

Education, Children and Young People Committee

7th Meeting, 2023 (Session 6), Wednesday 1 March 2023

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

Introduction

This morning, the Committee will have its final evidence session on [the Disabled Children and Young People \(Transitions to Adulthood\) \(Scotland\) Bill](#).

A [SPICe briefing](#) on the Bill is available online.

Committee meeting

The Committee will be taking evidence from:

- Pam Duncan-Glancy MSP, the Member in Charge of the Bill; and
- Bill Scott, Inclusion Scotland

Supporting information

A SPICe briefing, prepared for this session, is included in [Annexe A](#) of this paper.

Universities Scotland has provided a further submission following their appearance at the Committee on 8 February 2023. This is included at [Annexe B](#).

As part of its scrutiny of the Bill, the Committee has held informal engagement sessions with young people who have been through the transition from child to adult services as well parents and carers whose children have been through the process.

The Committee has also visited a special secondary school, Buchanan High School in Coatbridge, meeting senior school pupils who will soon be leaving school; and the some of the transitions team who are supporting them, including teachers, social workers and the Home Link Education Officer.

This week the Committee also heard informal evidence from practitioners involved in the Principles into Practice pilots.

Notes of these informal sessions (with the exception of the session with practitioners – which is to follow) [can be found online](#).

Work by other Committees on the Bill

The Finance and Public Administration Committee (FPAC) has been scrutinising the Financial Memorandum (FM) for the Bill, as it is responsible for scrutinising all FMs. As part of this, it issued a call for views. [FPAC wrote to the Committee on 10 January](#).

Lastly, the Delegated Powers and Law Reform Committee has considered the delegated powers that are in the Bill. It published its [report](#) in January.

**Education, Children and Young People Committee Clerking Team
24 February 2023**



Education, Children and Young People Committee

1 March 2023

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

Introduction

The Committee has been designated the lead committee at Stage 1 consideration of the [Disabled Children and Young People \(Transitions to Adulthood\) \(Scotland\) Bill](#). This Bill seeks to improve opportunities for disabled children and young people as they grow up. SPICe's [Bill Briefing was published in December](#).

The Committee has been exploring the Bill and the issues it is seeking to address through a variety of formal and informal approaches. The Committee has taken formal evidence from representatives of education and health professionals and bodies, as well as from advocacy groups. Links to the available Official Reports are below.

- [1 February 2022](#), advocacy organisations and representatives of health professionals.
- [8 February 2022](#), representatives of the education sectors.
- 22 February 2022, the Scottish Transitions Forum; the Minister for Children and Young People and the Minister for Equalities and Older People

In its informal work on this Bill, the Committee has heard from young people, parents/carers, visited a school and from local authority officers involved in Principles into Practice pilot schemes. Write ups of the Committee's informal sessions can be found [here](#) (with the note on the meeting with local authority officers to follow).

This week the Committee is hearing from Pam Duncan-Glancy MSP, the Member in charge.

Themes from the Committee's inquiry

The following section sets out some of the themes the Committee has heard around the challenges facing children and young people transitioning into adult services and adult life. These themes reflect other reviews and work in this area.

A complex policy landscape

Transitions occur across a number of services and there are a wide range of relevant policies and statutory duties that could be applicable in any given young person's transition from children to adult services. Scott Richardson-Read from the Scottish Transitions Forum described transitions as being more than about education and employment and as a "whole-life change".

For example, there are duties on local authorities under the Education (Additional Support for Learning) Act 2004 to share information with agencies about pupils' additional support needs and how those needs will be met. This applies to every pupil identified with additional support needs (for whose education the LA is responsible). These duties cover all pupils who have an ASN, but is limited by the words "sees fit (if any)"; ie the local authority may not see fit to exchange information with any agency about an individual child. More details on these duties are set out in the [Additional Support for Learning \(Changes in School Education\) \(Scotland\) Regulations 2005](#), again the duties in the regulations are caveated and apply to "only in relation to such children and young persons as the authority consider appropriate".

The [Social Care \(Self-Directed Support\) Act 2013](#) seeks to ensure adults and children (including carers and young carers) are given more choice and control over how their social care needs are met. It also places a duty on local authorities to have regard to the general principles of *involvement*, *informed choice*, and *collaboration* when carrying out their social welfare responsibilities to both adults and children. This includes assessing the needs of disabled children under [section 23 of the Children \(Scotland\) Act 1995](#).

