

Reporting on Progress towards Equality of Opportunity between Disabled Persons and Other Persons made by Public Authorities in Scotland: the Scottish Ministers' Duties

Education and Lifelong Learning



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SCOTTISH GOVERNMENT

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1 INTRODUCTION

1.1 The Scottish Ministers' Duty forms part of the duty on public bodies to promote equality of opportunity for disabled people contained in the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005. The Scottish Ministers are required to publish reports which give an overview of progress towards equality of opportunity between disabled people and other people made by public authorities; and to set out their proposals for the coordination of action by public authorities so as to bring about further progress towards equality of opportunity.

1.2 This report was commissioned by Scottish Ministers to enable reporting on the progress which is being made towards equality of opportunity between disabled people and other people across the Education and Lifelong Learning ministerial portfolio. The research was undertaken by Sheila Edward, Sheila Riddell and Will Bee from the University Of Edinburgh. It is one of 7 reports published in response to the 'Scottish Ministers' Duty'. Collectively the 7 reports constitute the Scottish Ministers' response to the duty.

1.3 The report contains 5 chapters (2-6 below) corresponding to particular areas of activity within the portfolio.

- a) Universities and colleges
- b) Schools
- c) Disabled young people and transitions
- d) Services for disabled adults, including employability and social care services
- e) Services for disabled children and their families

1.3 Each of these chapters contains:

- an introduction to the relevant policy context, and research and statistical evidence on the position of disabled people and progress towards greater equality;
- findings about progress from examination of disability equality schemes;
- a note on the use of categories of disabilities in these schemes;
- a note on the evidence they contain of consultation and involvement of disabled people and their families in the development of the schemes;
- a summary and conclusion.

1.4 The material in this report is based on a review of publicly available material. In particular, reporting on progress is based on consideration of the disability equality schemes and annual reports of relevant public authorities. No interviews with public authorities were undertaken in the preparation of the report.

2 UNIVERSITIES AND COLLEGES

Background policy and statistical evidence

2.1 The disability equality schemes, action plans and annual reports of the 20 Scottish universities and higher education institutions (HEIs), and the 43 Scottish colleges, in addition to relevant guidance and research documents, have been examined to produce this report.

Wider policy context for universities

2.2 Before the 1990s, universities made very little provision for disabled students. Over the past fifteen years, many policy, legislative and funding measures have been introduced, including, in 2001, the extension of disability discrimination legislation to education. The inclusion of disabled students in higher education has been supported by a number of measures, including the Disabled Students' Allowance (DSA) and premium funding intended to improve institutional accessibility. Funding Council initiatives aimed, for example, at promoting adjustments to the curriculum and to assessment, as well as quality assurance requirements, have also promoted inclusion. The extension of the Disability Discrimination Act (DDA) to education in 2001 was also important, since it placed a duty on institutions to make reasonable adjustments for disabled students in relation to teaching, learning and assessment practices. These measures have contributed to a marked increase in the proportion of disabled students participating in higher education. In order to assess the extent to which universities are becoming more inclusive as a result of the disability equality duty, university disability equality schemes and annual reports were analysed.

2.3 There was evidence of progress in relation to disability equality in UK higher education institutions prior to the advent of the disability equality duty. For example, research on the barriers encountered by disabled students in higher education illustrated on-going challenges, but also considerable improvements in institutional support, particularly through the establishment of Disability Support Services in all higher education institutions (Tinklin *et al.*, 2004a; Riddell *et al.*, 2005a; Riddell *et al.*, 2005b). The guidance documents produced by the Disability Rights Commission (DRC, 2006) also provide examples of good institutional practice. The positive impact of these policy and practice developments on the experiences and outcomes of disabled students is borne out by the statistics discussed below (see Table 4.1). Despite improvements to funding provision for disabled students in 1993, Tinklin and Hall (1999) reported that there were still barriers relating to entrance, the physical environment, access to information and levels of awareness amongst staff. Tinklin *et al.* (2004b) observed how disability officers in the late 1990s were 'often trying to effect change at an institutional level with no senior management support' (2004b, p. 638), although the requirement, following the DDA 1995, for institutions to 'have regard to the needs of disabled students' and to publish disability statements, was seen to have some positive impact on raising awareness (Hall and Tinklin, 1998).

2.4 Following the extension of the Disability Discrimination Act (DDA) to education in 2001, Tinklin *et al.* (2004) reported 'signs of a marked improvement in staffing and structures for disabled students in 2002, compared with 1996-97' (2004b, p. 646).

They did, however, raise questions about the balance between providing individual support to disabled students, and working proactively to dismantle barriers in the institutional environment, in order to allow disabled students to participate without special provision. Amongst the more encouraging signs noted by Tinklin *et al.* (2004) were the inclusion of disabled students in policies on admission, assessment, estates, buildings and even institutional strategic plans. Nevertheless, the DRC guidance on the disability equality duty observes that 'there is still work to be done to improve the participation, satisfaction, achievements and opportunities of disabled students' (2006, p.5).

2.5 In Scotland, Equality Forward was established in April 2006 as a national organisation to support colleges and universities in meeting the requirements of equality legislation, in particular, the disability equality duty which came into force in December 2006, and the gender equality duty from April 2007. Their concerns are both with students and with staff. Their annual report (Equality Forward, 2007a) sets out five focus areas identified for them by Scottish Funding Council:

1. Have an advisory and supporting role to institutions, both informally and formally
2. Give demand-led support to the sectors
3. Identify the risks and challenges faced by colleges and universities in relation to equal opportunities
4. Be a conduit for good practice
5. Periodically give advice to the Chief Executive of the Scottish Funding Council.

2.6 Having noted the reluctance of staff in colleges and universities to disclose disabilities or impairments to their employers, Equality Forward used an on-line survey with follow-up interviews to research the experiences of disabled staff, and their report (Equality Forward, 2007b) explores ways in which social stigma about disability is reflected or challenged in colleges and universities; the clarity of the processes staff must go through to disclose; and impact of institutional cultures on disclosure.

2.7 A further potential source of guidance for institutions is the assessment of Higher Education Institutions' performance in relation to the disability equality duty (DRC, 2007), which praised certain features of schemes as effective practice, including the use of baseline data on the numbers of disabled staff and students, involvement of disabled people in the impact assessment process, clear, well-structured plans with allocation of responsibilities, and action plans which were tied in to wider institutional plans and priorities, ensuring alignment to the strategic direction of the University. The same report cautioned against failure to illustrate clearly the priorities raised by disabled people and how those had influenced the actions in the DES; lack of detail in describing methods for impact assessment; and little or no information on gaps in information gathering and plans to remedy that in future.

2.8 A final important aspect of the policy context is the possibility of developing a unified equalities action plan, including steps to promote race and gender equality, in line with the terms of the Equality Act 2006.

Wider policy context for colleges

2.9 The Scottish colleges are covered by the same guidance in relation to the disability equality duty as the universities (Disability Rights Commission, 2006). They have, however, a longer tradition of inclusion and of supporting disabled learners, for example, as providers of specialised courses for young adults with learning difficulties. Over the past fifteen years, a number of policy, legislative and funding measures have been introduced, including, in 2001, the extension of disability discrimination legislation to education. This placed a duty on institutions to make reasonable adjustments for disabled students in relation to teaching, learning and assessment practices.

2.10 Scotland's colleges serve a broad cross-section of the community, and in their mission statements, tend to pride themselves on their inclusive ethos, providing academic, vocational and community education courses, for learners ranging from those with complex learning needs to those preparing for higher education qualifications, including school pupils engaged in the Skills for Work programme, young and mature adults engaged on vocational education or apprenticeships, and a wide range of adult learners, including those developing literacy, numeracy and English language skills. Data on post-school destinations from Careers Scotland underline the diversity of the population of Scottish colleges, showing, for example that in 2006-07, 40.4% of school leavers who were declared or assessed disabled had moved into further education (Scottish Government, 2007a, p. 16).

2.11 In general, the colleges' disability equality schemes suggest that they have embraced the diversity and equality legislation enthusiastically, many opting to produce joint policies and schemes which cover gender and race equality too. Like the universities, Scotland's colleges are supported by Equality Forward, established in April 2006 as a national organisation to help colleges and universities meet the requirements of equality legislation, in particular, the disability equality duty which came into force in December 2006, and the gender equality duty from April 2007, for both students and staff.

Research and statistical evidence

Inclusion in higher education

2.12 All institutions must submit statistics of disabled students to the Higher Education Statistics Agency (HESA) (www.hesa.ac.uk/holisdocs/pubinfo/student), in categories which reflect a predominantly medical, rather than a social model of disability. Analysis of these by Weedon and Riddell (2007) demonstrated a rapid rise in numbers of students with a known disability, at a time of expansion of overall student numbers, from 11,162 (3.5% of total students numbers) in 1994-95 to 26,085 (7% of all students) in 2004-05. They also noted changes in the composition of the group, with a remarkable rise in numbers of dyslexic students. Table 1 shows these changes, and updates the picture with the 2006/07 HESA statistics.

Table 1. Categories of disability used by HESA and percentages of first-degree disabled full-time undergraduates as a percentage of total numbers of disabled full-time students 1994/95; 2004/05; 2006/07

Type of disability	1994/95	2004/05	2006/07
Dyslexia	16%	54%	52%
Blind/partially sighted	4%	2.4%	2.4%
Deaf/hard of hearing	6%	3.7%	3.7%
Wheelchair/mobility difficulties	4%	2.5%	2.6%
Personal care support	0.2%	0.1%	0.1%
Mental health difficulties	1.2%	4%	4.4%
An unseen disability	57%	17%	13.8%
Multiple disabilities	3.3%	4.8%	8.6%
Other disability	9%	10%	10.8%
Autistic spectrum disorder	-	0.7%	1.2

2.13 At institutional level, HESA statistics provide a useful measure for comparison both with previous years and with other institutions, although they have not been used in all disability equality schemes and annual reports.

2.14 Statistics on disabled staff are harder to ascertain, because, unlike students, they have nothing to gain by disclosure and, as research on disability disclosure by Equality Forward (2007b) suggests, they may feel they have a lot to lose, in that it might damage their employment or promotion prospects. Several schemes reported that only 1% or even fewer staff declared a disability, although national statistics suggested the actual number should be far higher.

Inclusion of disabled students in colleges

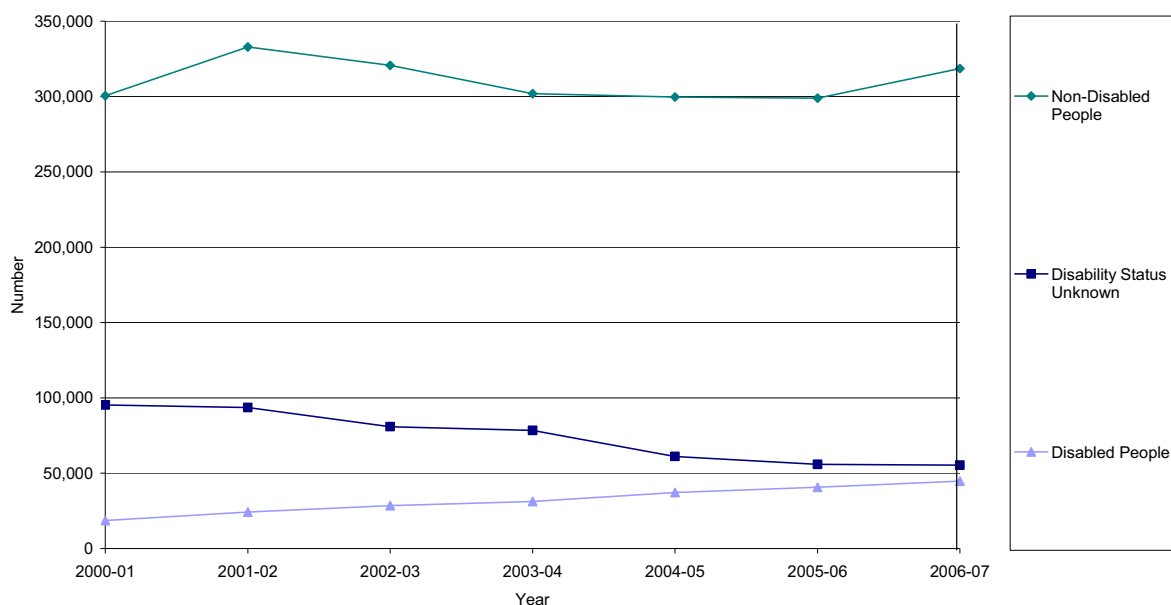
2.15 For the colleges, assessing how much progress has been made on the inclusion of disabled students and staff since 1997 is hampered by the relative dearth of research on this sector - far less than has been produced about university education. Nonetheless, important insights are provided by the studies which do exist.

2.16 As Figure 1 demonstrates, statistics supplied by the Scottish Government show a steady increase in the numbers of further education students declaring a disability from 2000-01 to 2006-07, even while numbers of non-disabled learners were falling.

2.17 Yet Ash *et al.* (1997) point to the dangers of assuming that the presence of disabled students in colleges means that they are fully integrated. Their study of other students' attitudes towards disabled students in three colleges of further education found that social contact between disabled and non-disabled students was not extensive, and that non-disabled students were not aware of the issues facing their disabled colleagues in college. This picture of little social and academic mixing of disabled students with others in further education is also reflected in more recent research in Scotland (Riddell *et al.*, 2001; Farmakopoulou and Watson, 2003), and probably reflects the vocational emphasis of many further education courses, where the focus is on the acquisition of particular work-related skills rather than the wider social development of the individual.

Figure 1

Number of Further Education Enrolments at Further Education Colleges in Scotland¹, by Disability Status, 2000-01 to 2006-07



Source: Scottish Further Education Funding Council (SFEFC)

Note: Numbers correspond to enrolments on both Vocational and Non-Vocational Further Education courses at Colleges.

2.18 On the other hand, it appears to be the case that many disabled students undertaking higher level courses in colleges benefit from the presence of well-resourced learning support departments. As part of a wider study of disabled students' experiences of higher education, Riddell *et al.* (2005a) presented a case study of a college, with 50% of its student population on higher education programmes. The college had links with a network of community learning centres, and was located in an area of multiple deprivation. Thirty six per cent of students, including disabled students, were from deprivation category 5 based on the Scottish Deprivation Index. This reflects a far more socially disadvantaged student population than would be found in most universities, particularly in the pre-92 sector. For twenty years, the college had been given additional funding by the Scottish Executive to provide higher education to deaf students, who continued to be attracted to the college because of the presence of a well-established deaf community. The social inclusion agenda underpinned all of the college's work and staff regarded disabled students as a core part of the student population, rather than a new group of students making additional and unfunded demands.

Inclusion of disabled staff in colleges

2.19 Statistics on disabled staff are harder to ascertain: in schemes which present statistics, these are often accompanied by a comment that the known figure is probably lower than it should be, due to a perceived reluctance amongst staff to disclose. As the research by Equality Forward (2007b) demonstrates, despite the fact that disclosing a disability means that a staff member may then request reasonable adjustments to their working environment, it seems to be the case that

beliefs about the benefits of disclosure may be outweighed by the fears of stigmatisation.

2.20 To obtain a clearer picture of the number of disabled staff employed in colleges and their employment experiences, Equality Forward used an on-line survey with follow-up interviews. Their report (Equality Forward, 2007b) explores ways in which social stigma about disability is reflected or challenged in colleges and universities; the clarity of processes staff must go through to disclose their disabilities; and impact of institutional cultures on disclosure. Equality Forward also support local fora for the discussion and spread of good practice, and many of the colleges participate in these. Collaboration between institutions is an important feature of the college sector.

