because we know that there are quite long waiting lists to get diagnoses these days for certain conditions or disabilities. Some of them are very evident and obvious, but others are not so obvious.

I am hearing more and more from parents and carers who are being told that their children are not eligible for a formal planning process because they do not meet the criteria, yet it is evident that those children still need support, are still very vulnerable and are possibly not going to make a smooth transition. It is going to be a bumpy ride for them but, because they do not fit the neat little box, they are not getting the support—even basic support around things such as signposting to services.

There is an issue about people who are just struggling. Whenever you make something

compulsory, you have to draw boundaries as to who is in and who is out. How many people will be struggling to get in, who really still definitely need some form of support and planning?

The Convener: Thank you. We need to move on to questions from Michael Marra.

Michael Marra: I think that it was Scott Richardson-Read who said that non-legislative approaches should be prioritised first. How long would you give that?

Scott Richardson-Read: That is a very good question. I think that there are things that could be done fast. It is a kind of principles-into-practice question. We have been running trials with Compass, on the data and how that comes through. There are quick wins that can be made that would mean that people would get the information and support that they want, which Rebecca Williams can say more about.

However, there are also long systemic changes. How long does it take to change a culture? Let us look at the roll-out of self-directed support, the Children and Young People (Scotland) Act 2014 or the United Nations Convention on the Rights of the Child. How long has it taken to embed that? There is also the implementation gap that Tracey Francis was talking about. How long is a piece of string? I could not really say.

Michael Marra: I will take answers to that question from your colleagues, as well, but I suppose what I am trying to reflect is the frustration that we are talking about. Ross Greer mentioned CSPs, but only about 1 per cent of people with ASN have those plans. The evidence that we have taken from families tells us that that is an awful situation for an awful lot of people, so we are not talking only about small tweaks. What can we do to drive that change? At the moment, it does not feel as though it is happening.

Rebecca Williams: I can say a little about what we have been doing for the past two years and the progress that we have made to date on principles into practice. I know that you have had communications about this, but principles into practice is a national framework that we have developed that supports the practical implementation of the seven principles of good transition. As Tracey Francis mentioned, it gives local authority areas the tools and the means to assess how well they are implementing each of those principles and each part of those principles so that they can ensure that the improvements that they are making are based on the lived experience of people in their area, not just what they think they are doing well. It is fine to have a shiny new policy, but is it working on the ground?

In the past two years, we have been working with 10 local authority areas across the country,

two of which—Falkirk and Dundee—are what we now call enhanced trial areas, which we have been working with quite intensively. We have eight other what we are calling universal trial areas, which are trialling the framework largely independently, with support from us.

All 10 areas are making progress, although that progress or pace of change looks different across every area. I do not need to tell the committee what has happened in the past two years; there have been major changes that have had massive impacts on this work. However, all 10 areas are still positively engaged with us and, as I said, are making progress.

We will come to the end of the two-year trial programme at the end of March, so we are working really hard with those areas to reflect back and gather what we are calling spotlight examples of good practice, and are asking them to think back on what they have learned and how we capture that and share it across the country.

Michael Marra: I am looking for a timeline. At what point will you be able to assess whether that work has worked?

Rebecca Williams: We can see some of the changes right now, but we are looking for long-term systemic change. The problem is that, because it is such a hot issue, transitions attracts project funding because it is a big issue and we need to do something about it. Loads of good project work is being done, but then the project funding comes to an end, that work is not embedded in the system and a lot of the progress is lost.

Michael Marra: I am frustrated because you are describing a chronic situation and short-term actions, and you are telling us that the bill before us does not deal with that. The Parliament is trying to find a mechanism to accelerate change and to make the process work because, at the moment, it does not seem to be happening. I am not being offered a timeframe in which you, as professionals, would be able to make a judgment as to whether the approaches that you are putting in place work. Would 18 months be enough for you to tell whether we are on the right path? Would six months do? We are talking about pilot programmes.

The Convener: We will let the panel respond.

Rebecca Williams: This has never been done before. It is the first time that areas have had the kind of guidance that pulls together everything that everyone must do and provides them with a way forward. We are at the critical point of starting to see really good changes and good practice happening; we can give you examples of those, if you like. The areas that we are working with have no intention of stopping after the trial; they are

going to continue. If they stop, we risk going backwards.

Because of the delays that Covid in particular caused to the programme, some of the areas have asked for an extra year or an extra two years. We are telling them that they need to continue with the work and that we will still be there in the background. However, the next year or two—especially with the uptake of Compass—will give us really rich data from young people, parents and carers, so we will have a much better idea of the state of play of transitions, what is working and how we can improve on it.

Tracey Francis: Compass has been trialled over the past two years. The national launch of Compass is scheduled for April. At the moment, the trial has a relatively small number of users but, once it goes across Scotland as a whole, it will be available to all young people, parents and carers. Therefore, we hope that the sign-up from that and the numbers that come through within the next six to 12 months will increase substantially. That means that we will start to collect evidence from people about their actual experiences. Whereas at the moment a lot of the spotlight examples are about the changes that local authorities have made and some of the restructuring and trials and so on that they have done, as Rebecca Williams said, within a year to two years, we will have a lot more information about the impacts on people's lives and will be able to say whether we are making a substantial difference.

The Convener: You have given us a lot of content, and I have a list of supplementary questions that I would like to ask, but we do not have time. The final questions will come from my colleague Bob Doris.

Bob Doris: I hope that it will be just one question, convener.

During the discussion—which has been fascinating—we have been talking about whether there is a mechanism to make sure that the young people who are already entitled to good-quality provision get the transitions to which they are entitled or whether, as Scott Richardson-Read suggested, the bill would open the door to a much broader range of young people who might not have that entitlement, and whether there is a tension between those who are not getting what they are already entitled to and those who would become entitled under the bill.