An [Independent Review of Adult Social Care in Scotland](#) reported in February 2021 and argued that Self-directed Support be "scaled-up to achieve its full potential across social care support, including at transition points from children's services."

Social Work Scotland's [Self-directed Support Project](#) has developed a [National Self-directed Support Framework](#) intending to reduce the inconsistency of the implementation of the Social Care (Self-directed Support) (Scotland) Act 2013. This included a section on transitions with the intention that "people are given the help and support they need to plan for, and adjust to, new phases of their lives". New [statutory guidance on the 2013 Act was issued in November 2022](#).

A key policy vehicle for improving the transitions of young people is the Scottish Transitions Forum. Its [seven Principles of Good Transitions](#) can be used by a wide range of public services, the third sector, and the private sector.

This work has informed local planning and included in national policy initiatives including 'Fairer Scotland for Disabled People', social care self-directed support framework of standards, autism and learning disability policies and the Scottish

Government's [Supporting disabled children, young people and their families' guidance](#).

Scott Richardson-Read described the current policy landscape as a “legislation salad”. Mike Corbett from the NASUWT said that it is “cluttered” and this adds pressure on practitioners. He said—

“Talking purely from the point of view of schools and teachers, I can say that what tends to happen in practice is that, when there is no clear overarching framework for, or coherence to, the variety of policies that are in place, local authorities often put downward pressure on schools and teachers to make the decisions in order to make things work at the local level.” ([8 February 2023](#), col 3)

Mr Corbett said that the [Morgan Review](#) and the response to it could have been a vehicle for an overarching approach to supporting young people with ASN. He expressed disappointment about the apparent lack of progress in response to the Morgan Review.

A policy-implementation gap

While there are a number of policies designed to support young people's transitions, a very clear theme is that there is an implementation gap between the policy intent and expectations and the experience of young people and their families.

Dr Kandarp Joshi from the Royal College of Psychiatrists in Scotland said that the key barriers to successful outcomes are resources, culture, and better links between child and adult services. ([1 February 2023](#), cols 31-32). He also said that there is more awareness of transitions, and some good examples in relation to particular medical conditions, but that a wider culture change takes time.

Last week, the Tracey Francis from the Scottish Transitions Forum argued that local authorities have lacked practical guidance on how to close the policy-implementation gap. Scott Richardson-Read suggested that the complexity of transitions also applies to the statutory roles and accountabilities across different professions – with practitioners not always fully understanding the roles of and pressures upon their counterparts in other sectors.

The Committee has heard that practice in relation to supporting transitions can be variable from one place to another.

Navigating different approaches in adult services

Adult services can have different thresholds for support or require different assessments of need than schools or children's services. One example is in accessing the Disability Support Allowance in higher education, which requires a diagnosis, whereas accessing additional support in schools does not.

In its session with practitioners involved in the Principles into Practice pilots, the Committee heard that a neurodivergent young person, for example, may not want to go through a disability-related assessment process, in order to access the support they need.

The Committee has also heard that families and young people are required to explain their needs on multiple occasions and that a single, living, document would help to access support in a timely fashion. Louise Storie from the Donaldson Trust said—

“We need also to identify needs at the appropriate time to enable a more aligned and person-centred transition. That is about collaborative working among agencies and partners in order to recognise needs.” ([8 February 2023](#), col 8)

Lack of options and support

The Committee has heard that there are not always good options for children and young people when they leave school and that young people can experience a cliff-edge of support.

Onus on children’s services

The representatives of health professionals suggested that the responsibility for supporting transitions too often falls on children’s services, with not enough input or ownership from adult services.

Individual and family-based approaches

The Committee has heard that a key element of supporting young people through these transitions is that each young person and family is individual and that there needs to be time to build relationships between them and those officials helping them to move to the next stage of their lives. Anne-Marie Sturrock from Colleges Scotland told the Committee—

“Each person is different from the next, so getting individualised support to help with the transition is key, and having a contact person for the family is really important.” ([8 February 2023](#), col 2)

Last week the Committee heard that parents/carers also experience transitions and may have to, for example, change their working arrangements to meet their children’s needs. Andy Miller from the Scottish Commission for People with Learning Disabilities also highlighted that the changes in services can also mean that certain elements of support will change or even lead to additional costs – the suite of information that parents and young people need can be wide and it is not always signposted. ([1 February 2023](#), col 5)

The Bill

In its scrutiny to date, the Committee has been exploring the additional statutory duties envisaged by the Bill and whether these could help to create better outcomes for disabled children and young people.