2.21 In their report to the Scottish Further Education Funding Council, Riddell *et al.* (2005c) considered many aspects of equality and diversity in the further education workforce, not only disability. It is interesting to note that they found two colleges which did not record data on staff disability at all, and that even when colleges were providing good training on equalities issues, attendance at these staff development sessions was described as poor. At least one college recorded that no staff member had disclosed a disability, and others noted that percentages of disabled people in their local community were higher than the percentages of disabled staff employed in college.

Reporting on progress

2.22 In the sections which follow, we shall present first the areas in which progress towards equality is evident from the disability equality schemes, action plans and annual reports, followed by discussion of the areas in which progress is not evident. The report will end with

- discussion of the use of categories of impairment in the schemes;
- the evidence of the involvement of and consultation with, disabled people and their families; and
- a summary and conclusions.

Reporting on progress: areas where progress is evident

Access to higher education

2.23 Although improvements to information for intending students, and to admissions and induction procedures figure in most of the action plans, it is not easy to assess how much progress has been made in many of the institutions. Some do not provide any statistics on disabled students in their schemes or reports; others provide global numbers, without reference to any of the sub-categories of disability. At the other extreme, one university has included in its annual report a table showing the precise number of students within each of the 9 HESA categories of disability in each of its constituent schools, even where there are only one or two students in the category in a school. The same institution set targets to increase numbers of students in two categories, by working with special schools, and was able to demonstrate in its first annual report that four additional students had been recruited in each of the categories of mobility and sensory impairment.

2.24 Some institutions admit that they have gaps in their information-gathering, both in terms of numbers and in terms of the needs and requirements of disabled students, and set out plans to improve their data, through additional surveys or interviews, or through improvements to their systems, to ensure that the progress of disabled entrants is tracked throughout their years in the institution. For those schemes which neither include statistics nor discuss plans to improve their data collection and monitoring processes, it has not been possible to assess whether their data collection is adequate to allow them to assess their progress in terms of numbers of students gaining access. It is also worth noting that the Scottish Funding Council no longer ask universities or higher education institutions to report back on the use of the Disabled Students Premium. This means there is less intelligence available about support for disabled students.

Adjustments to teaching, learning and assessment in higher education

2.25 Progress has also been made in relation to adjustments to curriculum, pedagogy and assessment. The Scottish Funding Council funded the Teachability project in the mid-1990s to produce staff development materials aimed at assisting staff in reviewing their approach to curriculum, pedagogy and assessment. Teachability assessments have been conducted in many universities to identify the extent to which teaching and assessment practices need to be adjusted to make them more inclusive. Assistive technology is also being used in increasingly imaginative ways. Efforts are being made to train staff and change attitudes towards disabled students. Assessment and examination arrangements are also an important focus, although by and large universities still adhere to rather traditional examination-based approaches. Some universities show particular interest in ensuring that disabled students can participate fully in non-academic aspects of student life, through involving students associations. Other key concerns are ensuring, through impact assessment, that institutional policies and buildings meet the legal requirements, and the Scottish Funding Council has assisted such developments through a series of targeted programmes. Concerns are expressed that greater effort should be made to meet the needs of disabled employees, but further progress is needed in identifying who such individuals are and how they can be assisted.

Disabled members of staff in higher education

2.26 Turning to the needs of disabled members of staff, many schemes and reports note the difficulties in encouraging staff to disclose their disabilities, and some include action points about conducting surveys to gain a clearer picture of staff difficulties, or about the provision of additional opportunities for disclosure. Several comment that they know that the statistics of staff declaring a disability are not an accurate reflection of the number of disabled staff employed, either because the declared numbers do not tally with the numbers of staff who are using assistive technologies, or who are known to have discussed problems informally in counselling sessions. Such comments could explain why there are far fewer action points relating to improving the position of disabled staff, as opposed to students, although many improvements to the physical environment are designed to benefit both groups. Reviews of human resources policies feature in many schemes, but

issues such as harassment are not discussed in detail, and sometimes not mentioned at all.

Access to further education

2.27 Measuring improvement requires clear baseline information about disabled students, and, as discussed below in the section on categories, there is no standard approach to providing this information in colleges' disability equality schemes. Most, however, provide at least the global number of enrolments of students who declare a disability, although clear targets for increasing those numbers are not always expressed. An encouraging number of colleges compared the proportion of disabled students in college with local community statistics, and noted the appearance of any disparity. A few had set challenging targets for increasing the proportion of disabled students within the wider college population, to encourage admissions tutors to accept more on to their courses.

2.28 Many reports highlight their college's extensive support for students with physical or learning disabilities, including accessible websites and the availability of classroom support assistants for these students and those with behavioural difficulties. The production of disability equality schemes appears to have stimulated review of admissions and induction procedures, with increased attention to staff training, provision of individual interviews, and the use of feedback to improve procedures and support. Once students are enrolled, some colleges highlight the importance of individual learning plans in ensuring that individual students' needs are constantly reviewed.

Physical access arrangements in colleges

2.29 Most reports indicate that the disability equality duty is focussing attention on the monitoring and continuing improvement of physical access. Colleges operate in a wide range of physical settings. Some, such as Newbattle Abbey College, have needed to make adjustments to listed buildings, whilst others were coping with several scattered campuses. Yet others were in the throes of expansion and rebuilding. It was encouraging to find a particular college with a construction programme reporting that, despite a disruptive reduction in car parking spaces within their college grounds, the number of disabled parking bays had been increased. Some other reports of physical adjustments, such as the repositioning of ramps, provide evidence that the views of disabled users have been listened to and acted upon. Several schemes also report progress in the provision of assistive technologies and appropriate learning resources.

Improving reporting systems in colleges

2.30 In their schemes and their first annual reports, many of the colleges undertook a critical review of their current systems. They planned adjustments, for example, to ensure that data on the achievement and retention of disabled students could be readily disaggregated and monitored. Another area which often needed to be clarified or improved was the system for reporting, and acting upon reports of, harassment of disabled persons, either by staff or by fellow students. While it is not always possible to be sure whether this represents a change to procedures or simply

an underlining of the roles and responsibilities, the clarification is in itself a sign of progress.

Collaborative working in colleges

2.31 As noted above in the section on the policy context, Equality Forward has made an important contribution in encouraging colleges to work together on shared concerns. In some areas, colleges have not only been working with their neighbours in their local Equality Forum, but also developing collaborative links with local disability organisations. In Fife, for example, Adam Smith College, Elmwood College and Carnegie College consulted collaboratively with a number of organisations in Fife working with and for people with a range of disabilities, through the Fife Employability Network. All three colleges received predominantly positive feedback on their disability equality schemes, although the consultation process highlighted the colleges' weakness in relation to individuals with mental health problems. Other colleges in the sector may well share this weakness, given the finding of the Equality Forward (2006b) research on disability disclosure that some disabilities / impairments are more stigmatised than others (2006b, p.21) and that mental health problems are seen to be particularly stigmatised. While most colleges are undertaking staff development to change attitudes towards disability in general, changing attitudes towards mental health problems, as opposed to physical disabilities, seems likely to be harder. Another example of local collaboration is the scheme produced by Shetland Islands Council in partnership with Shetland College; Shetland School Service; and the local transport authority, ZetTrans. The joint venture is designed "not only to comply with legal duties under the DDA but also to further enhance accessibility for the service user, to improve our services throughout Shetland and to promote joint partnership working". The scheme reports many projects on which consultation had taken place, and notes that "the small numbers of disabled representative groups within Shetland ... can often lead to 'involvement fatigue'." The setting up of a Shetland Disability Forum may enable the process of consultation about, and involvement in, all services for disabled people to be streamlined.

2.32 To sum up the evidence of progress, in both higher and further education institutions, assessing the achievement of measurable *progress* is problematic, because relatively few numerical, verifiable targets were set in the first round of action plans. Nevertheless, there is plenty of evidence of *positive activity* in the schemes and annual reports, particularly in relation to:

- 1: improving communication, in terms of providing more and better information for disabled students (and potential students), before they arrive in college, during the enrolment and induction processes, and during their courses;
2. involving disabled people in future planning, both by listening to and involving disabled students and by working in collaboration with outside bodies;
- 3: improving staff skills, through training sessions. In colleges, this is chiefly concerned with awareness-raising and cultural change, rather than pedagogic approaches; in the universities' plans, training sessions for Teachability and specific techniques to support learning and assessment for disabled students appear more frequently;

4: improving the student experience, both in access to student facilities by improving the physical environment, and in other improving the culture of staff and fellow students;

5: improving institutional processes, both by allocating and clarifying roles and responsibilities in relation to disabled students, and by designing and embarking on programmes of impact assessment of policies and procedures

6: improving links with outside bodies and disability groups.

Reporting on progress: areas where progress is less evident

Access to higher education

2.33 All institutions are obliged to submit statistical information to HESA in relation to the number of disabled students in particular categories, and the number claiming Disabled Students Allowance. Indeed, institutions have been incentivised to make accurate returns in relation to DSA claimants, because until recently the Scottish Funding Council has awarded premium funding to the institution in relation to this measure, based on the assumption that universities need some assistance and encouragement in making reasonable adjustments, as is their duty. Although some statistics are readily available, they are not widely used in demonstrating progress. A possible explanation might be a lack of communication within the institution between those compiling the disability equality scheme and those compiling statistical information, generally in the planning department. It should also be taken into account that statistics for disabled students may not present an accurate or complete picture, as we know that not all disabled students are willing to disclose their disability to the institution.

Adjustments to physical features, teaching and policy in higher education

2.34 Most disability equality schemes and annual reports provide some information on adjustments to physical features, teaching and policy, and have some action points, such as building new ramps or purchasing new hardware, for further development. However, there is a lack of evaluation of whether the adjustments made have actually achieved their stated goals. The Scottish Funding Council has had a series of special initiatives to improve university estates since the mid-1990s, so universities should be able to report on progress over time. This may indicate that those compiling the disability equality schemes could have liaised more closely with other departments, dealing with estates and buildings, or the development of teaching and learning.

Identifying and supporting disabled staff members

2.35 Both in universities and in colleges, demonstrating progress in the treatment of disabled staff is problematic. Although some institutions are actively encouraging employees to disclose a disability, and there are still very low disclosure rates, typically less than 1% of all staff members in universities. This reluctance to disclose in some organisations might be addressed to some extent by staff development and awareness-raising, and is likely to be assisted by the involvement of senior staff in carrying through action points in their area. Currently, aggregated staff information is

collected from colleges by the Scottish Funding Council (SFC), but this survey does not include a question about disability. The SFC are proposing to undertake an individualised staff survey, which may include a question on disability. In general, the colleges' schemes include fewer action points for improving the position of disabled staff, as opposed to students, although many improvements to the physical environment are designed to benefit both groups. Reviews of human resources policies feature in many schemes, although issues such as harassment are not always discussed in detail.

Retention, achievement and progression by college students declaring a disability

2.36 As noted in the preceding section, preparing their first disability equality scheme and their first annual report has motivated colleges to review their data collection processes, and several have now recognised the need to improve their systems, to enable them to disaggregate and track the retention and achievement by students who declared a disability on enrolment. As these adjustments are made, a clearer picture should emerge in future years of the impact of the legislation. Some of those colleges which are already able to monitor retention and achievement of disabled students have now set themselves targets in terms of progression.

2.37 Although this is an area in which many colleges have scope to develop their systems, a few have produced clear tables which allow comparisons (year by year, and between students who do not declare a disability, and those who do) of percentages for enrolment, achievement, and retention of students in each of the nine categories of disability. This provides baseline data for measurement of progress, although, especially in the smaller colleges, the numbers of students in many of these categories would be so small as to render any statistical analysis meaningless.

Adjustments to teaching and learning practices in colleges

2.38 In comparison with the universities' disability equality schemes, the colleges' schemes contain comparatively little about teaching approaches and staff development to help make the curriculum more accessible to disabled learners. This may be because systems of classroom learning support are long established, and the problem is conceptualised as the provision of sufficient individual support, rather than adaptation of teaching and learning practices by all teaching staff. Nevertheless, we note that some schemes highlight the Quality and Equality of Learning and Teaching Materials project: in Moray College, for example, staff are reported to be evaluating the audit tool produced by that project on a sample of their teaching and learning materials.

2.39 To sum up the findings on areas where progress is less evident, there is scope for improvement in

- 1: making full use of statistics compiled for HESA about numbers of students in categories of disability, in order to demonstrate progress
- 2: demonstrating the impact on the experience of disabled students of the adjustments made to the physical environment of the university or college and to teaching and learning

- 3: identifying and supporting disabled staff members
- 4: recording the retention, achievement and progression of disabled students
- 5: particularly in the colleges' schemes, providing more evidence of adjustments made to make the curriculum more accessible to disabled students.

Categories of impairment employed

2.40 Measuring improvement requires clear baseline information about disabled students, and there is no standard approach to providing this information. While all higher education institutions are required to report numbers of disabled students to HESA and must therefore have had statistics to hand, by no means all of them included these numbers in their disability equality scheme and/ or annual report. Some of the colleges' schemes simply provide global numbers of students who declared a disability, those who have no known disability and those who refused to state whether they had a disability. One college's scheme reports the total number of students declaring a disability, and the precise numbers for those with visual impairment, hearing impairments, mobility problems, mental health problems and dyslexia - numbers which total rather less than half of the overall number. Most commonly, colleges use the same nine categories which are also used by HESA for student enrolment:

- Dyslexia;
- Blind/partially sighted;
- Deaf / hearing impairment;
- Wheelchair / mobility difficulties;
- Personal care support;
- Mental health;
- Unseen disability;
- Multiple disabilities;
- Other (not listed).

2.41 References, or targets for improving services, to individuals in any one of these groups are relatively rare in these initial disability equality schemes, most of which are reviewing or putting in place global procedures for ensuring equality for all disabled students and staff. Some are referred to in improvements to the physical environment - ramps, doors, residential accommodation, Braille signposting, car parking, for example - or in provision of accessible learning materials and assistive technologies. Others feature in targets to train staff, in deaf awareness, for example, or in references to the difficulties of encouraging disclosure of mental health problems.

Consultation and involvement

2.42 Some institutions appear to have tried hard to involve disabled students in the design of their action plans, but only a minority have demonstrated how issues raised by surveys, interviews and focus groups have subsequently been addressed. Given the noted reluctance of staff to declare disabilities, at least one institution has chosen to use an anonymous questionnaire, not only to establish more reliable

statistics of staff disabilities, but also to 'inform the University whether it offers a satisfactory working environment for disabled staff.'

2.43 Many colleges cite the involvement of bodies such as Skill Scotland, Inclusion Scotland and local organisations concerned with disabilities in the development of their plans for disability equality. The example of the Fife colleges' work with a network of local organisations has already been discussed in the context of collaborative working, but there are also many other local partners cited in other schemes. Establishment of disabled students' fora and focus groups figure in many action plans. Some also cite feedback from learning support assistants and student support staff, and from mainstream and special schools who use college services, although evidence of how this feedback has been used to improve services is not always clear.

Summary and conclusions

2.44 There is substantial evidence of good intentions, and evidence of considerable activity, much of which has been started, and even more is planned. In the universities, the exercise has clearly put disability equality on the agenda, and provided incentives to prioritise improvements to communication, facilities and teaching. In the colleges, much work has been done in setting up and consolidating systems. Their traditional strengths in working with their local communities, and one another, and their experience in dealing with a very wide range of learners have given them a head start in this exercise. Perhaps, however, there is a need to encourage all institutions to describe their intended outcomes clearly, in ways which will ultimately help them to demonstrate beyond doubt that they have achieved them. The quality of baseline data, many institutions are currently seeking to improve, will also be important for demonstrating progress in future.

