

Sight Scotland
Call for views: Sight Scotland response to the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill
Detailed call for views
October 2022

About Sight Scotland

At Sight Scotland we’re tackling vision loss together. Our mission is to reach everyone in Scotland with sight loss – where and when they need us. We are here for everyone affected by vision loss in Scotland. We offer support and advice, campaign for equal rights and fund medical research. We provide learning, care, accessible formats and support blind and partially sighted people in their communities.

Our services include The Royal Blind School and education outreach services in mainstream schools, residential care for children and adults, the provision of formats which enable equal access to the written word for people with sight loss, emotional support and information to anyone living with or impacted by sight loss through our support line and community service, and expert rehabilitation and mobility training to enable people to regain independence after sight loss.

To get free support you can call Sight Scotland on 0800 024 8973. You can also get in touch by emailing us at help@sightscotland.org.uk, or by visiting our website Sightscotland.org.uk.

# Introduction

Sight Scotland welcomes the call for views from the Education, Children and Young People Committee on the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill.[[1]](#endnote-1)

This response is informed by the lived experience of the children and young people with sight loss that we support and those who work directly with them and the views of parents/guardians. As a provider of both specialist education and care and accommodation for children, young people, and adults with a visual impairment, we are aware of the varied experience of young disabled people during a period of significant change for them and their families. We agree with the view of the ALLIANCE that the support available to children, young people and their families throughout the transition period must be underpinned by human rights and principles of equality, fairness, and inclusion.

# Response

## Question 1. Please provide your thoughts on the overall aims of the Bill and whether the Bill can meet these aims

Sight Scotland is supportive of the aim of the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill (thereafter “the Bill”) which seeks to “aims to improve opportunities for disabled children and young people as they grow up.”

We agree with the proposals that would require:

* “The Scottish Government to have a strategy explaining how they are going to improve opportunities for disabled children and young people”
* “A Scottish Government minister to be in charge of improving opportunities for disabled children and young people moving into adulthood”
* “Local authorities to have plans for each disabled child and young person as they move into adulthood”

We believe the implementation of these actions would ensure disabled children and young people, and their families, would have a more positive experience when transitioning from children to adult services than is currently being reported.

It is essential however, to achieve meaningful change, there must be a cultural shift as well as change at a system level. To achieve this, the legislation must be led by a human rights-based approach which could be strengthened within the Bill. Embedding children’s rights and the human rights in the Bill would make it an explicit need to uphold these rights, including greater clarity of how these duties will be enforced and what legal mechanisms will be in place to ensure accountability in the event of a breach.

We believe this Bill could have greater reference to human rights and therefore pave the way for further legislative change to improve inequalities for disabled children and young people. This includes the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Disabled People (UNCRPD) into Scot’s law. We recognise the work already undertaken regarding the incorporation of the UNCRC and support the Scottish Government’s intentions for wider incorporations of other international human rights treaties. This approach would also be consistent with the principles in The Promise to ensure children and young people are included in the decisions that impact them.

**Question 2. Please provide your thoughts on whether changing the law is the best way to what the Bill is trying to do**

Sight Scotland believes that legislative change is the best way to secure improved outcomes for disabled children and young people during their transition to adulthood. Establishing the aims in law places obligations on the Scottish Government and other relevant bodies to provide the necessary care and support that effectively meets the needs and rights disabled children and young people and their families during a time of profound change that involves navigating various systems and agencies.

Currently, there are significant levels of disparities in provision across local authorities, therefore having a national legislation is important to provide a minimum basic legal requirement to end any postcode lottery in the delivery of support and ensure equality of access. We agree with the ALLIANCE that the Bill must be accompanied by guidance on how to ensure disabled children and young people’s voices are heard in the planning of support and care so that they and their families are actively included, informed, and empowered to make decisions about their future.

**Question 3. Please provide your thoughts on any unexpected or unforeseen effects of the Bill (as it is currently written).**

None.

**Question 4. Please provide your thoughts on whether the Bill adds to or duplicates any existing legislation**

Sight Scotland believes the Bill has the potential to further strengthen the rights of children and young disabled people as they transition to adulthood and believes this legislation is the first of its kind to address the specific issues identified during the transition between children and adult services. Namely, these were identified in both The Promise which highlighted the need for greater integration between children and adult services and the Independent Review of Adult Social Care which noted the gap in support specifically around the transition period. The proposals in the Bill to develop a national strategy; to have a Scottish Government minister directly accountable for this and the obligation on local authorities to create a transitions plan go a long way to addressing the lack of interconnectivity between children and adult services and help to improve cooperation and collaboration in this area.