The overall aims of the Bill are broadly welcomed by respondents to the Committee’s call for views and those the Committee has heard from in person.

The Bill would create additional duties on a range of bodies to comply with a National Strategy and in relation to the Transition Plans. Lee-Anne McAulay from Scottish Autism said that currently statutory duties were essential in how effectively she is able to advocate for support for young people. However how the additional duties would interact with existing duties and plans was seen by some as potentially problematic. LEAD Scotland argued that a simplified landscape along with a policy focus on improving practice, capacity and resources could help.

Lee-Anne McAulay from Scottish Autism said that the proposed Bill could be useful in supporting young people she works with who may not come under existing duties. The Bill proposes a planning mechanism that spans the period from when an individual is in school to, potentially, the age of 25. This is beyond the scope of the transitions duties under the ASL Act.

Anne-Marie Sturrock from Colleges Scotland said—

“For the transition into college, the bill will firm up and set up a framework and process to ensure that nobody slips through the net. The transition out of college is a bigger challenge. A young person could start university or college at 17, but the bill includes people up to the age of 26. The transition would be either to employment, to university or back to a service. That is an important process for the young person who is reaching a stage of their life when they might want to move out of their mother’s and father’s house or carer’s house and set up their own [...] abode. The transition out is also critical.” ([8 February 2023](#), col 7)

The Member describes the Bill as a standalone piece of legislation. Insofar as the Bill does not amend other legislation, this is true. However, the policy area is, as discussed above, complex. The lack of interaction with other pieces of legislation, such as ASL legislation, has been seen by some as problematic. In addition, Dr Kandarp Joshi from the Royal College of Psychiatrists in Scotland also suggested that the Bill had been conceived prior to proposals for the National Care Service and may not link fully to a future health and social care service.

Part 1: A National Strategy and a Member of the Government

National Transitions Strategy

Part 1 of the Bill provides for a duty on Ministers to "prepare, publish and implement" a strategy "in relation to improving transitions to adulthood for children and young people with a disability" (section 1(1)). This strategy is to be called the National Transitions Strategy.

Section 1 of the Bill provides that a National Transitions Strategy (NTS) must set out:

- aims and objectives of the NTS
- the actions Scottish Ministers will take to meet these aims and objectives
- outcomes that will be achieved through the NTS

- actions that bodies or individuals must undertake to meet the aims and objectives of the NTS
- details on the support and assistance that will be available to children and young people.

Ministers would also be able to include other matters as they see fit.

The National Transitions Strategy is a key aspect of Pam Duncan Glancy's approach to improving outcomes for disabled children and young people. The [Policy Memorandum](#) stated:

“The National Transitions Strategy will, for example, provide a framework that will assist agencies to work together to maximise the life opportunities for disabled children and young people, and to support greater numbers of disabled children and young people to achieve their potential. It will enable a more strategic, targeted and integrated approach in these areas to emerge over time across Scotland. Having a National Transitions Strategy in place will help to promote a more consistent approach to transitions planning for disabled children and young people in the transition to adulthood. It will also help to ensure that the individual transitions plans for disabled children and young people will deliver positive outcomes for disabled children and young people throughout this transition, and into their adult lives.”

One of the critiques of the approach of Part 2 of the Bill has been that planning in and of itself will not create the opportunities and support required for disabled young people to flourish. The NTS could potentially be a policy vehicle that improves those opportunities and support.

The concept of having a NTS is well-supported and the Scottish Government is currently developing a non-statutory national strategy.

One of the more contested elements of the proposed NTS is that bodies would have a duty to comply with actions set out therein. In other words, duties could be created on a range of bodies through the publication of the NTS (including colleges and universities), rather than being approved by Parliament. COSLA has expressed concerns about this power.

The Bill provides for the first NTS to be published and laid before Parliament within a year of Royal Assent (see both sections 1 and 3). Thereafter the Scottish Government would be required to review the NTS within three years from the first NTS being published and then every three years.