3 SCHOOLS

Background policy and statistical evidence

3.1 The disability equality schemes, action plans and annual reports produced by the 32 Scottish education authorities, and the 7 grant-aided special schools, in addition to the Scottish Government's own disability equality scheme and relevant guidance and research documents, have been examined to produce this chapter.

Wider policy context in schools

3.2 Access to school education is clearly essential to achieving equality between disabled and non-disabled pupils. Achieving well within the education system ensures that disabled children enter the post-school world equipped with the knowledge and skills to obtain worthwhile jobs in the labour market. For the small proportion of children with severe low incidence disabilities (approximately 0.1% of the population), accessing education ensures that after school they are able to lead meaningful lives without work, with as much independence as is possible. Scottish education has developed over recent years and, in European comparative context, educates a high proportion of disabled pupils in mainstream schools, with only 1.6% of the total pupil population in the special sector, compared with much higher rates in countries such as Belgium and Germany (Evans, 2003; OECD, 2000, 2005; EADSNE, 2003a, 2003b, 2005; Riddell *et al.*, 2006). However, as explained in the following section, there are tensions between education and disability equality legislation, and teachers tend to be much more in tune with the former, which is based on a discourse of needs rather than rights. In the following sections, we explain how disability and education legislation intersect and the implications of the relationship between the two. We then examine recent research and statistical evidence on the position of disabled pupils in Scottish education.

Provisions of Part 4 of the DDA

3.3 Disability discrimination legislation was extended to education in 2001, but exemptions which only apply to schools mean that in this sector it has had less impact than in colleges and universities, where no exemptions apply. The legislation places two key duties on education providers (referred to in the Act as 'responsible bodies'). These are:

- not to treat disabled pupils and prospective pupils less favourably on account of their disability; and
- to make reasonable adjustments to avoid putting disabled pupils at a substantial disadvantage.

3.4 The second duty is limited in the following ways:

- Reasonable adjustment duties do not require the responsible body to provide auxiliary aids and services;
- Reasonable adjustment duties do not require the responsible body to make alterations to the physical features of the school.

3.5 When the legislation was drafted, these exemptions were included on the grounds that existing education legislation in Scotland was likely to be sufficiently

robust to ensure that these types of adjustments would be made, and to avoid duplication. However, as noted above, these exemptions did not apply to the post-16 sector, where institutions such as universities and FE colleges were required to make adjustments to physical features and provide auxiliary aids and services to enable disabled students to access the curriculum. The requirements of Scottish education legislation concerning reasonable adjustments relating to auxiliary aids and services and physical features is addressed more fully below.

The DDA's definition of disability

3.6 A key aspect of the way in which the DDA articulates with education legislation concerns the definition of disability as opposed to the definition of additional support needs. Under the DDA, a disabled person is defined as someone who has a physical or mental impairment which has an effect on his or her ability to carry out normal day-to-day activities. That effect must be:

- Substantial (that is more than minor or trivial); and
- Adverse; and
- Long-term (that is, has lasted or is likely to last for at least a year or for the rest of the life of the person affected).

3.7 Normal day to day activities include mobility; manual dexterity; physical co-ordination; continence; ability to lift, carry or otherwise move everyday objects; speech, hearing or eyesight; memory or ability to concentrate, learn or understand; and perception of the risk of physical dangers.

3.8 The definition of disability within the DDA is different from the definition of additional support needs in the Education (Additional Support for Learning) (Scotland) Act 2004. In the latter piece of legislation, a child or young person is said to have additional support needs if he or she for whatever reason, 'is likely to be unable to benefit from school education provided or to be provided for the child or young person'. This is a very broad definition which, in addition to disabled children, includes children for whom English is an additional language, children who are looked after by the local authority, children of refugees and asylum seekers, children of drug and alcohol abusers, children living in poverty and children with social, emotional and behavioural difficulties. Co-ordinated Support Plans (CSPs) may be prepared for those who require significant support from appropriate agencies as a result of long-lasting needs or needs arising from complex or multiple factors.

The identification of disabled pupils in school

3.9 To comply with the DDA, schools need to identify which children are disabled to establish baseline measures and monitor progress over time. Responsible bodies (local authorities and schools) have to ensure that they have taken all reasonable actions to identify which children are disabled and who therefore may require reasonable adjustments. In order to be pro-active in identifying which children are disabled, schools must ensure that there is an open and welcoming atmosphere, ask parents when they visit the school whether their child has a disability and have a space on admissions forms requesting this information. If a parent has informed a school employee about a child's disability, then the school is deemed to have been

informed. Disability equality schemes should include information on the number of disabled pupils and their location. This is intended to ensure that schools become much more adept at identifying and monitoring the placement and progress of disabled pupils, and to encourage greater awareness of which pupils fall into this category, as opposed to the much wider additional support needs category. However, as noted below, local authorities' and schools' disability equality schemes do not always include information on the number of disabled pupils, and data published by the Scottish Government since 2007, based on the School Census, indicates that only 1.6% of children in Scottish schools are disabled. This is clearly an underestimate, since the 2001 Scottish Census indicated that at least 4% of children in Scotland were disabled using the DDA definition. An early evaluation of the Education (Additional Support for Learning) (Scotland) Act 2004 undertaken by HMIE (HMIE, 2007) pointed to wide variations in assessment practices, use of CSPs and a proliferation of education plans, with often poor communication to parents with regard to ASN policy and practice. Since disabled children are a sub-set of the wider ASN population, the criticisms made by HMIE have implications for this group.

Planning duties

3.10 Since planning matters are devolved to the Scottish Parliament, the planning duties within the Special Educational Needs and Disability Act 2001 (Part 4 of the DDA) do not apply to Scotland. However, the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 placed a duty on responsible bodies to publish and implement accessibility strategies for the school(s) for which they have responsibility. Accessibility is defined broadly, so that it covers the physical environment, the curriculum and communication methods. From September 2002, local authorities and schools have been expected to anticipate and plan for the needs of disabled pupils before they arrive at a school, rather than putting in place emergency measures when a pupil with a particular impairment arrives. An evaluation of the first set of plans (Scottish Executive, 2003) showed that many authorities tended to focus on the physical environment, and much less progress had been made in planning for access to school information, the curriculum and assessment.

Additional support needs and dispute resolution

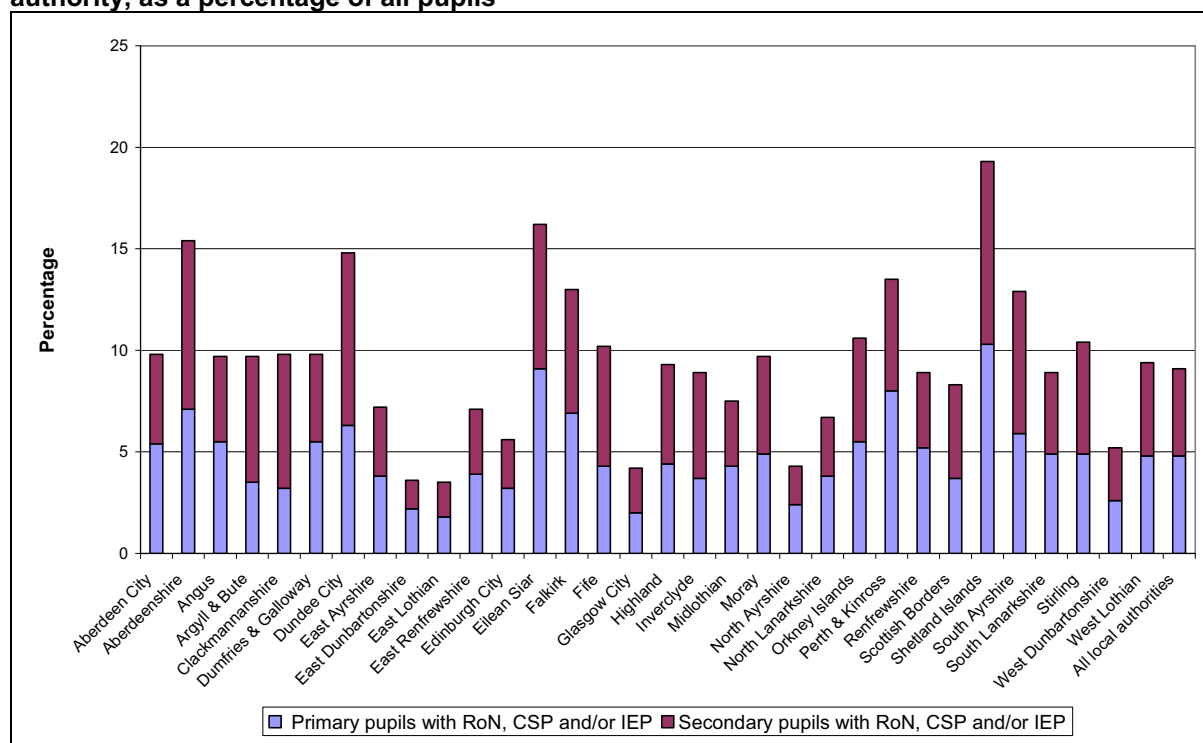
3.11 One of the goals of the Education (Additional Support for Learning) (Scotland) Act 2004 was to enhance the rights of parents, including opportunities to challenge local authority and school decisions. In order to do this, alternative dispute resolution (ADR) measures were introduced, including independent mediation and adjudication. At the same time, the Additional Support Needs Tribunals for Scotland, referred to as the ASN Tribunal, were also introduced. In England, disability discrimination cases are heard by the Special Educational Needs and Disability Tribunal (the SENDIST), whilst in Scotland they are currently heard by the Sheriff Court. Whereas about 300 disability discrimination cases are heard by the SENDIST in England each year, in Scotland virtually no disability discrimination cases have been heard by the Sheriff Court, since this route to justice is lengthy (cases may take up to three years to be dealt with), and costly, compared with the more accessible and less formal setting of the ASN Tribunal. The Equality Bill, on which the UK Government has been consulting (DfES, 2007; House of Commons, 2008) seeks to

streamline and strengthen the law on discrimination. Consultation has included a proposal to enable ASN Tribunals in Scotland to hear disability discrimination cases.

Research and statistical evidence

3.12 As figure 2 demonstrates, using the new categories, 4.8% of primary pupils and 4.3% of secondary pupils in Scotland are identified as having additional support needs. ASN data are collected on the main difficulty of learning, or the reason for support, for those children who have co-ordinated support plans and individualised educational programmes. Despite the broad range of categories which are used (see figure 4) only about 1.6% of pupils are identified as disabled. There is, however, some evidence that some local authorities use different types of support plans for pupils with additional support needs and it is not known whether these are included in the statistics.

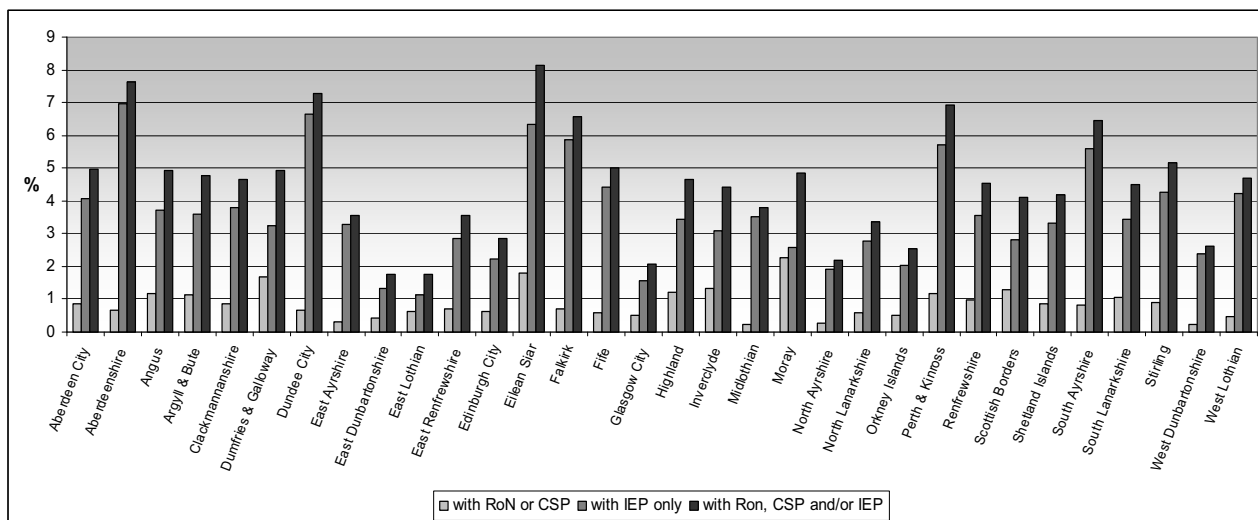
Figure 2: Pupils in publicly maintained primary and secondary schools with ASN by local authority, as a percentage of all pupils



Source: Scottish Government, 2008

3.13 The Scottish Government does not publish a breakdown of pupils identified as disabled by local authority. However, figure 3 shows wide variations across local authority with regard to pupils with additional support needs, defined as pupils with a Co-ordinated Support Plan, and/or an Individualised Educational Programme.

Figure 3: Pupils in publicly maintained primary and secondary schools with Records of Needs, Co-ordinated Support Plans and/or Individualised Educational Programme, as a percentage of all pupils by Local Authority

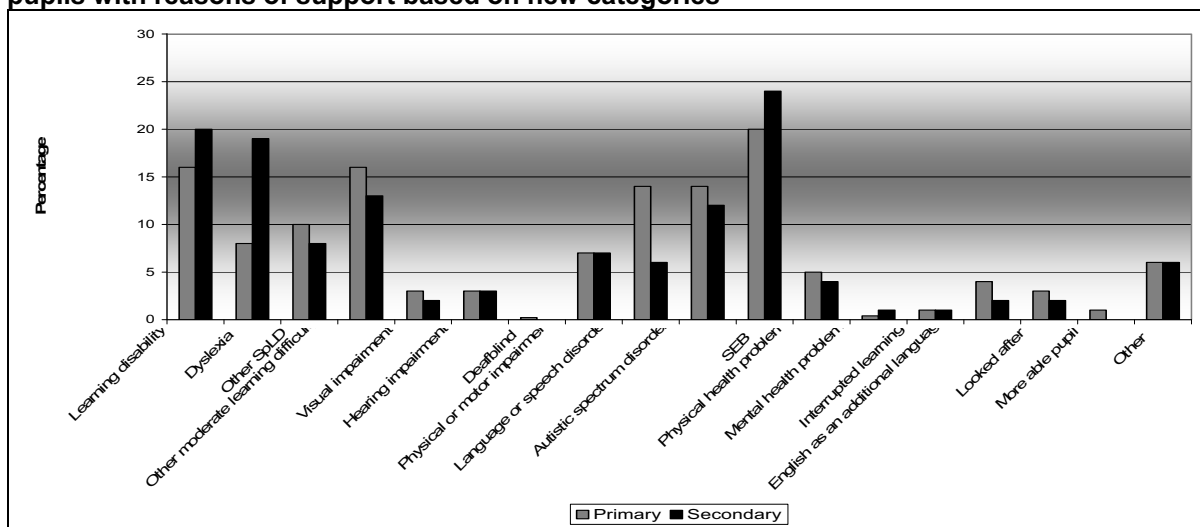


Source: Scottish Government, 2008

3.14 Overall, about 1% of the pupil population is educated in a special setting (special school or unit). Some local authorities make greater use of special schools than others, with twenty seven out of thirty two local authorities having special schools or units. In general, rural local authorities make less use of special schools than urban authorities as a result of the historical legacy (Riddell, 2006). In areas such as Angus, Eilean Siar, Moray, Orkney Islands and the Shetland Islands, due to large travelling distance, it was never cost effective to educate disabled children in special schools, so much greater use was made of mainstream placements. Special schools tended to be built in urban areas and to import children from neighbouring rural areas, and this pattern persists today.