If the bill were to be passed, would clear guidance need to be given that local authorities and other bodies would have to prioritise based on the resources available? In other words, might the bill give people an entitlement on paper, but one that would never be realised in practice unless there is a substantial increase in resource?

10:45

Scott Richardson-Read: The answer to that is yes. There is one pie and we are looking at a bill that might mean that more people are going to eat that pie. How do you stop the pie from disappearing? Some kind of restriction would have to be imposed. I do not know how the bill addresses that but, as it is written, it says that every young person should have a plan and that they will be entitled to have what is written in that plan. That is what is in the bill at the moment—in sections 9, 11 and 13, I think.

If I have a plan that says that I should get a job in Tesco, is it the local authority's job to get me a job in Tesco? We are stuck on that idea of a plan. What does the plan entail? The bill says that I am entitled to exactly what is written in my plan. My personal feeling is that that has been written with regard to the provision of day care services, rather than community provision. If, as a young person, I want to go to a day care community at 16, the local authority has to provide that, but if I want to live with my girlfriend, in a house, near my mum and dad, have a family, have a job in the local newspaper, walk my dog and have pals, how can you legislate for that? How can a local authority be responsible for making that plan happen if it is not within their gift?

Bob Doris: You have made that point really well. This might be absolutely the right thing to do, but we do not want to give people rights in principle if the reality is that those rights can never be exercised without a substantial increase in resources when it is not clear where those would come from.

Rebecca Williams and Tracey Francis, do you share that concern?

Rebecca Williams: I said already that transition is often just a small part of someone's job. The resourcing issue is not only about supporting young people to achieve what they want in life, although that is essential. It is also about supporting and upskilling the people around the young person to have the time to dedicate to planning and support, so that that experience is well supported.

Tracey Francis: We have said that we do not want to professionalise parents, but it is essential to work with young people, parents and carers. You could increase the resource by 300 per cent and there would still be need. You will never be able to meet all that need, so you have to connect with the friends, family and community around the young person and involve them in the support process, too, although not to the extent of putting professional responsibilities on them. There is a classic saying that it takes a village to raise a

child. We need that bigger picture, because the resource will never meet the need.

The Convener: Stephanie Callaghan has a specific question. I am looking at the clock, but I will give her the opportunity to ask it.

Stephanie Callaghan: This touches on what you just said. You spoke earlier about the need for a co-ordinator if the young person is not in school. You also spoke about families having a choice of who leads and you mentioned churches and other supports. I want to be clear about that. Should the lead or co-ordinator for families come in with a light touch, just to make sure that everything is going okay? Should that person get more involved if the family needs further support? I would like clarity on that, because I am a wee bit worried about family choice. I do not think that you were saying that families do not need support.

Tracey Francis: It is important for people to know the route into services, when they need that. If things are going well, people do not want to have a social worker on their back, telling them what to do, but there may well be times when they do need that level of support because circumstances have changed. Where do people go when that happens?

Stephanie Callaghan: That is perfect.

Tracey Francis: I hear from a lot of parents that, if they have support with the process, they are afraid to let go of that support because they have fought long and hard to get it. They might not need it right now, but they can foresee a time in the future when they might, and they are afraid that they will not be able to access it again if they give it up now. There is an idea there about ways in and out of services to reflect the changing circumstances in families' lives. That is what I was referring to.

The Convener: This has been a really useful session. I suspect that lots of things will come out of it, and we might ask you to respond in writing.

Tracey Francis: I have something to say in closing. You can tell that we have some reservations about the bill but, whatever happens, we will still work with the bill if it goes through. That is the setting that we are working in.

The Convener: Thank you for that clarification.

We have covered a lot of ground today. I suspend the meeting for five or 10 minutes to allow for a changeover of witnesses. Thank you for giving us such great evidence.

10:50

Meeting suspended.

10:58

On resuming—

The Convener: Welcome back. We now move on to our second panel of witnesses who are giving evidence on the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill.

I welcome Clare Haughey MSP, the Minister for Children and Young People; Christina McKelvie MSP, the Minister for Equalities and Older People; Sara Hampson, the unit head for supporting disabled children and young people, from the Scottish Government; and Vanessa Redmond, the team leader for supporting disabled children and young people, also from the Scottish Government.

Thank you for joining us today. We will begin with a short opening statement from the Minister for Children and Young People. It is over to you, minister. You have up to three minutes.

The Minister for Children and Young People (Clare Haughey): Good morning, convener and committee, and thank you for your invitation to Ms McKelvie and me today.

I will start by recognising and thanking Pam Duncan-Glancy for the attention that she has drawn to the important topic of transitions for disabled young people through the bill. We know about the importance of good transitions planning in preparing children and young people for life beyond school. However, we also know that, for many disabled young people, the transition to young adult life still presents challenges.

11:00

We recognise that disabled young people leaving school and transitioning to young adult life is a complex area and that multi-agency collaboration and co-operation and a person-centred approach are required. We therefore whole-heartedly share the member's ambition to improve the experiences and outcomes for disabled young people as they make the transition to young adult life.

However, we also share some of the questions that were raised by those who responded to the committee's call for views and those who have already given evidence to the committee. The issues include the potential duplication or overlap of provisions in the bill with existing policy and legislation; considerations around implementation and the proposed duties on local authorities; clarity around definitions, data sharing, eligibility and resources; and, fundamentally, whether the bill as drafted could have its intended impact.

I therefore welcome the committee evidence sessions to consider the details of the bill's provisions. It is essential that we consider all the

evidence and options to ensure that we meet our shared aspiration of improving transitions for disabled children and young people.

As I set out in the Scottish Government response to the committee's call for views, there is already a range of legislation, plans and policies in place that support the objective of improving transitions to adulthood, and we are committed to doing more.

We have already given non-statutory effect to two of the main provisions in the bill. We have done that through the joint ministerial leadership for transitions, which Ms McKelvie and I are taking forward, and through our programme for government commitment to introduce in this parliamentary term the first national transitions to adulthood strategy for disabled young people.