The Bill provides for statutory consultees during the preparation of the initial NTS and during the triennial reviews. Following a review, the Scottish Government must prepare, publish and lay a report on the review process in Parliament. Ministers may choose to revise the NTS following a review. Ministers would also be required to make a statement in Parliament.

Section 4 provides for duties for certain public bodies to comply with the content of the NTS, but those duties are not subject to approval under any parliamentary

process. That is, through the publication of the NTS, the Government could create legal duties on a range of bodies, including local authorities and Higher Education Institutions. While this will mean that the NTS has more teeth than a non-statutory strategy, it also raises questions around the role of Parliament in determining legal requirements on public bodies and others.

Section 16 would require Ministers to lay an annual report on progress of the aims of the NTS.

One of the challenges for transitions is that, as a policy issue, it crosses many policy boundaries. In the current Session, questions in Parliament on transitions are answered by a number of Ministers depending on the specific subject matter.

Minister with responsibility for transitions

Section 6 provides that special responsibility be assigned to a minister to carry out the functions contained in the Bill.

The Policy Memorandum describes this as "vital ... to deliver major improvements in the outcomes achieved by disabled children and young people". The intention is to increase and maintain policy attention on transitions and successful delivery of the policy.

On one level, the suggestion is non-controversial. Any strategy normally comes under the auspices of a single (sometimes more than one) Minister or Cabinet Secretary. However, it may be read as directing the Government on its distribution of ministerial responsibilities. The Scottish Government's submission to the Education, Children and Young People Committee argued that this section is beyond the legislative competence of the Scottish Parliament. It said:

"The power to appoint members of the Scottish Government and junior ministers is vested in the First Minister alone in terms of sections 47(1) and 49(1) of the Scotland Act 1998. Moreover, paragraph 4(1) of schedule 4 of the Scotland Act 1998 states that an "Act of the Scottish Parliament cannot modify, or confer power by subordinate legislation to modify, this Act", and sections 47(1) and 49(1) are not included in the exempt provisions listed in paragraph 4(2) of that schedule. In addition, section 6 of the Bill appears to modify the operation of section 52(3) of the 1998 Act, according to which "statutory functions of the Scottish Ministers shall be exercisable by any member of the Scottish Government". Assuming the general principles of the Bill are agreed by the Parliament at Stage 1, these issues will need to be addressed through amendment of the Bill."

The Presiding Officer's view is that the provisions of the Bill would be within the competence of the Scottish Parliament. Whether a Bill is competent or not is ultimately a matter for the courts to determine.

Last week the Committee heard from Minister for Children and Young People and the Minister for Equalities and Older People. These two ministers have joint responsibility to lead the work on transitions. Clare Haughey suggested that this

approach allowed the Scottish Government to better address the multi-faceted nature of transitions.

Part 2: Transitions Planning

Part 2 of the Bill largely concerns a statutory planning process.

Section 7, Duty to introduce a transitions plan

Section 7(1) states—

“A local authority must prepare and implement a transitions plan for each disabled child and young person within the local authority area to improve outcomes for each child or young person with a disability within the local authority area in the transition to adulthood.”

In this section, the definition of disability is that of the Equality Act 2010. The Bill defines a child as a person under the age of 18, and a young person as being under the age of 26, i.e. between the ages of 18 and 25.

Section 7(1) reads as though the duties to prepare and implement a plan applies to both children and young people. The following two sub-sections provide additional duties on when plans would be initially prepared for children. The inclusion of ‘young people’ in the duty to prepare plans appears to be a drafting error – it would likely be unworkable to place a duty on local authorities to plan for transitions of every individual under the age of 26 living in their area meeting the Equality Act definition of disability.

The Bill does not seek to make provision for local authorities to identify disabled children and young people. Under the Education (Additional Support for Learning) (Scotland) Act 2004, there is a duty to identify all pupils, for whose education the local authority is responsible, who have additional support needs in relation to education. The concept of an additional support need is not the same as a disability, however, and pupils do not require a formal diagnosis before being provided with support for a range of conditions.