3.15 A comparison between the primary and secondary sector (see Figure 4) shows that the proportion of pupils with language or speech disorder is considerably greater in primary schools than in secondary schools. Pupils with other specific learning difficulties or moderate learning difficulties are also more common in primary schools, however, those diagnosed with dyslexia are most likely to be found in secondary schools. This may be due to the fact that teachers in primary school consider slow development of reading and spelling as part of the normal spectrum of development or that those that later acquire a label of dyslexia are initially categorised as having language and speech disorders (Scottish Government 2008).

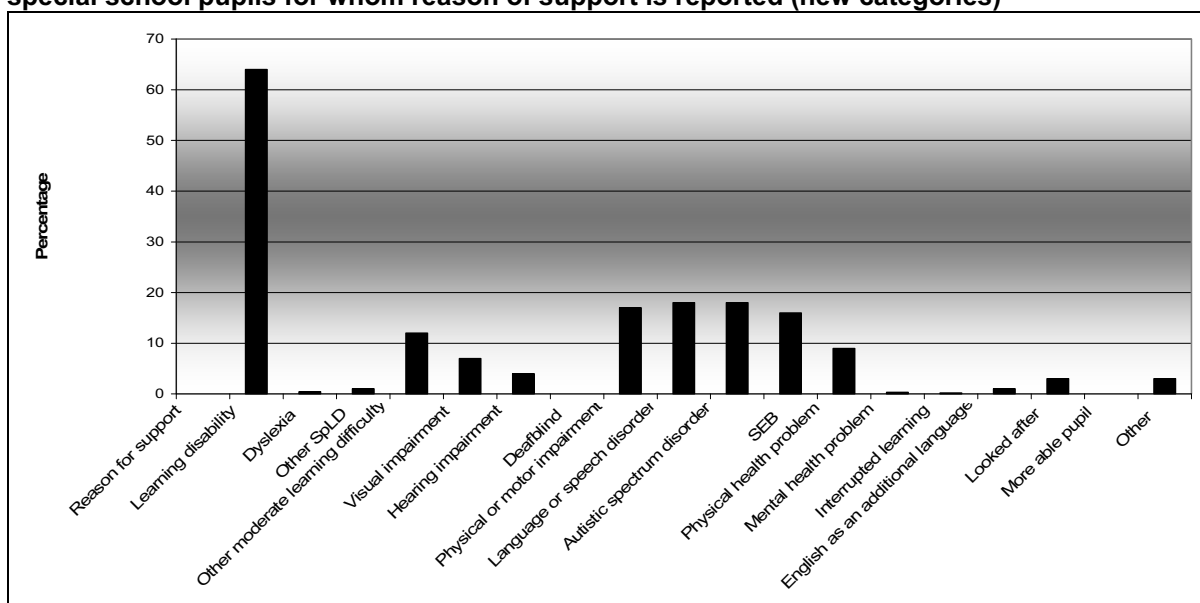
Figure 4: Primary and secondary pupils with ASN by reason of support as a percentage of all pupils with reasons of support based on new categories



Source: Scottish Government, 2008

3.16 Figure 5 shows that special schools are most likely to cater for children with a learning disability and, to a lesser extent, for those with autistic spectrum disorder, social, emotional and behavioural difficulties, language and speech disorders and physical impairments. Although those with dyslexia form a relatively large proportion of pupils with ASN they are only rarely attending special schools. As noted earlier, the ASL Act used an extended definition of additional support needs. However, only a very small proportion of the ASN population have interrupted learning, or English as an additional language, are looked after by the local authority or are identified as more able (Scottish Government, 2008).

Figure 5: Special school pupils with ASN by reason of support as a percentage of all pupils in special school pupils for whom reason of support is reported (new categories)

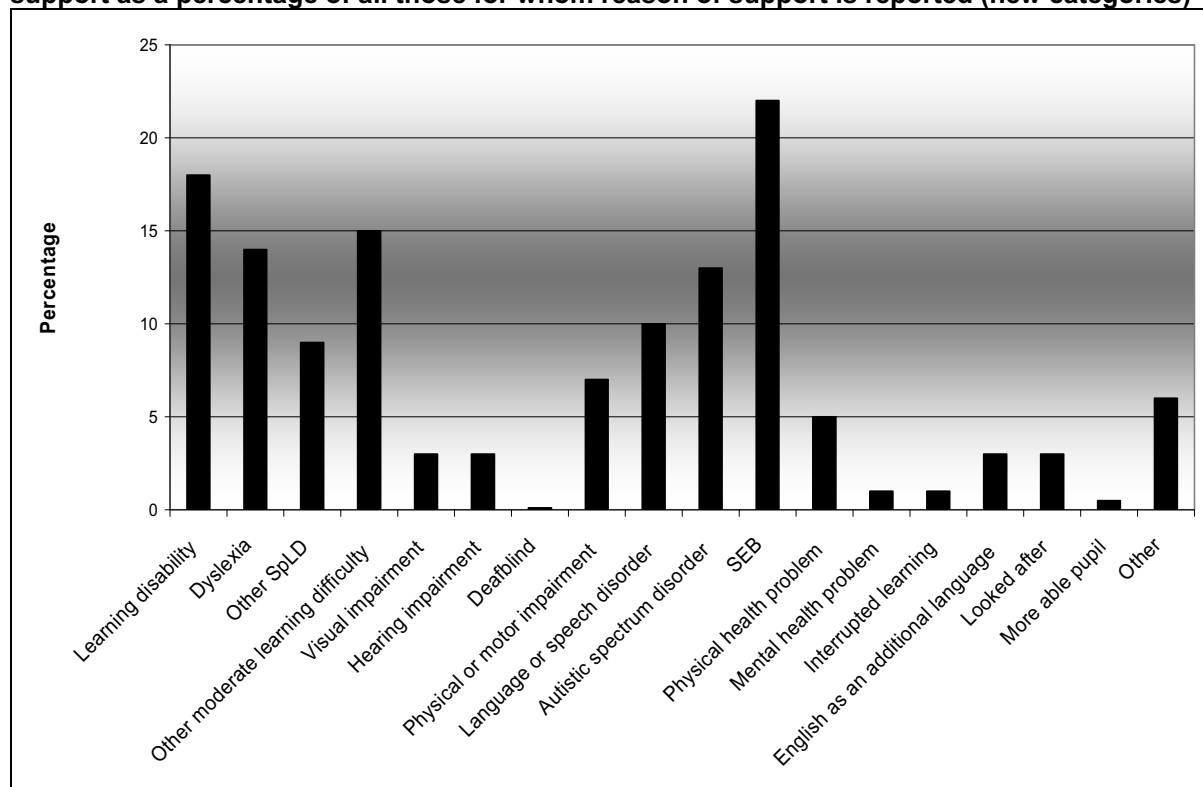


Source: Scottish Government, 2008

1. Pupils with more than one reason for support will appear in each category. Note that only pupils recorded under the new system of 'Reasons for support' (around 75% of pupils with ASN) are included in this chart, so the actual rates will be higher.

3.17 As Figure 6 shows, the largest categories of pupils with ASN are those with social, emotional and behavioural difficulties and those with a learning disability. Together, these two account for well over one third of the ASN population.

Figure 6: Percentage of pupils in primary and secondary schools with ASN by reason for support as a percentage of all those for whom reason of support is reported (new categories)



Source: Scottish Government, 2008

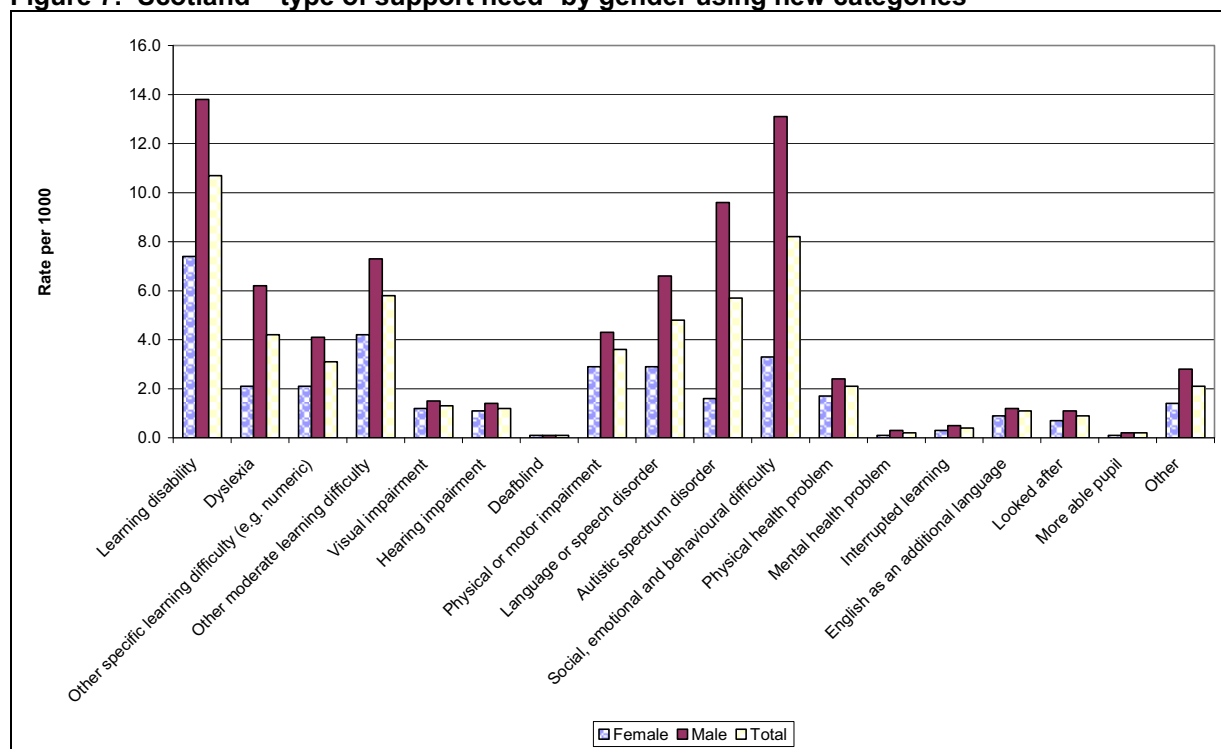
1. Pupils with more than one reason for support will appear in each category.

Note that only pupils recorded under the new system of 'Reasons for support' (around 75% of pupils with ASN) are included in this chart, so the actual rates will be higher.

3.18 The Scottish Government does not provide publicly available data on the ethnic background of pupils with ASN. This is likely to be due to the very small percentage of pupils from a non-white ethnic background in the Scottish population: 94% of pupils are from a White-UK background and just over 4% come from a non-white ethnic background. Data gathered on ethnicity of pupils in special schools show that for those pupils with information on ethnicity, 92% are from a White-UK background, 2% from White-other and 6% from other minority ethnic groups (non-White). However, the information on ethnicity is not provided for all pupils in special schools and numbers are very small. Caution should therefore be used in relation to this statistic.

3.19 There is a considerable difference between boys and girls in incidence of ASN. Boys account for 70% or 25,641 of the 36,542 pupils with ASN. Boys also account for about two thirds of those assessed or declared as having a disability as shown by Table 2.

Figure 7: Scotland – type of support need¹ by gender using new categories



Source: Scottish Government

1. Pupils with more than one reason for support will appear in each category.

Note that only pupils recorded under the new system of 'Reasons for support' (around 75% of pupils with ASN) are included in this chart, so the actual rates will be higher.

3.20 Table 2 shows disabled pupils by gender and adaptation required. Boys outnumber girls in a ratio of 2:1 and more than half of the total require curriculum adaptation.

Table 2: Pupils who are assessed or declared as having a disability, by gender, 2007

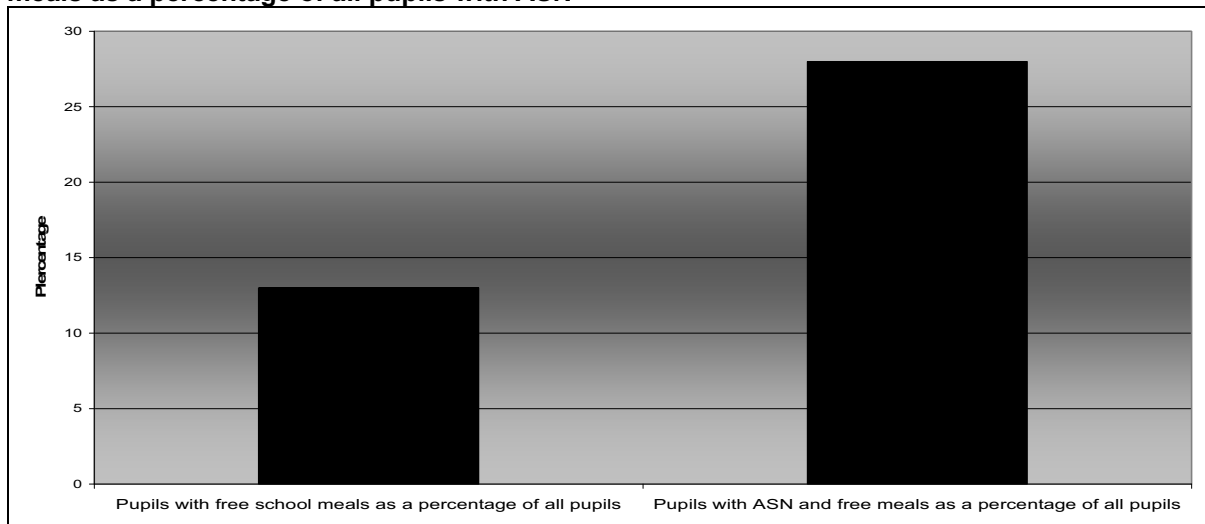
	Female	Male	Total	Rate per 1,000 pupils		
				Female	Male	Total
Total assessed and/or declared as having a disability	3,676	7,250	10,926	10.8	20.7	15.8
Assessed as having a disability ⁽¹⁾	2,756	5,620	8,376	8.1	16.0	12.1
Declared as having a disability but not assessed	920	1,630	2,550	2.7	4.6	3.7
Assessed requirement of adaptation to school provision:						
Physical adaptation	874	1,175	2,049	2.6	3.3	3.0
Curriculum adaptation	2,199	4,610	6,809	6.5	13.1	9.8
Communication adaptation	1,034	2,026	3,060	3.0	5.8	4.4
Not known/not disclosed	281	634	915	0.8	1.8	1.3

⁽¹⁾ Irrespective of whether a pupil is declared as having a disability. Excludes grant aided special schools.

Source: Scottish Government 2008

3.21 Scottish Government data shows that there is a steady increase in incidence of ASN up to the ages of 10 and 11. Analysis has also been done using entitlement to free school meals as an indicator of poverty, a widely used but contested measure (Scottish Government 2008). Scottish Government statistics on free school meals are based on entitlement rather than uptake and that the statistics gathered in 2006 were incomplete. The data shown in Figures 8, 9 and 10 should therefore be treated with caution. It is included here as it is the only publicly available data that allows for an examination of the link between ASN and poverty.