There are other important developments across the Scottish Government that support our shared outcome of improving transitions for disabled children and young people. Those include refreshing the planning guidance under getting it right for every child; developing a new approach to getting it right for everyone; continued support to the ARC Scotland principles into practice trial and to the Independent Living Fund Scotland's transition fund; continued investment in employment support, including through the young persons guarantee; and important legislative developments, which include the incorporation of the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities, and, of course, the national care service.

Ms McKelvie and I would be happy to provide more details on any of those things today. I look forward to any questions that members might have.

The Convener: Thank you for your statement, minister.

We will move to members' questions. Ruth Maguire will kick off.

Ruth Maguire: Good morning, ministers. It is good to see you here.

I have asked this morning and in previous sessions for witnesses' reflections on what the key barriers are at the moment to achieving better outcomes for our disabled children and young people as they leave school. We have heard reflections around resources and capacity. This morning, we have spoken a little bit about information and communication, both among practitioners and with families and the young people. Can I hear from you what you think the issues might be? Will you also say why there seems to be little progress in the area despite the

pretty robust framework of legislation that we already have?

Clare Haughey: As the committee has heard, the landscape surrounding transitions is complex and multifaceted. To achieve their full potential, young disabled people might need help and support in a number of different ways and in a number of different areas. They also might seek that support from many different agencies.

The support could include support in the move from school or college or in the transfer of a child to adult services, in addition to helping them to identify and achieve employment, education or training, managing welfare, dealing with housing requirements, reviewing their healthcare needs and providing information and advocacy. The principles of good transitions tell us what needs to be in place for children who are transitioning to adulthood. However, as we have heard from previous witnesses, that is not always happening on the ground for a variety of reasons.

That is why we have been supporting ARC, which gave evidence in the previous panel, with the pilot and trial projects of principles into practice to share best practice on what works and, just as important, encourage the continual improvement of what does not work. We envisage that the strategy will assist with transitions and our learning about how we can improve the lives of children and young people as they move through the various stages of their lives.

The Minister for Equalities and Older People (Christina McKelvie): Many of the issues that Ruth Maguire raised in her question are ones that are recognisable to us. That is the reason why we have taken forward the work that we are doing on the national strategy.

The evidence that the committee has heard so far echoes the issues that we have. The committee will know that we have commissioned a literature review of United Kingdom and Scottish evidence, which we hope to publish soon. All the issues mentioned are common challenges that have emerged from that. Some of the key concerns relate to stress and uncertainty for young people—particularly when they leave friends, environments, teachers and carers that they know—and the difficulty of transferring into the adult world and to the services that are available at that point.

We are mindful of all those issues. We have recognised them and echo the concerns. The principles of good transitions and the principles into practice work is working specifically on all those areas to ensure that we make a difference when it comes to putting all that into practice as we move forward.

Ruth Maguire: The bill asks for a minister to be assigned specific responsibility for this cohort of our citizens. I do not know whether joint responsibility is the right term, but both of you have responsibility for disabled children and young people. Why are people calling for a specific minister? If that minister was you, what would your priority be? What is the first thing that needs to be done for those children and young people?

Clare Haughey: As the committee has heard in evidence, it is not a single-portfolio issue; it is a cross-Government one. It touches on all areas of health, social care, education, early years provision and equalities. Therefore, taking joint responsibility whereby the Minister for Equalities and Older People and I can work with our colleagues across Government is a much more reasonable way of going forward than having one particular portfolio of responsibility.

I am happy to pick up on the proposal in the bill to designate a single minister. I set out in my response to the call for views that there are legislative competence issues with that in so far as the power to assign a Scottish minister a special responsibility is vested in the First Minister under sections 47(1) and 49(1) of the Scotland Act 1998. The proposal could also modify the operation of section 52(3) of the act in breach of the restrictions in schedule 4.

We believe that that would make the bill legislatively incompetent. We think that having joint ministers leading on transitions is a more effective way of delivering good transitions for children and young people.

Christina McKelvie: One of the things that we are often accused of in Government is sitting in our silos and not working across Government when it comes to issues such as the one that we are discussing. One of the great benefits of the role that I have is that I get to work across the whole of Government. It makes sense to address transitions in a joint approach, because the bill is not the only piece of work that is going on to support people with disabilities.

We have an on-going refresh of our work on a fairer Scotland for disabled people, as well as the proposals to incorporate the UNCRPD into Scots law. There are a number of areas of work, including the review of the public sector equality duty, which places specific duties on local authorities and other public authorities to ensure that people's rights are respected. There are other key pieces of work alongside the work on transitions to underpin the rights when it comes to good transition. That is why it is important that both of us are with you today.

The Convener: That reflects the evidence that we heard earlier about the process being a whole-life change and its not being just a transition.

We will move to questions from Stephen Kerr.

Stephen Kerr: Good morning, ministers. From the memorandum that you lodged, it is clear that you support the intent of the bill. I think that that is a pretty universal feeling. We have heard lots of evidence that there is a breakdown in the process through which these young people go, and about how they are often very badly let down.

In relation to the bill, you have raised one concern about the designation of a minister. Do you have other concerns about the provisions in the bill in relation to the fundamental question that we all have to answer, which is whether such an additional piece of legislation will improve the prospects of young people as they transition from one stage of their lives to another? Will they have a better experience? What is your assessment?

Clare Haughey: We believe that implementing the strategy on which Ms McKelvie is leading is actually a more effective way of enabling change. We do not believe that we need legislation to do that. We believe that we can work alongside COSLA, as we do on numerous strategies, as well as individual local authorities and the Association of Directors of Education in Scotland to implement change. We can work co-operatively to achieve the aim that we all collectively, including the member who has lodged the bill, want—that is, better transitions between school and university or college, or wherever.

I think that working with agencies and representatives of organisations such as COSLA and local authorities is a much more effective way of delivering the outcomes that we want.