How a local authority would identify disabled pupils that live in their area and attend mainstream independent schools or otherwise have little contact with the local authority is also not addressed in the Bill. Under the Bill, local authorities would be required to raise awareness of the transitions planning process in their areas, and this would suggest a more demand-led approach to plans is envisaged in certain circumstances. However, the duty under Section 7 is not qualified; it is not a duty to be met where practicable or when the local authority might reasonably be expected to be aware of a child’s disability, but as drafted would appear to apply in all cases. As it stands it is difficult to see how a local authority could meet this duty in all cases.

The Bill does not make provision for a family or a young person to refuse to have a plan prepared in the first instance.

The drafting of Section 7 may therefore need to be revisited at later stages of the Bill’s progress through Parliament.

Who would this apply to?

As noted above, the Bill proposes that the duties under the Bill would apply to individuals who fall under the definition of disability in Section 6 of the Equality 2010 Act. This says—

“A person (P) has a disability if—

(a) P has a physical or mental impairment, and

(b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.”

This is a legal test and [statutory guidance on this definition](#) noted that “in the vast majority of cases there is unlikely to be any doubt whether or not a person has or has had a disability” but in some cases it will not necessarily be clear.

Currently local authorities have a duty to identify pupils' additional support needs. This is a different definition to that in the Equality Act and applies only to those pupils for whose education the local authority is responsible. Local authorities will be aware of a high number of individuals who would meet the legal definition, through contact with education or social work. However, it is not clear that local authorities routinely identify every child or young person meeting the Equality Act definition of disability in their area. Mike Corbett from the NASUWT suggested that in practice, within schools, teachers are aware of the children with a disability in their class. ([8 February 2023](#), Col 23)

However, the number of pupils identified as disabled on school records is surprisingly low if schools are using the Equality Act definition – 2.7% of pupils in 2021 – and there is a wide discrepancy between local authorities. There is also a disparity between the identification of disability in school records and the proportion identified in colleges and university. This could be because schools focus on identification of additional support needs, which has a different, and wider, definition. In addition, universities and colleges' figures are based on self-declaration. For further exploration of a number of different datasets, [see the SPICe Bill briefing](#).

Dr Mairi Stark, Royal College of Paediatrics & Child Health, noted that identification of young people with complex needs is unlikely to pose an issue. She said—

“We know that we are not getting things right for some very straightforward cases of children who have complex needs and are clearly eligible. We need to get things right for those children. We also need to expand what we are doing to include the children who are, at the moment, a bit lost. We need to ask children and their families whether they have a possible need and, if there is need, to tell them to speak to their pastoral teachers or somebody else who can then refer them to the wider system.” ([1 February 2022](#), col 52)

The EHRC's submission argued that the Bill should “clarify the process for identifying children and young people eligible for a plan” to ensure consistency. The representatives of health professionals on 1 February also suggested a universal

needs assessment at around the age of 14 to help identify unmet need and that this would help identify where support in transitions would be required.

The size of the population the Bill covers is a key driver of the costs of implementation of the Bill.

Planning process

The intention is that the local authority will be the body responsible for developing, reviewing and delivering the plan.

During both the initial preparation of a plan and the review process, the Bill provides that the local authority must consult with the child or young person, their parent/carers and potentially others. In doing so the local authority must have regard to the importance of communicating in an inclusive way. However, the Bill does not provide for an individual or family to not have a plan prepared.

Under section 7, local authorities are expected to implement transitions plans. Further, section 9 says:

“A local authority must ensure each disabled child or young person within the local authority area receives the care and support necessary to meet the needs identified in the child’s or young person’s transitions plan.”

Exactly what this would mean in practice is unclear, particularly if the plan relies on, for example, a college or specialist medical support to support the young person to achieve their goals. The Financial Memorandum envisages on average around 1 hour would be required for follow-up action after a transitions plan meeting.

The plans will be managed by an officer of the local authority. While the individual is at school, the intention is that a teacher would develop the transition plans and a social worker would take on the duty to manage plans thereafter. A number witnesses last week argued for dedicated transition teams. They also highlighted how time-consuming the process of managing a transition is.

Members have explored the issue of transitions from a number of angles, including health, education and social care. Section 12 of the Bill allows for the Transition Plan to be “transferred to another relevant authority” during a review. The Explanatory Notes give the example of an individual moving to another local authority area. Although not wholly clear, this could also be read as being transferred to another type of service, which may be desirable if the young person’s needs are largely health related. Section 12(7) provides for Ministers to make regulations on this matter.