**Question 5. Please provide your thoughts on the financial impact of the Bill on the Scottish Government, local authorities or other bodies**

This Bill will undoubtedly cause financial implications at both a national and local level. It is vital that in order to ensure the proposals in the Bill are carried out there is adequate funding and resources allocated to serve these functions. There is a danger that without sufficient funding, e.g., additional staff to manage and create transition plans, the obligations in the Bill will not be upheld and will ultimately breach the rights of disabled children and young people.

**Question 6. How the Bill will affect (for better or worse) the rights and the quality of life of the people covered by the Bill**

Sight Scotland believes the Bill be a positive influence on the rights and quality of life of disabled children and young people. The transition of a young disabled person from childhood to adulthood is often one of significant change and adjustments and their families both emotionally and practically. We have experienced first-hand some of the challenges a young disabled person can experience as they navigate this process. Often, the process is commenced not far enough in advance leading to support being put in place that the person or their family has had little involvement in; is not suited to their needs; or results in gaps in their support and care. This can be a frustrating and upsetting process for all involved. The bill has the potential through the obligation to create a transition plan to remove some of these challenges and ensure a smoother, inclusive and better coordinated process that is person centred which upholds their rights and improves their quality of life.

A parent of a young person who resides in our residential living centre, commented:

“As a parent carer and for past 7 years going through the transition stage with my son from the age of 14, I am fully supportive of this Bill. Sadly, the social work/care system is broken, not fit for purpose. We live in a postcode lottery; we have local councils not accountable to how they treat disabled children and their families when they are moving to adult services. Disabled children and young disabled adult’s lives are just as important than non-disabled people. They should, with the right support, be able to achieve to their highest level, whatever level that may be. Their wellbeing and quality of life should not be calculated by £ signs. Invest in them and they can, and will, contribute to society in a variety of ways, not just financially.”

**Question 7. Do you agree with introducing a strategy, and that a Scottish Minister should be in charge of it?**

Yes.

We welcome the aim of the Bill to improve outcomes for disabled children and young people in the transition to adulthood and that these are captured in a National Transitions Strategy. Our main concern is around delivery due to the increased responsibility the Bill places on local authorities who are already struggling to meet existing statutory duties e.g., pressures around allocating adult Social Workers before an individual’s 18th birthday. We would like to see more detail on how Local authorities will be resourced to meet the aims of the Bill.

We are supportive of the proposal that the strategy will be under the control of a Scottish Minister. A strategy will help to ensure the aims of the Bill are achieved, and actions are taken to uphold the obligations as set out in the legislation. Inclusive communication (British Sign Language (BSL), Braille, Moon, Easy Read, clear and large print, and paper formats) is vital around any consultation on the strategy. We concur with the ALLIANCE that a co-production approach should be taken in the design of the strategy to ensure the lived experience and voices of disabled children and young people and their families are actively involved and can inform its creation. Specific Ministerial responsibility strengthens accountability on the obligations to uphold the principles and actions within the Bill.

**Question 8. Do you agree with the proposals relating to transition plans?**

Yes.

Sight Scotland is supportive of the proposal to introduce a local authority transition plan for every disabled child and young person. This is something we have long advocated for and believe this will help to ensure better outcomes and a smoother transition process for young disabled people that upholds their dignity and respect. A single plan removes duplication and therefore reduces confusion for all involved.

As a third sector provider of care, we would like to see more credence given to external providers in the Bill, who arguably know Scotland’s most vulnerable young people best. Section 11 (1) (f) states that “other persons” (unnamed) involved in the transition plan for management and involvement appears to be at the discretion of the Local Authority. It is vital that data and information sharing between health and social care services includes third sector organisations, following principles of data protection. The most significant challenge in this area is how the Bill intends to address the issue of where a provision of care doesn’t exist, what happens to the young person even when the individual has an allocated worker and a plan in place. This is why significant action is needed to address gaps in the social care workforce to ensure the needs of all disabled children and young people can be met as they enter adulthood.

The way in which a Transition Plan is communicated it equally important in order for the young person to fully participate in its design and to understand the agreed actions. Inclusive communication is key here and we welcome section 11 (4) making explicit reference to this. Due consideration must also be made to those children and young people who are deemed to “lack capacity” and we support the calls by the ALLIANCE to introduce strong guidance on how to best uphold the rights and preferences of the child/young person.

**Question 9. Who do you think should coordinate the transitions plan?**

Transitions plans should be coordinated at local level by a dedicated officer/s in the Local Authority where the child/young person resides, but further detail on this is needed. It’s important that this person is easily accessible to the person the plan is about and their families, and there is good communication between them and care/support providers, including those in the third sector. This person should be approachable and easily contactable and be introduced to the young person and their family early on, to ensure a longer lead in time to the formal transition process so that the person is comfortable and familiar with the coordinator. It is also vital that a multi-agency approach is taken that uses the GIRFEC systems already in place with Local authorities around named persons to ensure transition is effective.

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1. [↑](#endnote-ref-1)