Stephen Kerr: That is very clear. The Government's position is that you do not see the proposed legislation as being helpful in meeting the objectives that we all share.

Clare Haughey: We absolutely support the intentions of the bill. However, in our party manifesto and in our programme for government, we have committed to improving transitions. We recognise that transitions need improvement. We also need to recognise that, as the convener alluded to and as you heard in evidence earlier, transitions are not one point in time, whereas the bill as drafted refers to "a ... plan". Transitions happen in lots of different ways—people do not leave school and then go to a destination, and they do not move from one school to college and then not move on to something else. We need to be person centred and holistic in our planning.

Stephen Kerr: So, you are saying that the bill is well intentioned but, ultimately, it will not change

much in the actual experience of the young people who are the focus of our concern.

Clare Haughey: The bill has certainly highlighted to the committee and wider stakeholders that we need to improve transitions but, as I said, we have already committed to doing that. Obviously, we would look to see whether the bill would add value to that.

Stephen Kerr: Is there any aspect of the bill as presented that you see has some value as legislation or as law?

Clare Haughey: As I outlined in my opening statement, we have a lot of questions about the bill as drafted. That is not to say that the bill could not be amended or changed.

Stephen Kerr: As it stands, however, there is nothing in it that you think would absolutely make a good piece of legislation that would be helpful to the young people concerned or to the Government in focusing its efforts and working with COSLA to deliver a better experience.

11:15

Christina McKelvie: I can come in on that particular point.

You heard Ms Haughey say in her opening remarks that there are two areas of the bill that we are currently working with. We absolutely welcome the intention. I think that we are all on the same page in that we want to make life better.

There is already a bit of a cluttered landscape when it comes to other pieces of legislation. We have the Education (Additional Support for Learning) (Scotland) Act 2004 and the Social Care (Self-directed Support) (Scotland) Act 2013 as well as the refreshed GIRFEC. We have a bit of a cluttered landscape. The bill has allowed us to step back, look at that landscape and see the areas where we need to do some work to pull everything together into one tangible process. I think that a plan would be too siloed, if I can use that term.

We were already working on two areas of the bill that we picked up on. We can see the merit of all that, but the landscape is a bit cluttered, and we need to tidy it up.

Stephen Kerr: I welcome your observation that we have a clutter in many policy areas. This is certainly one of them. One of our earlier witnesses described it as a legislative salad. There seems to be an awful lot on the plate. I think that that is part of our problem.

The Convener: Salad is good for you sometimes, apparently.

Stephen Kerr: Indeed.

The Convener: I am going to take a supplementary question from Mr Marra.

Michael Marra: You have talked a little bit about the structures for accountability to ministers, and you seem to be saying that they are working and that this is the most effective way in which they can work. We have also talked about the policy regime. You will recognise the scale of the failure. Some estimates talk about 4,000 young people a year requiring action, and we heard in previous evidence that it could be up to 800,000 young people. People tell us that they are falling off a cliff or that they feel as though they are going into an abyss. They are half as likely to be employed: 44.4 per cent of them are economically inactive against the average of 16.1 per cent. Those statistics are really stark.

How long will you persist with the approach that you are taking before you decide that something different needs to happen? Previous evidence said that a year would be enough to evaluate that. Do you agree?

Christina McKelvie: We are already doing that. We have already recognised that issue and have taken forward a number of pieces of work including the literature review analysis, which will be published in the next few weeks. We have recognised some of the issues that have arisen from the bill and have picked them up. We have decided to do some work on what a good transition looks like, because some people have good transitions and we are using their experience to create a standard. We are working closely with ARC, which you heard from this morning, on the work that it is doing.

We understand that there are challenges and issues, but we also know that there is excellent practice out there and we want to know how to make that much more consistent. That is where we are.

We recognise all the challenges and are not shying away from them. The key part of working on them is working with organisations such as ARC and key stakeholders, because, if the process is not informed by lived experience, we might be back here soon.

Michael Marra: My question was about how long it will take.

Christina McKelvie: The principles into practice pathfinder work is finishing in March, which is a few short weeks away, and we should also be in a position to publish the analysis of the literature review that we have done in the coming weeks. You will see much more detail around this pretty soon.

Michael Marra: Thank you.

The Convener: Thank you both for your comments on the general principles of the bill. We have heard about how that will translate into resource implications, if there are any. Has the Government decided yet whether it will lodge a motion to agree the bill's financial resolution?

Clare Haughey: A number of stakeholders, including COSLA, have queried the proposed estimate of the uptake and costs in response to the calls for evidence, and they have suggested that the costs in the financial memorandum underestimate the cost of implementing the bill. Some of those stakeholders have provided evidence to the committee that has highlighted that.

I know that earlier witnesses raised concerns about attrition assumptions in the financial memorandum in respect of young people having a transitions plan in place. We also note that the financial memorandum costs on-going support plans only for disabled young people who are not in education, employment or training once they have left school rather than all disabled young people. That is contrary to how the bill is drafted.

We would therefore welcome further evidence and analysis of the figures provided and the estimated uptake of transitions plans to inform the Government's position on the financial implications of the bill.

The Convener: We will now have questions from Ross Greer.

Ross Greer: Before I move on to my main line of questioning, I want to follow up on the issue of the financial memorandum, which is an important one. Obviously, we will take evidence from Ms Duncan-Glancy on the bill, but what engagement has the Government had so far on the financial memorandum and getting the additional information that you have identified as being needed?

Clare Haughey: I met Ms Duncan-Glancy late last year, in November or December—I cannot remember exactly when it was—along with Ms McKelvie. At that meeting, we raised our concerns about the financial memorandum as presented. Ms Duncan-Glancy said that she would do some further work on that. If my memory serves me correctly, at that point she said that was continuing to engage with COSLA on some of the figures.

Ross Greer: [*Inaudible.*—identifies a line of questioning on that point in our committee process.