For planning to be successful, information would need to be shared across different public bodies. The ICO’s submission to the Committee’s call for views noted that the provisions of the Bill would require information sharing of “[special category data](#)” which is personal data that needs more protection because it is sensitive, e.g. data concerning health. This means that organisations sharing data will need to have both a lawful basis for processing under both [Article 6](#) and [Article 9](#) of UK GDPR. The ICO stated—

“The more prescriptive the legislation, the easier it maybe for those organisations to identify a UK GDPR Article 6 lawful basis and Article 9 condition for processing personal data. In particular, any provisions around data sharing would benefit from being as clear as possible. This will help those involved to identify a gateway to share information as the child/young person interacts with different services and support relevant bodies. Importantly, it may also help bodies comply with the Data Minimisation principle. Given the risks involved in both inadequate data sharing and excessive data sharing, it may be useful to produce accompanying guidance for relevant bodies based upon the ICO’s Statutory Code of Practice. The ICO Scotland Office would be happy to be consulted on such guidance.”

As noted above, some witnesses identified a key benefit of the Bill being the accountability that a statutory planning process would bring. The Bill provides for Ministers to set up a dispute resolution mechanism through regulations (Section 13). This mechanism would be between individuals and the local authority (or others) but it would not resolve disputes between public bodies. The SPSO’s submission noted its role considering complaints and highlighted the work it is currently undertaking to co-design a complaints process with children and young people and the risk of a fragmentary system of dispute resolution or complaint handling. It said it is “increasingly concerned that complaints or dispute provisions are regularly being included on the face of draft legislation without apparent evaluation of the impact on the existing redress landscape and with much of the detail being left for ‘regulation’.”

Finances

The [Financial Memorandum](#) (FM) was prepared by Camphill Scotland and Inclusion Scotland on behalf of the Pam Duncan-Glancy MSP. The overall estimated costs are set out below. All these costs are expected to be met by the Scottish Government.

Item	Cost	One-off or ongoing
Preparing and implementing the National Transitions Strategy	£123,000	One-off
Reviewing the National Transitions Strategy every 3 years	£92,500 [£30,833 per year]	Every three years
Publishing the National Transitions Strategy	£2,000	One-off

Publishing copies of revised National Transitions strategies	£2,000	Every three years
Publishing copies of the report on the review of the National Transitions Strategy	£2,000	Every three years
Local authority costs of preparing, implementing and reviewing transitions plans	Approximately £893,372 in Year 1 rising gradually to £4,467,360 in Year 10	Annual

The FM does not include estimates of downstream costs arising from the Bill. For example, neither the costs of meeting any duties set out in the National Transitions Plan, nor the costs of meeting the needs and supporting disabled children and young people as part of the implementation of plans are covered in the above costs.

Key drivers of costs directly attributable will be the population of who will be entitled to a plan and how long such planning will take.

The Financial Memorandum suggests that transition planning would be either not required or be minimal for over half of the people that it considered would be eligible for a transition plan (para 18 of the FM). This is because those people would enter employment or higher education.

Andy Miller from the SCLD said that the average time to develop and manage the plans is likely to be an underestimate as it does not take account of the complexity of arranging and delivering multi-agency meetings. The FM suggests that each meeting will require on average one hour of preparation and one hour of follow up, with the meeting itself taking around two hours and that there would be between two and four meetings a year. (para 50)

In relation to transition planning when the individual is at school, the FM stated—

“Significantly, where the local authority officer is a guidance teacher, or other member of the child’s school’s pastoral care staff, and is responsible for preparing and managing the transitions plan, and for keeping it under review, while the child remains at school, the costs of the guidance teacher’s, or other member of the school’s pastoral care staff’s, time would fall within existing resources on the basis that the local authority officer will already have existing pastoral duties for, and responsibilities for, the child.” (Para 52)

The FM’s modelling of the costs of transition planning once the young person has left school relies on a number of assumptions in relation to the level of support required and assumed attrition, “due to the fact that the transitions plans of some of

the young people will be ended after a review because they have secured a positive destination, and other alternative sources of support are available, e.g. they are attending university” (para 68). Therefore, the FM states, “it is estimated that after 10 years the maximum caseload being carried by each local [authority] will be equivalent to 5 times the annual caseload [of school leavers].” The FM estimated these costs to come to—

“Approximately £893,372 in Year 1 rising gradually to £4,467,360 in Year 10.”