I would like to take a step back from the issue of transitions specifically, because a lot of the evidence that we have taken has been about the wider landscape for young people with additional support needs and how their experience feeds into

the points of transition. It has been two years since the Morgan review. I think that we would all recognise the challenges with the bill, but the core motivation for it is that there is a significant problem right now. Although there is good practice elsewhere and improvements have been made, it will not feel to a young person who is having a very poor experience at the moment that there has been much of an improvement.

What can the Government point towards as having been done in the two years since the Morgan review that represents significant progress off the back of that review? I am asking not only about the situation with regard to transitions, but about the wider context that feeds into the transition experience.

Clare Haughey: In October 2020, in response to Angela Morgan's review, we published our action plan with COSLA and ADES, which set out the actions that we would take to implement the additional support for learning review's recommendations. In November last year, we published an updated action plan and a progress report, which highlighted that 24 of the actions had been fully completed.

Through the additional support for learning project board, we continue to work closely with local government partners to deliver the remaining actions that we have committed to taking by the end of the current parliamentary session—in other words, by March 2026. In addition, we have committed to providing an update on progress again in spring 2024, so that we can evidence the fact that we have been taking action.

We recognise that there is much more that we need to do to ensure that the current legislative duties in this area are implemented consistently and effectively for disabled children and young people. Angela Morgan's review did not consider that new legislation in this area was necessary and, during the current parliamentary session, we are focused on the delivery of non-legislative solutions. The work that we are doing in the ARC pilots is absolutely key in that respect, but we are also doing other strands of work under the strategy for improving transitions for disabled children and young people. Therefore, we are not resting on our laurels.

Ross Greer: That is evident from the revisions that have been made to the ASL plan in that two-year period, which have gradually been getting more ambitious. That said, a lot of that plan involves objectives such as, "Meet stakeholder X, bring together Y group of stakeholders, start a discussion about Z." Those are not actions that we can clearly measure the impact of. You can tick a box and say, as you have done, that 24 of the actions have been completed. It is easy to convene a meeting and say, "Objective met,"

because everybody has got together round the table and talked about it. That is not the outcome that we are looking for. The outcome that we want to achieve is a more positive experience for the young person with the additional need, for their school, for their family and so on.

Do you think that the ASL action plan, even with the most recent revisions, is as ambitious as the Government's overall ambitions for young people with additional needs? Are your ambitions reflected in the plan as it currently stands?

Clare Haughey: I think we all want to be more ambitious, to go further and faster and to improve things, but we have to do that at a pace that stakeholders are comfortable with. We should not just put plans in place for the sake of putting plans in place; we need to have the evidence and the research behind that as we trial things and see what works. That is what the ARC pilots are doing: they are giving us the evidence.

I have some statistics in front of me, which show improvement for attainment and initial leaver destinations for the transitions of secondary school and special school leavers. I am happy to provide the committee with those statistics as one piece of data that we can point to where we can see improvement.

The additional support for learning work and the Morgan review are part of a plethora of work that we are doing to improve transitions. As Christina McKelvie suggested, some of that work is coming to its conclusion—some of the pilots are approaching their conclusion—and we will be able to point to the results of that work and identify the difference that it makes. We will be able to say why we want to expand a piece of work, or we may conclude that something does not work, so it is not a system that we want to continue working through.

Ross Greer: Taking on board your point that the ASL action plan is only part of a wider landscape—we have already discussed how cluttered that landscape might be—once the ARC pilots are completed, that will provide a valuable data set, and other data sets are being gathered. Should we expect more quantifiable actions in the next revision of the action plan, with stuff that we can measure? The difficulty for the Parliament at the moment is that it is hard to quantify the action plan and the progress between each set of revisions.

I accept that not everything that we are talking about is easily quantifiable—people's lives are not that simple—but, at the same time, we have a duty to scrutinise the progress that the Government is making. At the moment, the action plan is quite hard to scrutinise in that respect. If you were to commit that the next revision of the action plan will

include some more measurable outcomes, that would make Parliament's role a lot easier.

Christina McKelvie: You heard from representatives of ARC earlier this morning, and, no doubt, they expressed to you some of the key achievements that they feel have been made along the way. One key aspect of that is the development of a framework that can be used by all sectors. One of the key issues that we need to tackle is the requirement for something that works across sectors, despite the fact that different sectors have different assessments and different plans. That is really important, and we need to be able to adapt to specific local situations and needs. As has been said, no young people's sets of needs and characteristics are the same. We cannot just have a blanket policy here.

ARC spoke about improved engagement with young people, and another key achievement would be to assess the outcomes both for those young people, parents and carers who have experienced good transitions and for those who have not experienced such good transitions. That bit of work is on-going.

A further key aspect is improved communication and partnership; another one is continuing to develop the data collection and sharing function within Compass. That is a key piece of work and, through each of its iterations, it has demonstrated how that function has become more important.

On top of that, we have the equality data improvement project, a piece of work done by the chief statistician that has led to consultation on data improvement plans for every part of government. The collecting, understanding, disaggregation and use of data to target key issues are really important. I know that that sounds quite dry, but we need that information to ensure that the first piece of work, the framework, works in local and specific need settings.

I view that as key progress, and there is perhaps a way to articulate that a bit more. We will have a think about that when we leave today, but I think that we have made progress. We can see that—we are being enshrined in the on-going work. We can see it, but perhaps there is a bit of work that we need to do to demonstrate that progress.

Ross Greer: Great—thank you.

Stephanie Callaghan: I wish to ask about the independent living fund. We have heard from quite a few people that they were not aware of the fund. Some of them found out about it by accident. Other organisations were very well up on the independent living fund—they had quite a lot of people applying and were getting quite good funding from that route.

I have a couple of questions. Is that the fairest way to do it? Will that approach possibly be reviewed? Should there be smaller grants that go out to a wider range of people? I can imagine that, as awareness around the fund increases, the demand will increase, too, and that will create funding pressures.

11:30

Christina McKelvie: I am just finding the most up-to-date information on that for you.

The fund has been used since December 2017, and around £10 million has been awarded to 5,300 grant recipients, so we can see the depth and spread of its reach. Single-year grants are up to £4,000 right now, and young people can apply for whatever activity or equipment they need to support and achieve the outcomes that are important to them.

That ties in to my previous response to Ross Greer about how individualised the plans need to be. In some cases, the opportunity for funding comes along with that. I have seen young people using the grants for driving lessons, music lessons and equipment that they need, for education courses or for other things that enrich people's lives that may not otherwise be available to some young people.

Stephanie Callaghan: It is great when people are aware of the fund and they are putting in applications to get that funding, but the spread of awareness seems to be quite uneven. There are people who do not know about it and others who do. Are we getting the balance right, or should the fund be broadened out? Should we look at making it available to everyone? I know that anyone can apply for it just now, but I am talking about whether everybody should have access to it almost automatically.

Christina McKelvie: That point is spot on. We know of a lot of things that are available across the whole of Scotland, but we will always talk to somebody who will say, "I didn't know about that." The pathfinder work that we are doing, and the work that we and this committee—and, indeed, the bill—are doing to raise awareness, is really important in all this.

Your own work in that regard is also important, because you have just raised the issue of independent living fund grants on the public record, so a lot of folk will now realise that those are available. There is obviously a role for Government as well in ensuring that people know that the fund is available and what types of things they can use it for, which can be diverse and exciting. That can add extra diversity to someone's life, which may have previously been more

prescribed because of their disability. It can give them a bit of freedom.

I will take that point away and have a look at how we can incorporate raising awareness of funds and other such support as part of the next steps.

Stephanie Callaghan: Thank you, minister.

The Convener: Referring back to the evidence from our previous panel, I reiterate that you do not know what you do not know.

We now move to questions from the deputy convener, Kaukab Stewart.

Kaukab Stewart: Good morning, ministers. I will finish the questioning on what the Government is currently doing, and I will then look at the definition of disabilities with regard to the Equality Act 2010.

You have given us a clear indication of the work that the Government is already doing to address the issue of disability transitions for our young people and children. Can you put on record whether there is anything else going on of which we should be aware? You have been quite thorough, but I want to make sure.

I was interested to hear about the principles into practice pilot. You indicated that the initial report on that is coming out soon. Is there any emerging indication or evidence of the impact? We heard earlier this morning that it is looking pretty positive, but I wondered whether there was any further information on that.

Clare Haughey: I can start on that one. With regard to the work that the Scottish Government is doing, I know that the committee has heard about how GIRFEC can be used to support transitions for disabled children and young people. We are committed to fully embedding GIRFEC—as the committee will know, that approach is internationally recognised and has been internationally replicated, locally embedded and positively embraced by practitioners. I know from my own previous practice how valuable GIRFEC is in providing for a shared language and shared plans across health and social care.

We refreshed the GIRFEC policy and practice guidance materials last September, and we are starting to refresh GIRFEC guidance on transitions. I am happy to keep the committee updated on that work, because it will be relevant across the committee's remit.

The Scottish Government has also started to do work on GIRFE—I know that the committee heard about some of it during the session on the national care service. Work is on-going in other areas in relation to supporting not only disabled children

and young people, but everyone. It is about being person centred and having a universal offer.

Christina McKelvie: I have a quick update on the work around the Equality Act 2010, which presents nine protected characteristics. I work closely on the intersections of all those characteristics, because people generally have not one defined characteristic but a collection of them. It is about where those characteristics intersect and where we find the deepest inequalities. That is one aspect of the act's provisions that we are considering as we move the work forward.

One of the issues that we are tackling is that the definition of disabilities in the 2010 act is pretty wide, and it is pretty wide in the transitions bill as well. Some people will be happy to self-identify in the characteristic that they have, but others will not—young people sometimes do not want to do that. Pam Duncan-Glancy has a bit of work to do in the bill to define a bit more closely who would be accessing the plans, services and so on.

You will know from your professional background, Ms Stewart, that teachers generally do not wait for a diagnosis or a self-declaration to understand that a young person is struggling and therefore to put support measures in place—that excellent work is already going on in schools—but we need to ensure that there is a better definition that is understandable to all professionals.

It comes back to the point that I made to Ross Greer earlier about how important the plan is. It can be used across multiple sectors, and the young person is then supported through their whole journey instead of just through one part of it.

The definition of disabilities in the Equality Act 2010 is pretty wide.

Kaukab Stewart: It is, and I see that wideness as quite a challenge. We have taken evidence on that previously because the bill covers mental health as well and different conditions that can change at different points in a person's life. The age group between 16 and 25 or 26 touches on different things at different points, so it is about how you identify that and ensure consistency, but I am sure that you are well aware of that.

My last point is about the challenge to local authorities.

Clare Haughey: Can I just come in briefly?

Kaukab Stewart: Sure.

Clare Haughey: This is on the back of what Christina McKelvie just said. The bill looks at disability, whereas the other plans that we have on transitions look at additional support needs, which might be short term and acute, such as in response to family bereavement or for a child whose first language is not English. As things are

now, those children would be supported through transitions, but the transitions bill does not look at those issues. Its definition, wide though it is, narrows down who would have a legal right to a transitions plan.

Kaukab Stewart: That takes me nicely on to the challenge of identification. People who work with our young people are obviously very good at picking that up—but not always. We have considered that, if children and young people do not self-identify because they are afraid of stigma, or for whatever reason, the compulsion is on local authorities to do so. They are told, “There are kids there, and you are not taking care of them,” but how do you identify them? That is a concern.

The Convener: We will now move to questions from Graeme Dey.

Graeme Dey: However important and necessary it might be to have new strategies and strategy refreshes, a lot of people roll their eyes when they hear about them, because what they are actually looking for is real, practical change that will improve their experiences and the experiences of their loved ones. Through our evidence, we have heard that there are a lot of little things that could be done that, cumulatively, would make a huge difference to the experiences of people going through the transition to adulthood.