COSLA’s submission for the current call for views focused on the FM. COSLA’s submission indicated a cost of delivery estimate of over £9.5m from the first year of implementation – significantly higher than the estimates in the FM. It stated—

“There are a number of assumptions regarding demand and implementation that underpin the figures and calculations presented in the Financial Memorandum (FM), some of which we believe result in an underestimation of the likely costs.”

And later it said—

“In conclusion, the annual local authority costs presented in the FM are inaccurate and will actually be far higher than those quoted on page 15 “Summary of Costs; £894K, rising to £4.47M in Year 10”. If these are to be meaningful and useful plans, significant additional investment will be required.”

Clare Haughey MSP, Minister for Children and Young People said that Ministers have had discussions with Ms Duncan-Glancy on the modelling of the FM and that the Member was working with stakeholders to better understand the potential costs of the Bill.

Ned Sharratt, Senior Researcher (Education, Culture), SPICe Research

22 February 2023

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Annexe B

Universities Scotland

Follow-up letter following evidence session of 8 February 2023

22 February 2023

Dear Ms Webber,

I was very pleased to have the opportunity to give evidence to the Committee on 8 February. Many thanks for the invitation.

During the session, there were two issues that I said I would follow-up with information to the committee.

Ruth Maguire MSP asked who, in my experience, supports disabled young people and their families in the application process. As referenced in committee, universities have a direct relationship to the applicant. An applicant discloses they have a disability, either as part of the UCAS application process or by informing their chosen universities. While each institution has different practices in specifics, the university will contact the student to highlight the services and support available. Disability services are also usually very proactive in highlighting their services at recruitment events such as open days and post offer visit days.

Universities across Scotland host events for applicants, families and others across the country and throughout the year explaining the application process and support that is available to students of all backgrounds. In addition to these in-person events there are online sessions as well as the ability to phone and speak directly to admissions services who can answer any questions an applicant or their families and carers might have. Some of this outreach is for all applicants and some is bespoke for certain applicants such as disability or widening access.

Furthermore, as referenced in my evidence, Universities Scotland is working to develop an agreed set of principles to support disabled applicants in the admissions process. Once this work is completed, it will be shared with the committee.

Michael Marra MSP asked about disabled students who were unable to take up their place at university owing to a lack of support. As I mentioned in my evidence to committee, each applicant is unique and has their own experience. There are two different ways this can be measured nationally: deferral rates and retention rates. Deferral data is held by UCAS and not publicly available so I am unable to give the committee a sense nationally whether disabled students are more or less likely to defer than students with no known disability.

Once at university, student retention is monitored for all students and is ultimately recorded in HESA data. Universities monitor engagement and planned attendance of all students. This data can be disaggregated and analysed by student demographics including all protected characteristics, including disability. The Scottish Funding Council (SFC) review and publish data on disabled students as part of their Widening Access Report. In the most recent figures from the SFC we saw an increase in retention from 89.7% from 2018-19 into 2019-20 to 92.5% in 2019-20 to 2020-21. This compares to a retention rate for students with no known disability of 93.6%. The current gap of 1.1% compares to the previous gap of 1.4%.

We are aware of gaps in data which we hope will be addressed. The publicly available data provided by HESA on retention based on personal characteristics does not match the HESA student data. This issue has been raised with HESA/JISC and would hope to have a more complete picture in the future.

Finally, as mentioned in our evidence, and something the committee may wish to explore further: there is no data sharing arrangement between SAAS, as the body responsible for processing DSA, and universities and so universities are only made aware of the outcome of a student's application via the student themselves. Not only does this puts the burden on the student, it can lead to delays in the implementation of a full support package where a student may struggle to understand or set up the support awarded.

Currently, other funding bodies including Student Finance England, Student Finance Wales and Student Finance Northern Ireland do notify Disability Advisers of awards directly, suggesting there is no obstacle, based in data protection legislation, preventing this from happening in Scotland. It would be very beneficial to disabled people and universities if SAAS could align with the process as run elsewhere in the UK.

Yours sincerely,

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