One issue that has been mentioned multiple times is that there is a lack of documentation that follows a young person and explains their needs, their requirements, what they react badly to and so on. We have heard that, at every stage of their transition, they have to keep telling their story over and over again.

I want to explore the issue of documentation further. I am aware of what is called a communication passport, which has been developed by My Communication Passport, details of which can be found at mycommpass.com. The communication passport is in operation in one school in my area, and I know that the Deputy First Minister, John Swinney, has championed the document. Are you aware of the initiative? I have a copy here of a communication passport that belongs to a young constituent of mine. Do you feel that it might be worth exploring having a nationwide roll-out of the scheme? It is all very well and good that it is available in some localities for some individuals, but, given that it works, do you think that it is an example of one of the many little things that we could do to improve the situation?

Christina McKelvie: That is a great question. The initiative that you mention relates to the long-term issue of the information that follows a young person as they move through the stages of their

life. I am aware of your constituent—I believe that she lodged a petition on this piece of work. Actually, there are quite a few of these sorts of passports being used: there is the MyCommPass one that you have mentioned; PAMIS has a digital passport; and, of course, there is the ARC Scotland one. Again, if you make an application to the ILF, that provides access to other services, just by dint of having the funds to do that.

We have looked at all those great opportunities and developments across various organisations. ARC Scotland has been pulling all of that together—that is where MyCommPass comes in. The information in those passports is a bit more detailed than just what the young person needs and what should be the next steps; it is actually well informed by the young person, the people around them, their parents and their carers, which is important. There could be a blanket approach to the issue, resulting in a bit of a tick-box exercise, but that is definitely not what any of these young people need. The new MyCommPass passport that your constituent is involved with is an excellent example of the right approach, as is the PAMIS one. We need to give people a choice so that they can find the one that works for them and we need to think about how informed it is, how practical and helpful it is at various stages of transition, and whether it makes the process seamless—or, at least, easier, although we would prefer it to be seamless—and enables the next group of people who are surrounding the young person to pick up that information and carry on.

For some young people, the issue of familiarity is incredibly important, and all those passports take that into account.

Graeme Dey: Are the passports all living documents that the young person, parents and carers can input to as time goes on? To what extent would you be prepared to require bodies to take account of the content? It is all very well and good having the passport, but if the relevant body does not act on it, it does not really serve a purpose.

I am trying to get into the nitty-gritty of the issue, because there is a lot of potential. It is good to hear that there are multiple options, but the passport needs to be something that the relevant people are feeding into, and the requirements that it contains need to be implemented.

Christina McKelvie: The Scottish Government funded the development of the communication passport scheme so that it could be available on Education Scotland’s resource hub—it is there for anybody to have a look at. It aligns with the additional support for learning duties and places duties on individualised support into the plan. That relates to the equality duty minimum, whereby people should have such supports in place.

11:45

The scheme also sits in the context of learning and support plans, co-ordinated support plans, individualised education programmes and child plans. It brings much of that together. The duties underpin all of that.

We do not have a huge amount of information about how widely the passport model is used. How it is used is a piece of work that will come out of the pathfinder.

I am also involved in the review of the public sector equality duty, how it will work alongside the new human rights bill for Scotland and how it underpins the rights of all people in Scotland, particularly young people in the settings that we have talked about, to ensure that they get what they deserve.

Graeme Dey: Of course, in a practical sense, the existence of such passports should be hugely helpful to the very bodies that are interacting with those young people.

Christina McKelvie: Yes. We have seen the issue of a professional in one local authority saying, "Well, I've got this", and another in another local authority or in an organisation saying, "Well, I've got something different." It was really important to fund the development work so that the passport could go on to the resources hub because that standardises it, in a way; in particular, it makes it available to all professionals in educational settings, so that it can address some of those needs.

Graeme Dey: Thank you. That is very reassuring.

The Convener: Ministers, we have heard about transition being a whole-life change, and about there being different touch points throughout a person's life at which they may need to dip into and out of that transition. I want to ask a couple of questions, specifically, or more unilaterally, about how the Government has explored access, so that support can be made more consistent across different services at particular times.

For example, although young people go to university, college or other types of further education, we should be mindful of the range of support, activity and opportunities that may help a transition at various points, including when someone is leaving school. It is not just about going on to further education. How have those things been considered in ensuring that young people get to live fulfilling lives? Clare Haughey, do you want to come in first?

Clare Haughey: Yes, convener, if that is all right.

Under the Education (Additional Support for Learning) (Scotland) Act 2004, local authorities have a duty to plan for a young person's transition as they leave school. In addition, the Social Care (Self-directed Support) (Scotland) Act 2013 aims to ensure that care and support are delivered in a way that supports a young person's choices and ability to have control over their own life.

When it comes to other areas, we have heard from Stephanie Callaghan about Independent Living Fund Scotland's transition fund and the opportunities that that presents.

In previous evidence sessions, the committee has heard about opportunities in further and higher education and employability services to support delivery of the no one left behind approach, including the local delivery of the young persons guarantee and, through that guarantee, our ambition to provide all young people, including disabled young people, with opportunities for work, training, education, enterprise or formal volunteering.

During the past year, we have invested £23.5 million in the delivery of fair start Scotland, which provides intensive and personalised pre-employment and in-work support for unemployed disabled people and those with health conditions or other barriers to progress in work.

The developing the young workforce programme begins in schools and is facilitated through Skills Development Scotland and careers advice.

It is important to recognise that support is different for everyone, including young people, who have different needs, ambitions and wants. It is about having a tailored approach to that young person's ambitions for their life.

The Convener: I fully understand that, and we have heard at length about the uniqueness of each individual, but we have also heard that there is quite a variation among different establishments in terms of engagement, taking part and what their offer is, and how they interact with people through their transition. When it comes to delivering that consistency, you have outlined the complexity of the legislative salad—there we go; I have used that term again—but what are you doing now to drive consistency? I do not mean consistency in delivering the same thing to everyone; I mean consistency in making sure that each individual gets exactly the outcome that is best for them.

Christina McKelvie: That is obviously a key aspect, including in further and higher education. The Scottish Funding Council, in particular, has developed a national equality outcomes framework to address some of the most persistent inequalities, especially in further and higher education institutions. Those institutions were

asked to consider and report on that as part of the 2021 to 2025 public sector equality duty reporting cycle; we have asked them to do that piece of work and come back to us.

Disability is a protected characteristic, so whatever organisation or public authority someone is liaising or working with, it should be ensuring that that work is being done. The protected characteristics duty should always be included in that work, so that, rather than it being a tick-box exercise at the end of a process, it is an intrinsic part of the process. That is where the national equality outcomes come into play, particularly around disabled students.

Institutions need to give us some indication of both intention and success in terms of how they are improving mental health outcomes and general conditions, as well as other aspects. That is one key area for a young person transitioning into the adult world, whether into further or higher education, where there is a specific duty in place and a reporting cycle on which institutions have to report back to us. We use all of that data to look at where the key inequalities are in order to tackle those directly.

The Convener: What are we doing to drive the range of opportunities that is available to a young person who does not want to seek the further education route, so that—apologies for the clumsy language—it is not about ticking a box to get them to a positive destination for the purposes of reporting? We want there to be a positive destination for that young person, so what are we doing to facilitate that and give them the diverse opportunities and the range of life choices that every other individual has?

Clare Haughey: That is a really important point and is where planning comes in. We need to look at planning at all stages of a child's or young person's life to ensure that they have the opportunity that they want, as opposed to our using the Government term "positive destination". The positive destination is that that young person gets to where they want to be, rather than our envisaging that as a higher or further education college course or work. You make a really important point. That is why that planning through school, giving people opportunities to experience different things and make choices in their life, is really key.

The Convener: We will go to Stephanie Callaghan, although I might have a further question.

Stephanie Callaghan: I will pick up on what Sue Webber was talking about and will probably go back to other stuff as well. We are talking about consistency, but it can be difficult to look at consistency when you are looking at people who

have really different needs. We are great at measuring positive outcomes and really good at collating a lot of different data, but what are we doing about measuring the things that actually matter to the individual, and doing that every single time? Is there a focus on that just now? What I mean is measuring how that individual feels they are progressing towards their aspirations and whatever their life goals are. I suppose that that brings us back closer, to a degree, to them having someone they have a good relationship with and can rely on. It is not a single transition, but something that develops over time. How can we include young people's feelings about how they are moving towards their aspirations? At the end of the day, surely what really matters is the individual's experience.

Christina McKelvie: Absolutely, and that is the toughest part of it. In my life before politics, I had the job of supporting young people from child services into adult services and, in particular, into employment, volunteering opportunities and work experience. It has always been a tough landscape to work in because it is governed by the Equality Act 2010, which is a separate piece of legislation.

However, there are a number of areas in which we support many organisations to create opportunities, especially around supported employment. Like any other young person, those young people do not necessarily set their mind to something and then follow that path. They might change their mind and decide that they want to do something different or be involved in something else, which is where organisations such as Remploy and others come into play, with the superb work that they do. Through developing the young workforce, we work very closely with some of the specialist organisations to create better outcomes.

Stephanie Callaghan: Sorry, could I just come back in for a second? I am really interested in measuring every single time how an individual views their own progress and outcomes.

Christina McKelvie: Again, that is a difficult, although very relevant, point. That is where some of the partnership work with those organisations is key. Some young people disappear off into their lives and do not want to be tracked or monitored. When we work closely with those organisations, we are able to do some monitoring and ensure that the young person is getting the opportunities that they want to access, but within a protective environment.

Out in the world of employment, there is great support available, but it is difficult to track. If a young person is being supported by their trade union, for instance, or by a trade union learning programme or another agency that provides support, it is really difficult to track their progress.

Some of them do not want to come back to tell us, either. It is about the element of choice and getting the balance right between having the information and data that we need in order to do that monitoring and not overly intruding in somebody's life as they move into the big world.

The Convener: Indeed. Earlier on, we heard evidence about that touch point as and when they need to come in and out of the process.

I have a final question for the witnesses. It would be good to get some detail and specificity on the timeline for the development and publication of the national strategy.

Christina McKelvie: I can give you some of the information. We have said that it will be in this parliamentary term.

The Convener: That is vague.

Christina McKelvie: That is our PFG commitment. As you have heard this morning, a huge amount of progress is happening.

The pathfinder work will come to a conclusion in March, which is just a few short weeks away. We have the literature review across other nations being published very soon as well. As far as a timeline goes, those are the next steps, which are pretty imminent.

As far as a longer-term timeline goes, that is a bit more difficult to pin down, but we are happy to come back to committee when we have those next two steps past us, over the next few weeks, to talk to you more about the timeline.

Essentially, it is being driven by the children and young people and the stakeholders who will take forward that next piece of work. We do not want to create too tough a timeline such that they feel as though they cannot access the work on their terms. We want to ensure that we have the broadest range of young people, their parents and carers and organisations in there. For people who have communication difficulties and other challenges, we want to give them the time and space and, more important, the opportunity to have their voice heard.

I am sorry that I cannot give you definitive dates and times, but March is a key point for both those other pieces of work and those two next steps.

The Convener: Thank you. I suppose that that reflects the complex landscape that we are working in, and all the different stakeholders that we have. As a committee, we would like someone to come back with an idea of time. That would give us some reassurance on the progress of things that are going on.

Christina McKelvie: We would be happy to look at that.

The Convener: Thank you.

With that, I thank you all for your time today. The public part of today's meeting is now at an end and we will consider our final agenda items in private.

11:59

Meeting continued in private until 12:34.

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.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot