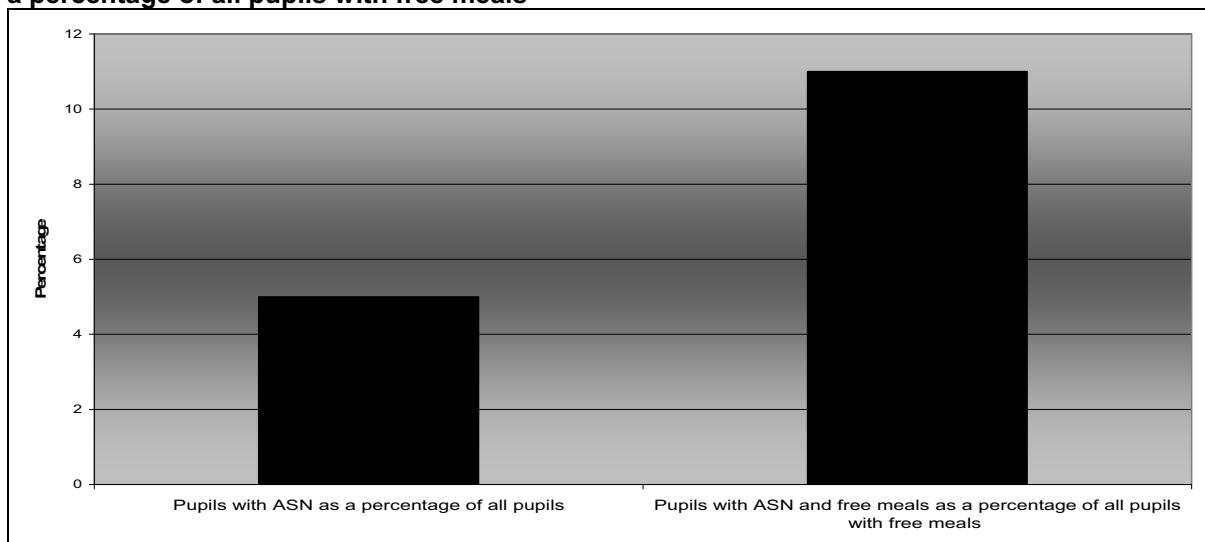
Figure 8: Pupils with free meals as a percentage of all pupils and pupils with ASN and free meals as a percentage of all pupils with ASN¹



Source: Scottish Government, 2008

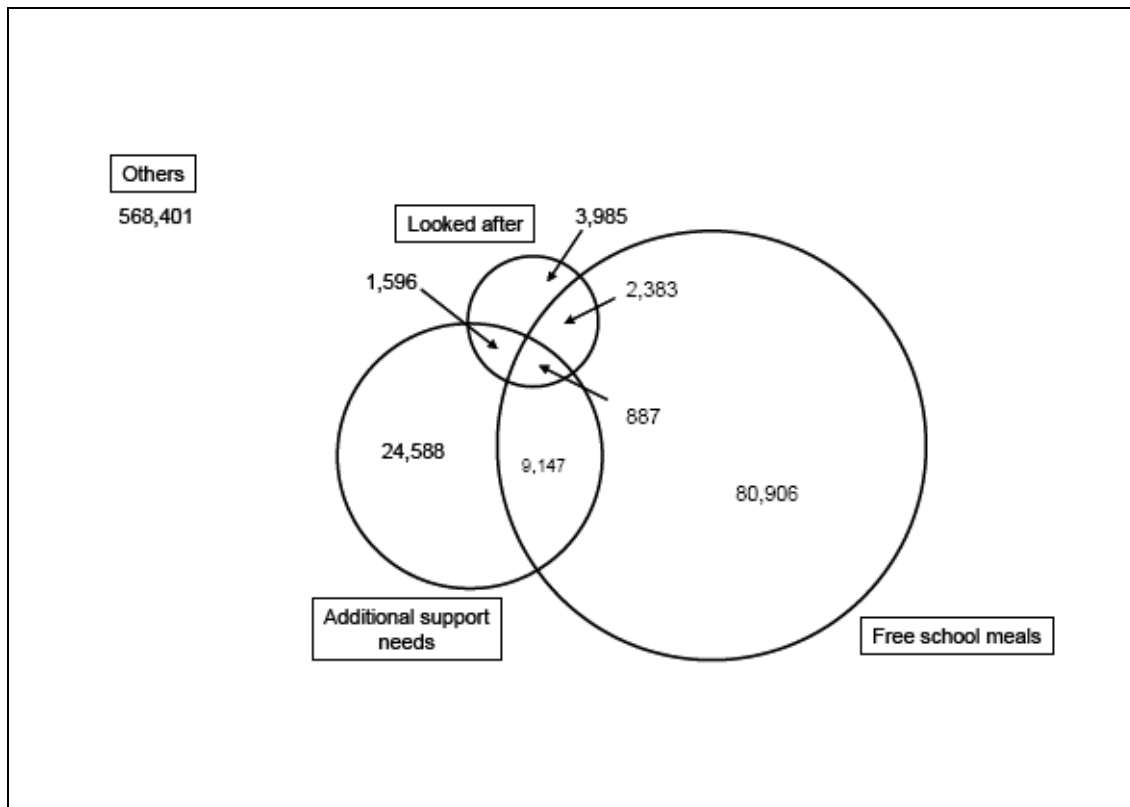
1. Excludes pupils in grant aided special schools

Figure 9: Pupils with ASN as a percentage of all pupils and pupils with ASN and free meals as a percentage of all pupils with free meals



3.22 The data show some link between poverty as measured by free school meals entitlement and ASN. Pupils with ASN are more likely than the general school population to also be entitled to free school meals.

Figure 10: Number of pupils with free meals, ASN and looked after by local authority



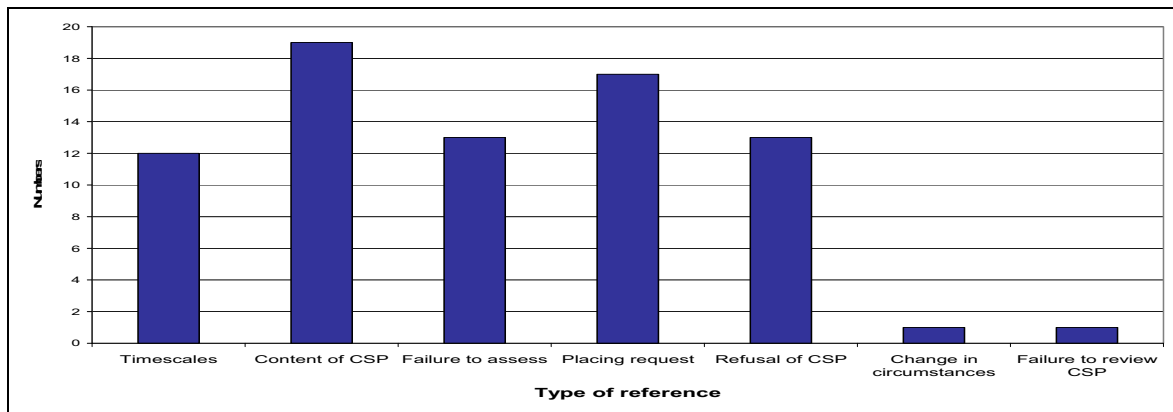
Source: Scottish Government, 2008

3.23 As noted earlier, the Additional Support Needs Tribunals for Scotland were set up in 2005 in order to provide independent, user friendly support to hear appeals on a range of issues relating to Coordinated Support Plans (CSPs) for children and young people with additional support needs, many of whom are disabled. The aims of the Tribunals are:

- to provide independent and expert adjudication, operating impartially, efficiently and effectively, in accordance with the Act;
- to be user-friendly through informal and flexible proceedings and being accessible to users;
- to discourage formal, litigious encounters between parents and education authorities by providing a forum for constructive dialogue; and
- to make decisions which reflect best practice in relation to additional support needs.

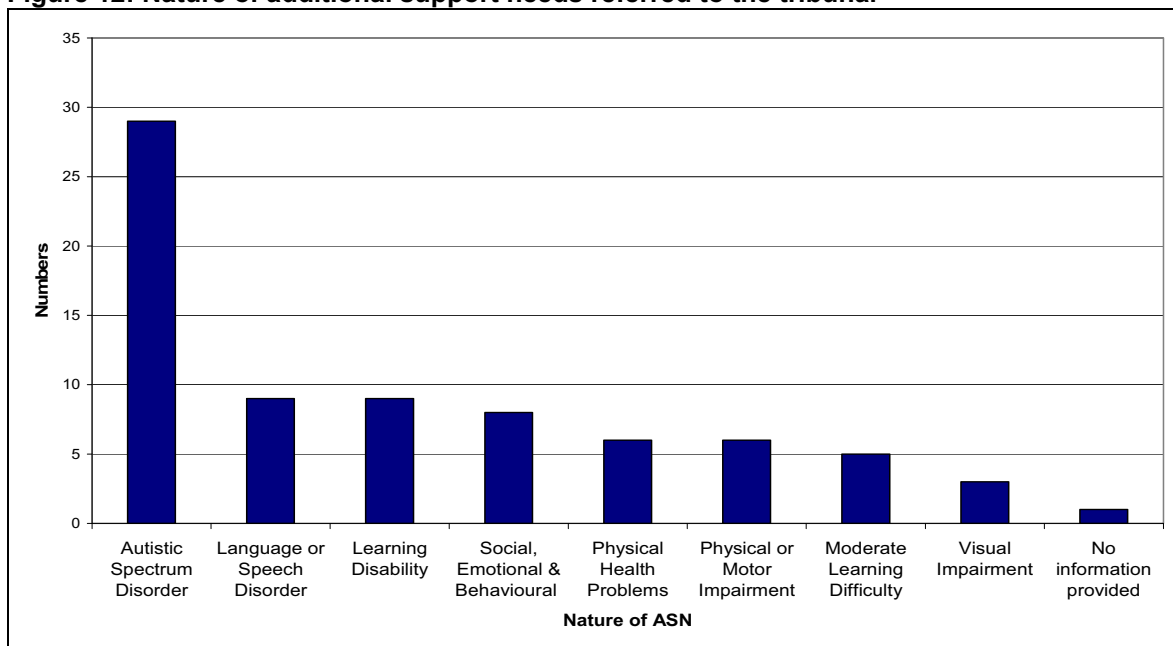
3.24 Seventy-six references were made to the tribunal during the period April 2007 to March 2008. Seventeen of these were placing requests and 59 related to Coordinated Support Plans.

Figure 11: Types of references to the tribunal 2007-08



3.25 The majority of referrals related to White Scottish, White Irish or other White British children (75%) with only 7% from non-white or mixed race background. Eight percent did not specify ethnic background. The most common reference to the tribunal was for children and young people with autistic spectrum disorder. This group accounted for 38% of all references. Language and speech disorder, learning disability and social, emotional and behavioural difficulties formed the next three largest groups. There were no references from those with dyslexia, other specific learning difficulties, hearing impairment, mental health problems, interrupted learning, English as an additional language or looked after status. The limited ambit of the tribunal and its focus on those with a CSP means that pupils whose needs do not require significant co-ordination cannot appeal to the tribunal. However, other dispute mechanisms are available, including mediation and dispute resolution for those who cannot go to ASNT.

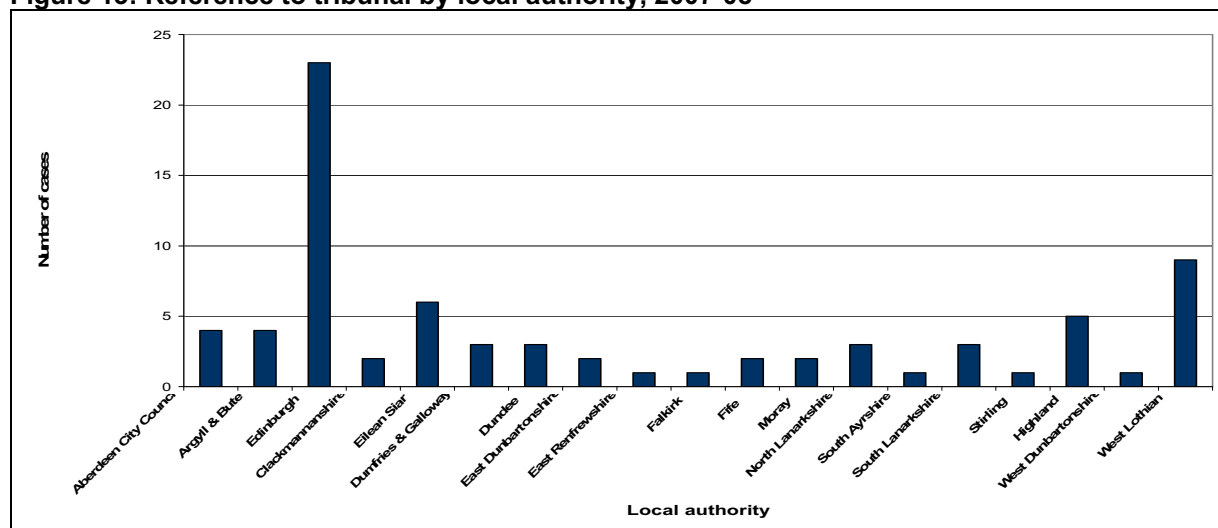
Figure 12: Nature of additional support needs referred to the tribunal



Source: ASNTS, 2008

3.26 The majority of references concerned boys, with only 16 of the 76 cases relating to girls (ASTNS, 2008). As Figure 13 shows, the largest number of references to the tribunal concerned pupils within the Edinburgh City council area; however, this authority also has a large pupil population. Thirteen authorities have not been subject to a reference and this includes Glasgow City Council in spite of having the largest pupil population. Conclusions cannot be drawn from this as it is not clear whether a small number of appeals means that there are no problems or whether fewer CSPs are being prepared than expected. Eilean Siar with one of the smallest pupil populations has a relatively high number of references.

Figure 13: Reference to tribunal by local authority, 2007-08



Source: ASNTS, 2008

Reporting on progress

3.27 In the sections which follow, we shall present first the areas in which progress towards equality is evident from the disability equality schemes, action plans and annual reports, followed by discussion of the areas in which progress is not evident. The report will end with

- discussion of the use of categories of impairment in the schemes;
- the evidence of the involvement of and consultation with, disabled people and their families; and
- a summary and conclusions.

Reporting on progress: areas where progress is evident

3.28 The Scottish Government's own disability equality action plan includes many actions relevant to improving the position of disabled children. The Schools Directorate action plan includes steps aiming

- to improve education and support for children with additional support needs; to extend the scope of Additional Support Needs Tribunals to hear all disability discrimination cases in schools;

- to improve the gathering and collation of disability statistics at education authority and Scottish Government level;
- to improve support for education authorities in production of their disability equality schemes and in mainstreaming equality issues into the curriculum;
- to improve communication with parents regarding their rights; and
- to consider how curriculum materials can be made available in suitable formats for pupils with a range of additional support needs and disabilities.

3.29 They also seek to increase involvement of disabled users in school design; to make new buildings more accessible; and to improve teacher education and professional development to enhance teachers' knowledge and understanding of inclusion.

3.30 The capacity of disabled pupils to take full advantage of their school education may be enhanced or impaired by the quality of support they receive in other aspects of their lives. The Children, Young People and Social Care Directorate action plan describes moves to increase numbers of grants to families with disabled children, to give greater parental empowerment and control over services to disabled children and continued support for families affected by disability; improving the capacity of the social care sector to support vulnerable groups, including those affected by disability; developing approaches to working with children and their families that prevent, manage and deal with risks; and ensuring that the rights of all children, including those affected by disability, are respected.

3.31 The Scottish Government's disability equality action plan also highlights progress in providing guidance on the Disability Students' Allowance, Partnership Matters (including examining extending the guidance to the university sector), the funding practices and provision of further education opportunities available to people with complex needs and of information advice and guidance on funding for learners. The plan also lists programmes where disability equality is being mainstreamed, including More Choices, More Chances, Get Ready for Work, Determined to Succeed, and the Education Maintenance Allowance.

3.32 In the disability equality schemes and annual reports of the 32 Scottish education authorities, and of the 7 grant-aided special schools, we also find evidence of activity stimulated by the disability equality scheme, including training and awareness raising; improvements to the physical environment and equipment; improving access to the curriculum for disabled pupils; strengthening links with other groups concerned with the care and support of disabled pupils; and involving disabled pupils and their families in the development and monitoring of disability equality schemes. We note here some of the areas in which progress was reported for schools. Progress on supporting transitions is discussed separately in Chapter 4.

Training and awareness raising

3.33 All the plans make reference to further training for staff in relation to the disability equality duty, always head teachers, and often for all staff in schools. Many of the education authorities refer to their Accessibility Strategy, produced in response to the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002. As discussed more fully below, in the section entitled *Categories of*

impairment employed, the requirements of the disability equality duty and their Accessibility Strategy are usually seen as overlapping and mutually reinforcing, although sometimes as confusing, given their differences in scope, both from one another and from other policies and practice on the provision of Additional Support for Learning. A few authorities attached their Accessibility Strategy action plan as an appendix to their disability equality action plan. Clearly progress on training on relevant topics was already underway in some education authorities as part of the Accessibility Strategy, rather than being introduced as a result of the disability equality scheme - but if this training serves to improve the experience of disabled pupils, it represents progress.

3.34 Many of the education authorities list specific training topics in their disability equality action plans. These include:

- training for school staff, including reception staff, in better communication with disabled pupils and with parents
- training on new equalities initiatives, including disability
- expanding the capacity of staff to produce information in alternative formats
- training in use of loop systems and other specialist equipment
- provision of courses on epilepsy, autism spectrum disorder, diabetes, communication support needs, severe allergies and dyslexia
- training in impact assessment of policies
- disability inclusion / awareness training in sport and physical activity.

Improving the physical environment and equipment

3.35 Again, education authorities and schools have plenty of activity to report, listing equipment acquired, new lifts, handrails, signage, ramps and stairlifts installed and improvements to access to their buildings in line with their disability equality action plans. Physical improvements to allow disabled pupils to access the curriculum, both through communication aids and through specialised equipment for sports and outdoor activities are noted. The Scottish Government is also currently revising their accessibility guidance to education authorities to take account of recent legislative changes and policy developments.

Improving access to the curriculum

3.36 Education authorities' reports on action points on access to the curriculum are frequently linked to their plans for the implementation of the Additional Support for Learning Act and to their Accessibility Strategy. Some simply append their Accessibility Strategy, and do not repeat action points in their disability equality action plan. Nevertheless, use of information technology, communication aids and accessible teaching and learning materials figure in some action plans, and steps taken to ensure that disabled young people can participate in sport and recreational activities in their school community are highlighted.

Working with partners

3.37 Many of the schemes stress the importance of collaboration in improving the opportunities for equality for disabled pupils. Local disability fora, and voluntary

sector organisations working with disabled children and their families have been drawn into consultation plans, including the impact assessment process. One education authority notes efforts to develop their multidisciplinary work with a broad range of professionals including educational psychologists, the Sensory Support Service, Specialist Technology Service, Careers Scotland, Child and Family Mental Health, family doctors, occupational therapists, physiotherapists, social workers, speech and language therapists, Arts and Libraries and their Sports and Active Lifestyles Team. In addition to working with these colleagues, some authorities seek to develop links between special schools and local schools.

Working with parents and families

3.38 Although the theme of consultation and involvement is discussed more fully below (para. 2.90), we note here that many action plans stress the importance of communication, especially with parents, and involving parents and children in decision-making. This is clearly not a new area of activity, but one which education authorities are seeking to make more pervasive and more effective.

3.39 To sum up the evidence of progress, the main areas of activity in schools are:

1. staff development, directed at improving communication, awareness of the legislation, understanding of specific disabilities and technologies, impact assessment, and ways of making the curriculum more accessible
2. improvements to the physical environment
3. improving access to the curriculum
4. working with partners, including health professionals, Careers Scotland, arts, libraries and sports colleagues
5. improving communication with parents and families.

3.40 As noted above, some of this activity was already underway in response to the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 and the Education (Additional Support for Learning) (Scotland) Act 2004, and it is therefore difficult to distinguish steps which have been taken as a result of more recent disability equality obligations.

Reporting on progress: areas where progress is less evident

Impact assessment

3.41 Progress on impact assessment in the first year of disability equality schemes appeared to be patchy. Only a few councils were able to report on completed impact assessments in their first annual review. While some had completed impact assessments, others were beginning the process, and others were still deciding how to proceed.

Monitoring progress of disabled children

3.42 This has been included as an area where progress is less evident because many schemes and annual reports contain relatively little statistical data, either about the numbers of children or about their progress and achievement. This does not

necessarily mean that the progress of individual children is not being monitored in the schools and in the Education Authority, but simply that the disability equality schemes and annual reports tend not to contain sufficient data to allow this to be assessed.

3.43 To sum up, the difficulties of distinguishing activities undertaken in response to the disability equality duty and responses to earlier legislation affecting disabled pupils complicates the assessment of progress, but there is room for improvement in recording and monitoring and in the establishment of procedures for impact assessment of policies and practices.

Categories of impairment employed

3.44 Education authorities' disability equality schemes vary in their use of categories of disability. Some confusion has arisen, for reasons which are explained at length in the annual report for 2006-2007 of the City of Edinburgh Council on their multi equalities scheme for 2006 -2009:

“The focus on disability equality as a result of the DED comes at a time when the Council has also been concerned with compliance and proper implementation of the Additional Support for Learning Act (AsfL). Whereas the AsfL asks schools to consider whether a child is experiencing barriers to learning, the DED asks schools to classify individuals according to impairments, based on a wide ranging definition of disability.

Schools have taken on board the inclusiveness of the term ‘additional support needs’ as described within the AsfLA and understand that this term can include gifted and talented pupils, those suffering temporary emotional upsets or those requiring English as an additional language support. This definition is a radical move away from the impairment focussed definition of ‘special educational needs’ that was in use as recently as 2004.

In order to fulfil the DED the Council is also now asking schools to identify disabled pupils individually and this seems to represent a move away from a social model of disability towards a medical model of disability.

All of this is serving to cause confusion as schools struggle to reconcile the differences between the definition of disability and the definition of additional support needs.

The combined effects of establishing new local data gathering systems, new national reporting requirements and the tension between the DED and AsfL definitions have presented the Council with a significant challenge in respect of data collection. It is hoped that these matters can be resolved at a national level in order that local authorities can begin to improve both the quality and the quantity of disability data.”

(p. 21-22)

With this caveat, City of Edinburgh Council presents its own statistics as numbers of pupils “declared as disabled” and “assessed as disabled”, without specifying more detailed categories.

3.45 Many other education authorities do not even present global statistics of disabled pupils in their disability equality schemes or annual reports, but they do cross-refer to other strategies and plans and some state that the data on attendance, progress, attainment and exclusion rates of disabled pupils can be drawn through their management information systems. Clackmannanshire Council Education Service's disability equality scheme for 2006-2009, for example, states that:

"The DES has drawn on and been developed in the context of a number of relevant policies and planning and monitoring devices. These include:

- *The integrated Children's Services Plan*
- *The Accessibility Strategy*
- *The Inclusion Policy (which details the ASN framework)*
- *The Joint Health Improvement Plan*
- *The Local Authority Statement of Improvement Objectives*
- *Quality improvement processes for schools including School Improvement Plans and Standards and Quality Reports*
- *The Parental Involvement Strategy."*

3.46 Moray Council's scheme highlights perceived tensions between the disability equality duty and their Additional Support for Learning framework:

"Our vision in Moray is accepting that everyone is unique, and that by working in partnership, respecting everyone's contribution, embracing difference and ensuring equity in everything we do, we aim to give every individual the opportunity to reach his/her full potential.

In addressing the Disability Equality Duty, it was important therefore that involving children, young people, their families and staff did not undermine the inclusive ethos of the Additional Support for Learning Act by singling out only those affected by disability. It would be hard to access a discrete group of children and young people when they are included in school with their peers. Those not affected by disability would also be able to contribute to the process because of their knowledge of disability through their regular contact with those who are affected by disability or ill health."

(p.4)

3.47 Their scheme does not provide statistics, but their action plan does include action points relating to specific disabilities, including mental health, the teaching of sign language and adjustments to ensure that disabled young people can attend clubs and participate in school trips, sports days and discos.

3.48 To sum up, there is no standard approach to identifying categories of disabled pupils, and this may create difficulties for assessment of progress in future. However, as noted at paragraph 3.28 above, the Scottish Government's disability equality scheme includes plans to improve the gathering and collation of disability statistics at education authority and Scottish Government level.

Consultation and involvement

3.49 Most education authorities' plans include mention of consultation with disabled pupils and their parents in developing their schemes. Many mention that they have required consultation in the past, using questionnaires or seeking input from pupil councils, and are now seeking to improve these processes. For example,

one education authority notes that they have established procedures for annual audit of views of children and young people and parents, which are integral to the review and development of their individualised services for disabled learners. They plan to enhance this by published guidance for pupil councils in obtaining and using the views of children with a disability to improve equality of opportunity, eliminate harassment and discrimination, promote positive attitudes, encourage participation and meet needs.

3.50 For schools and education authorities, arrangements to consult pupils and parents on disability issues are only part of their agenda of encouraging the involvement of parents: one authority describes how they have raised the profile of disability in quarterly meetings with parents of pupils with additional support needs, by re-naming the forum “The ASN and Disability Forum” and by providing the necessary support for visually and hearing impaired parents to encourage their attendance. Another authority plans to develop links between special schools and local schools, and to develop pupil and parent involvement in disability awareness training for schools, using their own stories.

3.51 A barrier to the assessment of progress in this area is the lack of detail in many of the plans, which fail to specify how the views of disabled children and their families were elicited, and what use was made of those views. One local authority describes its scheme as “shaped by the responses from the disability equality scheme consultation”, and notes as an action in its plan to “continue to work with local and national disability forums and groups to ensure views are fed in”. Like so many other schemes and annual reports, however, this scheme does not give any illustration of a change made as a result of such consultation which will enable progress towards equality of opportunity for disabled people.

3.52 Some of the grant-aided special schools have appended to their disability equality schemes copies of their questionnaires used to collect the views of pupils and staff. These schemes also contain some clear evidence of how the consultation exercise led to action: for example, Corseford School reports:

“We conducted focus groups with the Stakeholder Involvement Group and found that the main point regarding physical access was the paths and pavements, which are too narrow and too steep. We have secured funding to rectify this in the early part of 2008.”

Summary and conclusions

3.53 The impact of the disability equality duty, combined with other legislation on accessibility and additional support for learning, has encouraged authorities and schools to review their policy and practice in relation both to disabled children in school and to disabled employees. Their initial schemes and annual reports reflect a willingness to take action to improve equality of opportunity. At this early stage, however, many of their actions are concerned with setting up systems for reporting, establishing consultation groups and appropriate methods of discovering, and taking account of, the views of pupils and their parents, undertaking training of staff in the disability equality duty, and discovering where changes may be required in, for example, collection and monitoring of data to enable reporting in future. The reports also contain evidence of many actions of direct benefit to disabled pupils.

4 DISABLED YOUNG PEOPLE AND TRANSITIONS

Background policy and statistical evidence

4.1 In this chapter we pull together the policy issues and the evidence of progress in helping young people make transitions within or out of education, as reported in the disability equality schemes, action plans and annual reports of the 32 Scottish education authorities, the 7 grant-aided special schools and the Scottish Government. We also note actions taken by the colleges and universities to smooth the transitions of young people who are considering continuing their education there. Some material from the schemes and reports of organisations in the portfolio of the Cabinet Secretary for Finance and Sustainable Growth (which includes the work of Scottish Enterprise, Highlands and Islands Enterprise, and Careers Scotland) has been included in Chapter 5, under the subheading *Employability*. We also note here the availability of programmes and supported employment opportunities to which disabled young people may progress. These initiatives are clearly relevant to consideration of arrangements for transitions, but since they are generally designed to help a broader population of disabled adults, not only young people in transition, they will be discussed more appropriately in Chapter 5.

Wider policy context

4.2 Over recent years, greater attention has been focused on the transitional experiences of disabled young people as they move from school into the early adult phase of life. The Beattie Committee (Scottish Executive, 1999) focused on the transitional experiences of young people with additional support needs, which includes disabled young people. The report argued strongly for an approach based on inclusiveness, with much more joined-up working across agencies. It was suggested that every young person with additional support needs should have access to a key worker to co-ordinate services and advise on future directions. As described earlier, seventeen multi-agency inclusiveness projects were set up, which were managed by Careers Scotland after 2002. Not all include disabled young people, since the definition of additional support needs embraces such a wide spectrum, including young care-leavers and people with addictions. The evaluation of these pilot projects (SQW Ltd, 2005) reported that “in spite of the clear strides taken, moving into and sustaining positive outcomes continued to elude many clients” (p.3). It recommended the preservation of several effective characteristics of the projects, including recruitment and training of key workers so that they had or acquired familiarity with the services, procedures and people of the service providers dealing with the wide range of problems of vulnerable young people.

4.3 Disabled young people who wished to access training used to be directed onto the Special Skillseekers programme, run by the Local Enterprise Companies. In April 2002, this was replaced by a programme called Get Ready for Work, operated and managed by the Enterprise Networks with Careers Scotland, providing the Personal Advisory and Referral Service. Other relevant programmes and policy initiatives which have been designed to improve the opportunities for disabled young people at the point of transition from school to the workplace or further education include Workforce Plus; More Choices, More Chances; Determined to Succeed; and the Education Maintenance Allowance. In addition, the Scottish Government is

funding a National Development Officer post to coordinate local and national partnership approaches to effective implementation of the Additional Support for Learning Act, with a specific focus on transitions for young people at risk of missing out on education and training opportunities, including disabled learners (Learning and Teaching Scotland, 2008). And the Scottish Government has commissioned 2 development officers, one from education and one from the allied health professions, to develop guidelines to promote and support more effective partnership working between local authorities and allied health professionals.

Research and statistical evidence

4.4 As noted by Stalker (2002) in a review commissioned by the Joseph Rowntree Foundation, about 12% of the adult population of Scotland is aged 16-24, and of these about 9% have a long-standing illness, health problem or disability (Scottish Executive 2001). Data on the number of young disabled people entering FE was collected for the first time in 2002. About 5% of students in higher education in Scotland have reported a disability. Figures are not available on the destinations of disabled young people leaving mainstream schools in Scotland, a gap which needs to be remedied. Stalker (2002) reported that, in 2000-01, out of 700 pupils leaving special schools in Scotland, 45% entered full-time further education, 14% training, 8% employment, less than 1% university, 26% went to 'other' destinations and 7% were unknown. 'Other' destinations include day centres and, in some cases, no formal provision.

4.5 Research on the experiences of young people with learning disabilities in transition (Riddell *et al.*, 2001) found that they were often excluded from mainstream pathways, and this is also a finding of the Scottish Parliament Disability Inquiry (2006). In terms of progress, colleges have expanded their provision for people with severe learning difficulties and disabilities. However, there is still very little further education based post-school provision for young people with profound and complex disabilities and the ability to travel independently is often used as one of the criteria governing admissions. Parent campaigners are trying to remedy this deficit, arguing that however severe the person's impairment, they should still be encouraged to access post-school educational provision like other young people. The Scottish Government and the Scottish Funding Council recently commissioned the BRITE Initiative to undertake a mapping exercise of further education provision for students with complex needs. The results of this mapping study are available at <http://www.scotland.gov.uk/Topics/Education/Funding-Support-Grants/FFL/ComplexNeeds>

4.6 In further education, students on 'extension' courses may have few points of contact with the other college students, often using different classrooms and taking breaks at different times. Since responsible bodies are now required to make reasonable adjustments, FE colleges might be encouraged to report on access to transport in the next round of disability equality schemes and annual reports. It should be noted that access to transport is not just the responsibility of colleges, Students with additional support needs, particularly those with complex needs may have their transport paid for and arranged by social work departments. Guidance on transport arrangements is available in Partnership Matters (2007).

4.7 Further possibilities for independent living through the process of transition to adulthood may be provided through the use of direct payments, now referred to as self-directed support. Direct payments were extended to 16 and 17 year olds through the Regulation of Care (Scotland) Act 2001. Under the Community Care and Health (Scotland) Act 2002, every authority will have to make direct payments available to 16 and 17 year olds by 2003. These funds could be used to pay for transport to or support at college, place of work or training. Direct payments are discussed more fully in the Health and Wellbeing portfolio report.

Disabled students and graduates

4.8 Whilst many disabled young people experience great difficulty in accessing the labour market, disabled students and graduates provide a counter-example of a group who have managed to access the most selective part of the education system. Riddell *et al.* (2005b) reported on a project which investigated disabled students' rates of participation, institutional policies and social and educational experiences.

4.9 As noted in Chapter 2 on further and higher education, universities have changed greatly over the past two decades, with much greater student numbers, a more diverse student population and greater accountability. In spite of this demanding and changing environment, provision for disabled students has greatly improved. All institutions now have a disabled students' advisory service, a designated disability officer and a senior manager with responsibility for disability issues. The needs of disabled students, including those at the start of their university careers, have been written into policies on admissions, assessments, estates and buildings and into some university strategic plans. All institutions have definite written plans for further development. The development of the Quality Indicator Toolkit pilot should also be acknowledged. This pilot allows colleges and universities to be validated and therefore accepted by SAAS as being able to undertake the needs assessment of students claiming the Disabled Students' Allowance. The pilot is currently being reviewed by Equality Forward. The purpose of the Toolkit is to reduce the time that students have to wait for their DSA needs assessment and to help institutions to become more inclusive.

4.10 While all of these signs of progress are encouraging, there are many areas that still need much further development. Areas needing particular attention appear to be teaching and learning, monitoring and evaluation of student progress using the available statistics and staff development. Teaching and learning remains an area of particular concern, since it is the case that the kind of cultural change required to make a difference in this area will take a long time. The Teachability project, a framework for reviewing the accessibility of teaching materials and approaches, is being rolled out in Scottish universities. If taken up by lecturers, it should ease the transition into the academic aspect of university life.

4.11 Social, as well as educational, aspects of transition also require further attention. Weedon and Riddell's (2008) analysis of disabled university students' experiences of transition indicated that many were isolated and lacked the social networks in which much informal learning takes place. Some students had difficulty accepting the label 'disabled', which students must adopt to qualify for the Disabled

Students Allowance and the protection of the DDA, but this did not sit easily with their self concept and desire for autonomy.

4.12 The Higher Education Funding Council for England (HEFCE) funded a project (Evans and Farrar, 2003) which explored the outcomes for disabled graduates in the labour market using HESA first destination survey data. The findings of the destination survey in 2002, looking at outcomes six months after graduation, found that 48.4 % of disabled graduates with a first degree and 53.4% of non-disabled graduates were in full-time employment. Disabled graduates were more likely to be employed in clerical and secretarial, craft, personal services and sales jobs, as well as in part-time and unpaid work. They were less likely to be embarking on careers in health and education. AGCAS (2007; 2008) have also reported on the first destinations of disabled graduates, but further work appears necessary to explore the fortunes of disabled graduates as their careers develop. The evidence from Evans and Farrar (2003) suggests that significant differences between disabled and non-disabled graduates exist, but nonetheless this group is performing markedly better than disabled non-graduates.

Reporting on progress

4.13 In the sections which follow, we shall present first the areas in which progress towards equality is evident from the disability equality schemes, action plans and annual reports, followed by discussion of the areas in which progress is not evident. The report will end with

- discussion of the use of categories of impairment in the schemes;
- the evidence of the involvement of and consultation with, disabled people and their families; and
- a summary and conclusions.

Reporting on progress: areas where progress is evident

4.14 The Scottish Government's own disability equality action plan includes actions relevant to helping disabled young people through transitions. The Children, Young People and Social Care Directorate action plan describes moves to increase numbers of grants to families with disabled children, to give greater parental empowerment and control over services to disabled children and continued support for families affected by disability; improving the capacity of the social care sector to support vulnerable groups, including those affected by disability; developing approaches to working with children and their families that prevent, manage and deal with risks; and ensuring that the rights of all children, including those affected by disability, are respected.

4.15 The Lifelong Learning Directorate action plan includes reviews of guidance on the Disability Students' Allowance, and of Partnership Matters, the strategic guidance for supporting transition from school to further or higher education for young people with additional support needs. They also report reviewing funding practices and provision of further education opportunities available to people with complex needs and of information, advice and guidance on funding for learners.. and list programmes designed to improve the opportunities for disabled workers and

learners – Workforce Plus; More Choices, More Chances; Get Ready for Work; Determined to Succeed; and the Education Maintenance Allowance.

4.16 By no means all of the Education Authority disability equality schemes and action plans make reference to supporting transitions, but - as discussed throughout this report - this omission may simply be because the work is seen as established good practice, or as part of the Additional Support Needs agenda, rather than the disability equality duty agenda. One authority gives examples of involving parents in transitions of disabled children from nursery to primary school, and from primary to secondary by encouraging school visits.

4.17 Most references, however, are to transitions at the end of schooling. Some of the schemes which mention this topic do so in the context of describing continuity rather than change; for example, one states that “transitional workers have and will continue to support children and young people making transitions from school to independent living”; another reports that its Transitions Group continues to oversee provision of Pathfinder Plans to support post-school transition arrangements for young people.” In local authority disability equality schemes, as opposed to the education authority schemes, we have also found action points for social work teams relating to their role in transitions.

4.18 A third Education Authority reports that, in order to support disabled young people and their families through the transition to adulthood, all schools have been trained in the transition requirements of the Additional Support for Learning Act; a Children’s Services Strategy sub-group is developing good practice guidance for transitions; all young people have access to a careers adviser; and young people with a disability who left school in the summer have been supported to access individualised support which facilitates inclusive opportunities which are based on existing interests as well as introducing new experiences.

4.19 In the annual report of a fourth scheme, we learn that staff met with and responded to queries about accessibility from a group of parents of children with complex needs facing transition from school, and also attended more than 200 transition planning meetings for young people aged 14-18 in special schools and 15 in mainstream schools. This fourth Authority also notes plans for future development, having consulted with disability groups about future direction, and NHS professionals about potential gaps in service delivery. In other Authorities, plans for future action include identification of ways of targeting young people with additional support needs who are not in employment, education or training to ensure that those with a disability can access services, and exploring the development of “Passports” for disabled school leavers.

4.20 Finally, since some of these young people will be continuing their education after they leave school, we note here the activity which was reported in the disability equality schemes and action plans of further and higher education institutions, as described in Chapter 2 of this report. Many colleges and universities are working on improving communication, in terms of providing more and better information for disabled students (and potential students), before they arrive, by developing links with schools and ensuring that their recruitment material is available in accessible

formats. Some are also training their staff to provide more transitional support during the enrolment and induction processes.

4.21 To sum up, there is evidence at Scottish Government, education authority and school level, of awareness of the need to support transitions through collaboration across sectors of education and with health, social work, careers and other professionals who can help young people move on to the next stage of their lives. When it is mentioned in action plans and annual reports, good practice in schools appears to be driven not only by the disability equality duty, but by the requirements of the Additional Support for Learning Act; for social work teams, the goal of meeting the disability equality duty may also be reinforced by the drive to provide more focused and personalised services, as outlined in Changing lives implementation plan (Scottish Executive, 2006). The Scottish Government's funding for a National Development Officer post with a specific focus on transitions for young people at risk of missing out on education and training opportunities, is also an important development.

Reporting on progress: areas where progress is less evident

4.22 As noted above, it is impossible to know whether the lack of reference to supporting transitions in many of the plans indicates lack of progress, or simply results from a decision not to include details in the disability equality scheme of all the issues being dealt with in the authority's Accessibility Strategy. Similarly, we cannot know whether those local authorities which do *not* mention action points for social work teams on transition issues have existing good practice in this area, or not.

4.23 Assessing progress is also complicated by the overlapping categories of 'pupils with disabilities' and 'pupils with additional support needs'. Some authorities present statistics of participation in programmes of support in transition, as, for example, in South Lanarkshire Council's annual report:

"Council supports young people with additional support needs in the transition from school to employment. This year 33 young people participated, with four moving onto employment, 12 remaining at school, nine moving into further education and eight into training. There is a programme of aftercare for all who have not moved into employment as yet."

Yet what is not clear is how many of these 33 young people with additional support needs would be seen as having a disability under the terms of the Disability Discrimination Act.

4.24 To sum-up, we cannot be sure that the lack of reference to transitions in action plans and annual reports indicates a lack of activity to support transitions for disabled pupils, or difficulties in separating out arrangements to support transitions for disabled pupils from arrangements to support transitions for all pupils with additional support needs.

Categories of impairment employed

4.25 Discussion of transition arrangements in the local authority plans are not sufficiently detailed to make any distinctions between pupils with different categories of disability. Support is offered to individuals, rather than to groups of pupils with similar disabilities.

Consultation and involvement

4.26 As noted above, we found a few examples of meeting with groups of parents and young people about transitions, but otherwise consultation about transitions would appear to be included in the institutional arrangements for consultation about general services to disabled children and their families, in the school, college or university.

Summary and conclusions

4.27 The evidence suggests that education authorities are now taking steps to improve the experience of disabled young people as they make the transition from school to school, and then from school to work or to further or higher education. Effective transition planning, however, depends on the quality of collaboration with other agencies and on the quality of work of the partners who will be supporting the young person after leaving school. Progress cannot therefore be assessed by considering the inputs from education authorities alone, nor indeed from social work alone: the quality of the experience of the young person in transition is paramount. Feedback from the Complex Needs mapping study shows that there continues to be a need to improve the transition not just into post school education or employment but also the transition from different departments in social work and health. Further research with young people looking back on their transition one or two years after leaving school may in future allow us to assess whether these actions have indeed helped them to progress towards equality of opportunity.

5. SERVICES FOR DISABLED ADULTS, INCLUDING EMPLOYABILITY AND SOCIAL CARE SERVICES

Background policy and statistical evidence

5.1 The disability equality schemes, action plans and annual reports produced by the 32 Scottish local authorities, in addition to guidance and research documents, especially in relation to employability and social work, have been examined to produce this report. We also drew on the Scottish Government's disability equality scheme, and note that some of the actions in the schemes of colleges and universities are also designed to support disabled adults. In the section on employability, we include parts of the schemes of some of the organisations concerned with employability which fall within the portfolio of the Cabinet Secretary for Finance and Sustainable Growth, including Scottish Enterprise, Highlands and Islands Enterprise, and Skills Development Scotland, which combines Careers Scotland, Scottish University for Industry, and the key skills elements of Scottish Enterprise and Highlands and Islands Enterprise.

Wider policy context

5.2 Two strands of policy and practice will be discussed in this section. The first is employability, which encompasses both actions taken to enhance the employability of disabled people, and the behaviour of local authorities and Scottish Government as an employer of disabled people. The second strand is social work and social care, for which the Scottish Government Children, Young People and Social Care Directorate is responsible.

Employability

5.3 Training and skills development is now the responsibility of Skills Development Scotland, but when the disability equality duty was introduced these programmes were managed by Scottish Enterprise and Highlands and Islands Enterprise. This report draws largely on material from the Enterprise Agencies as Skills Development Scotland is not yet required to have a disability equality scheme in place. Careers Scotland has also been incorporated into Skills Development Scotland and it too is in a position to make an important contribution to increasing employability. At the time the disability equality duty was introduced Careers Scotland operated under the remit of the two Enterprise Agencies and is not listed in Schedule 1 of the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 and as such is not subject to the specific duty. It has, however, chosen to produce its own equality scheme, but has not published an annual report.

5.4 The development of a strong skills base is at the heart of the Scottish Government's policy agenda, set out in the *Skills for Scotland* strategy (Scottish Government, 2007b). Geared towards developing knowledge and skills throughout the population, the strategy is also extremely relevant to disabled people. It includes an express commitment to promoting 'equal access to and participation in, skills and learning for everyone'.

5.5 Particularly relevant programmes are the Skillseekers and Modern Apprenticeships for school-leavers and Training for Work for adults. Also important is the New Futures Fund. This was launched in May 1998 with a budget of £15 million over three years and was managed by Scottish Enterprise to promote the employability of people with multiple barriers to employment, including those on Incapacity Benefit. The programme was intended to complement the work of the New Deal by making provision for multiple disadvantaged people whose needs were unlikely to be met by other programmes. Although it is an employment programme it does not expect or require job outcomes: the emphasis is on small steps of progress.

5.6 When it was set up in 2002, Careers Scotland took over the management of two key initiatives which were already underway at the time of its inception, the All Age Guidance Service and the Inclusiveness projects. The aims of the two initiatives were:

- To improve the skills and employability of Scotland's most disadvantaged young people
- To raise awareness of and access to advice and guidance services to facilitate entry and re-entry to the labour market for people of all ages
- To improve access and opportunities to raise skill levels and achieve the full potential of people of all ages in the Scottish labour force.

5.7 As part of its welfare reform programme, the United Kingdom (UK) Government has sought to reduce the number of Incapacity Benefits claimants. A number of UK Government initiatives, such as the New Deal for Disabled People and Pathways to Work, managed by the Department for Work and Pensions, have been implemented in Scotland, as well as the rest of the UK. Whilst these fall outwith the remit of Skills Development Scotland and its predecessor organisations, they are nonetheless important in terms of increasing participation in employment by disabled people.

5.8 Scotland has developed two complementary strategies to increase employability to work alongside these UK Government Programmes; Workforce Plus targets economically inactive adults (Scottish Executive, 2006a), while More Choices: More Chances focuses on young people who are not in employment, education or training (NEET) (Scottish Executive, 2006b). Both strategies identify disabled people as one of their target groups. The Scottish Government is also working in partnership with COSLA on the development of a Supported Employment Framework for Scotland. Such a framework will help to ensure that disabled people in Scotland receive appropriate and flexible support to secure and sustain employment and is expected also that the model will be of value to non-disabled people who stand in need of additional support.

5.9 A key point in the Scottish Parliament Disability Inquiry is the importance of employment in helping disabled people lead independent lives. Employment is important because it enables people to develop stronger social networks, attain a sense of self-worth and avoid the poverty trap associated with a life on benefits. At the same time, attention has to be paid to ensuring that disabled people do not get stuck in low-paid entry-level jobs with no possibility for promotion, self-development and autonomy. Similarly, it should be recognised that, for some people, part-time,

voluntary or supported employment may be the best option and for a very small minority, employment may simply not be feasible.

5.10 This is an area where responsibility crosses ministerial portfolio. Enterprise, including skills development, falls within the Finance and Sustainable Growth portfolio, but local authorities also have an important remit in co-ordinating actions with other agencies, including UK bodies such as Jobcentre Plus, and creating opportunities for specific groups of disabled people who might previously have spent their lives in day centres.

Social Care

5.11 People with learning disabilities tend to be socially and economically marginalized, with very low rates of participation in employment. The Scottish Learning Disabilities Strategy *The Same as You?* (Scottish Executive, 2000) drew attention to the considerable costs to local authorities of maintaining people in day centres (about £53 million a year). The number of people going to such centres grew from 4,400 in 1980 to 8,300 in 1998, at a cost of about £7,000 a place. In addition, in March 1998, hospitals had 270 day places for 489 people at a cost of £2 million. People in day centres tended to spend their time on leisure and development activities within the centre; 20% of activities in day centres involved education and employment, whereas 25% involved work-focused activities. Only 7% of people in day centres had paid work. Overall, day centres were criticised for not extending and developing individuals sufficiently, but it was also noted that carers were concerned about the withdrawal of day centre services, since they were necessary to enable other members of the household to engage in education or employment.

5.12 A key recommendation of *The Same as You?* was that local authorities should put much more energy into developing employment opportunities for people with learning disabilities. The report noted that this could be cost effective; the cost of a day centre place (£7,000 per annum) was compared with the cost of training and employment support. For example, a Training for Work place, funded by Scottish Enterprise, cost £3,200 and a place on the WORKSTEP programme, funded by the Department for Work and Pensions, cost up to £4,760. *The Same as You?* (Scottish Executive, 2000) noted that the benefits system often acted as a deterrent to people attempting to progress into employment, and suggested a more flexible approach to enable people to try out work without jeopardising their future benefits status.

5.13 It was recommended that a number of structures and mechanisms should be put in place to oversee the implementation of the strategy. Local authorities and health boards were advised to establish partnership in practice agreements by June 2001 and to appoint local area co-ordinators to integrate health and social care services for people with learning disabilities. It was also recommended that everyone with a learning disability should be able to have a personal life plan. A national change fund was set up to underpin the shifting focus of services, and a national centre for learning disabilities, the Scottish Consortium for Learning Disabilities, was also established.

5.14 A national short-life working group on employment was set up, and in 2003 its report *Working for a Change?* (Scottish Executive, 2003) was published. The report focused on the changes needed to lower the barriers for people with learning disabilities entering employment, which included a fairer and simpler tax and benefits system, the promotion of non-discrimination and equality, inclusive employment practices and individualised person-centred support. The fragility of supported employment services was highlighted and the difficulties encountered by people with learning disabilities in accessing Jobcentre Plus support were noted. It was recommended that Jobcentre Plus should make much greater efforts to engage with people with learning disabilities, and that supported employment services should forge stronger links with Jobcentre Plus. However, as noted in the Finance and Sustainable Growth report of this current project, the thrust of many Jobcentre Plus programmes for disabled people is to target those who are closest to the labour market and who can therefore be moved into employment with the shortest and least costly intervention. It was also recommended that Careers Scotland should be much more pro-active in including people with learning disabilities in its mainstream provision.

5.15 The question of which government department should take lead responsibility for people with learning disabilities was considered. It was recognised that both the Scottish Health and Education Departments have responsibilities in this area, but ultimately the Scottish Department of Transport, Enterprise and Lifelong Learning should be the lead agency, since employment rather than health and welfare was the major issue. This responsibility now lies within the Education and Lifelong learning portfolio. The need for much better liaison with the UK Department for Work and Pensions was also indicated.

5.16 Social services clearly have an important role in co-ordinating many aspects of the initiatives described in this section, under the headings of both employability and social care. They have a role both when disabled people are being helped towards employment and also when they and their families are being helped to cope and live as full a life as is possible. The key policy document, *Changing lives* (Scottish Executive, 2006d) sets out an ambitious change programme for social work/ social care, and, like the disability equality duty, it stresses the importance of the active engagement of user groups, including disabled people, in policy development and implementation.

5.17 Also embedded in *Changing lives* is the drive towards personalisation of services, which should be organised around users' needs and aspirations, not the convenience of the service provider, and the need to work collaboratively with other professionals supporting the clients, asserting that "tomorrow's solutions will need to involve professionals, services and agencies from across the public, private and voluntary sectors in a concerted and joined up effort." (Scottish Executive 2006d, p.10). The report stresses the need to build capacity to deliver personalised services and capacity for sustainable change.

Research and statistical evidence

Employment rates of disabled people

5.18 Over recent years, attention has been focused on the rate of economic inactivity among disabled people, driven in large part by concern about the rising numbers of recipients of Incapacity Benefits. In 2006, the employment rate in Scotland for non-disabled working-age people was 82%, considerably higher than the rate for disabled working-age people (48%). In common with the rest of the UK, this gap has narrowed by approximately 1% a year since the turn of the decade. In 1999 the employment rate for disabled adults was 38%, compared to 79% for non-disabled adults. Employment rates have continued to increase steadily for both groups during this time, but the gap has narrowed by 7% (National Statistics Scotland, 2006). Labour Force Survey data show that people with mental health difficulties have the lowest employment rate (only 20% are employed), followed by people with learning disabilities, whose employment rate is 24%.

5.19 Trends in economic activity show a similar pattern. In 2006, inactivity rates were almost four times as high for disabled adults (48%) than for non-disabled adults (13%). Inactivity rates have decreased steadily for both groups since 1999, although this has been most marked for disabled adults (National Statistics Scotland, 2006).

Skills and qualifications of disabled people

5.20 The Social Focus on Disability highlighted the large skills gap between disabled and non-disabled people (National Statistics Scotland, 2004). In 2001-02, 58% of disabled people had no qualifications, compared to just 24% of non-disabled people. Fuller information about the qualifications of disabled people is set out in table 3 below.

Table 3: Highest level of qualification obtained, population 2001 - 2002

	No qualifications	Group 1	Group 2	Group 3	Group 4
Disabled (with or without long-term illness)	58	13	16	5	9
Limiting Long-term Illness only	54	13	15	7	10
No disability (or limiting long-term illness)	24	19	24	9	24
All people aged 17-24	28	18	23	9	22

Source: National Statistics Scotland, 2004

The qualifications within each group are:

Group 1: 'O' Grade, Standard Grade, Intermediate 1, Intermediate 2, City and Guilds Craft, SVQ Level 1 or 2 or equivalent.

Group 2: Higher Grade, CSYS, ONC, OND, City and Guilds Advanced Craft, RSA, Advanced Diploma, SVQ Level 3 or equivalent.

Group 3: HND, HNC, RSA Higher Diploma, SVQ Level 4 or 5 or equivalent.

Group 4: First Degree, Higher Degree, Professional Qualification.

5.21 Cambridge Policy Consultants carried out an *Evaluation of Skillseekers and Modern Apprenticeships* in 2006 for Scottish Enterprise (Cambridge Policy Consultants, 2006). This identified what they considered to be an under-representation of disabled participants with only 0.23% of trainees on the Skillseekers Programme and 0.34% of participants on Modern Apprenticeships and Adult Modern Apprenticeships.

5.22 From the data available it appears that participation by disabled people on the Training for Work programme is reasonably healthy. However data on the Skillseekers and Modern Apprenticeship programme confirms the very low level of participation identified in the Evaluation report (Cambridge Policy Consultants, 2006).

Employment and people with learning disabilities

5.23 In 2004, the Scottish Executive published a Statistics Release (Scottish Executive, 2004) summarising progress in relation to the recommendations of *The Same as You?* The data related to the year 2003 and the following main points were highlighted:

- An estimated 18,066 adults with learning disabilities were known to local authorities throughout Scotland.
- The ratio of adults known to local authorities with learning disabilities per 1,000 population is 4.4 for the whole of Scotland.
- 13 local authorities provided a Local Area Co-ordination services, delivering services to 9% of the total number of adults with learning disabilities known to local authorities.
- 23% of adults known to local authorities were living independently.
- 7,433 adults with learning disabilities visited a Day/Resource Centre during the typical week. Of these, 2,712 (37%) attended for the full 5 days and further 3,574 (48%) attended a centre and had alternative day time opportunities.

5.24 A breakdown was provided of the number of adults experiencing different types of employment opportunities.

Table 4: Adults with Learning Disabilities who have Employment Opportunities

Employment type	Male	Female	Total
Voluntary work	487	492	979
Non-open employment	455	319	774
Open employment	467	273	740

Source: Scottish Executive, 2004

5.25 Overall, 2,493 adults with learning disabilities known to local authorities are participating in some type of employment, representing 7% of the total. This is exactly the same proportion as reported in *The Same as You?* (Scottish Executive, 2000). In addition, only 4% are involved in some form of open employment (which of course may be one or two hours a week). The statistical release concludes that all local authorities are making progress towards implementing the strategy's recommendations, although on the face of it progress appears to have been quite slow, particularly in relation to the appointment of local area co-ordinators and the expansion of open employment participation.

5.26 There is a growing body of research on the experiences of people with learning disabilities in Scotland. Findings from the study *The Meaning of the Learning Society for People with Learning Difficulties* (Riddell *et al.*, 2001) illustrated

the way in which provision for people with learning disabilities often had the effect of constraining them in 'special' rather than mainstream services. Only a small number of people attained mainstream employment and their position was tenuous, as employers sought the most effective and efficient workers. The ethos of supported employment agencies tended to reflect the principles of normalisation, maintaining that people with learning disabilities are able to do 'the same' work as others. The need for reasonable adjustments to regular jobs was under-played because of fears that employers would be reluctant to take on people with learning disabilities if they were going to be required to adjust established working practices.

5.27 Supported employment, which developed in the US to meet the needs of people with learning disabilities, is now being used to support many other groups, including young people with additional support needs. In Scotland, voluntary sector organisations such as Enable have taken the lead in developing practice, often in conjunction with local authorities.

Employment and people with mental health problems

5.28 People with mental health problems have very low rates of employment compared with other impairment groups (Riddell *et al.*, 2005d). Relative to their participation in employment, they are more likely to bring cases to tribunal under the DDA and are less likely to be successful than other groups. People with mental health problems represent about a third of all new Incapacity Benefit claimants, and one in five days of certified work incapacity are due to mental health problems. For all these reasons, supporting people with mental health problems to obtain and retain employment, and making workplaces less stressful for all, is seen as a priority for the Scottish Government.

5.29 The Mental Health Framework for Scotland (Scottish Office, 1997) identified employment as of major importance for people with mental health problems. However, according to Durie (1999), it did not provide enough guidance on the restructuring of services to increase their focus on employment. The Scottish Development Centre for Mental Health (2001) argued, on the basis of the figures shown in Table 4, that there continued to be a major shortfall between the number of jobless people with mental health problems in Scotland who would be capable of working and the training and employment services available.

Table 5 Estimated level of places in Scotland for people with mental health problems

Mainstream Employment Service (JCP) work preparation programmes	3,000
Supported Employment (now WORKSTEP)	150
Social firms and social enterprises	100
Training, guidance and employment support	1,200
Supported education and training	300
Clubhouses	150
LEC schemes	350
Day hospitals and day care services providing work opportunities	3,000
Total estimated training and employment activities in Scotland	8,250
Estimated number of people with mental health problems who are capable of work	117,000

Source: Scottish Development Centre for Mental Health, 2001

5.30 The Scottish Executive commissioned Social Firms Scotland to undertake research into the experiences of people with mental health problems moving into work. Key findings from the *Mind the Gap* project (Robbie and Presland, 2003) were published as a briefing paper. The following four key areas were identified as requiring further action:

- Stigma and discrimination
- Joined-up approaches
- Service provision
- The Benefits System

5.31 With regard to tackling stigma and discrimination, Robbie and Presland (2003) reported that the Scottish Executive advertising campaign *See Me* was regarded as highly effective in challenging stigma and discrimination. Follow-up work was recommended by investing resources in mental health awareness training for public sector staff. In addition, they argued that pump-priming of service provision linked to the Transitional/ Intermediate/ Alternative Labour Market was required. Transitional Labour Market approaches, which include social firms and jobclubs, are based on the assumption that some people need additional support to become job ready, or may require long-term support to sustain employment. Most Jobcentre Plus programmes (with the exception of WORKSTEP) are geared towards the attainment of mainstream employment in a relatively short period of time. Such approaches may exclude people with enduring mental health problems, whose conditions may fluctuate. Robbie and Pressland recommended that the Scottish government should take a number of actions to improve the employment rate of people with mental health difficulties, including increasing substantially the Mental Illness Specific Grant and encouraging local authorities to contract with social economy organisations which are developing new models of employment provision such as social firms, enterprise projects, transitional employment schemes and clubhouses. They also recommended transforming existing day care and sheltered work provision into new models of support provided by external organisations, often operating with the social economy.

Poverty, disability and economic inactivity

5.32 Riddell *et al.* (2005d) in their review of the evidence base on disability and employment undertaken for the Scottish Executive, found a strong association between poverty and disability. Local authorities with high concentrations of social disadvantage have high rates of economic inactivity. Glasgow, for example, still has one of the lowest proportions of working age people in employment in Scotland. Just over 90,000 adults in Glasgow are claiming a non-Jobseekers Allowance key benefit, including 71,000 people claiming Incapacity Benefit. Recognising the need to tackle this problem, Glasgow City Council established a partnership group to identify groups at risk of economic inactivity and to devise a viable employment strategy.

5.33 In 2003, a consultation document, *Equal Access to Employment*, was published, which set out a future strategy for tackling this problem in the city. The report noted that, despite the economic growth of the city between 1999 and 2002, the benefits had not 'trickled down' to the most disadvantaged groups. The strategy developed a set of key principles including an emphasis on partnership working;

mainstream employment rather than training schemes; and more accessible health and social care support. The report found that social work services spent about £8 million per annum on training and employment initiatives aimed at people with multiple barriers to employment, including people with learning disabilities and/or mental health problems. The projects, mainly funded under Section 10 grants, were not planned in a strategic manner, and did not encourage progression into mainstream employment. The aim of the new strategy was to build bridges between the health and social care sectors and mainstream employment programmes, in particular those funded by Jobcentre Plus and local enterprise companies. Supported employment is seen as one of the key means of bridging this gap. The Glasgow partnership has continued to operate with the broad vision of ensuring that “every adult in Glasgow, regardless of age, gender, background, ethnicity, personal or health history, should have the same opportunity as everyone else in the city to obtain and hold down meaningful, paid work.” (Equal Access Glasgow, 2007, p.5) and its latest report notes that “learning from the projects is now influencing the delivery of services across the city and nationally. It continues to influence and shape the content of key policies in Scotland such as Workforce Plus and the City Strategy.” (Equal Access Glasgow, 2007, p.11).

Reporting on progress

5.34 In the sections which follow, we shall present first the areas in which progress towards equality is evident from the disability equality schemes, action plans and annual reports, followed by discussion of the areas in which progress is not evident. The report will end with

- discussion of the use of categories of impairment in the schemes;
- the evidence of the involvement of and consultation with, disabled people and their families; and
- a summary and conclusions.

Reporting on progress: areas where progress is evident

5.35 The Scottish Government’s own disability equality action plan includes actions relevant to improving the position of disabled adults. In particular, the Lifelong Learning Directorate action plan includes reviews of guidance on the Disability Students’ Allowance, Partnership Matters, the funding practices and provision of further education opportunities available to people with complex needs and of information advice and guidance on funding for learners. It also lists programmes designed to improve the opportunities for disabled workers and learners – Workforce Plus, More Choices, More Chances, Get Ready for Work, Determined to Succeed, and the Education Maintenance Allowance.

5.36 Many councils set objectives about improving support to enable disabled people to access services and take part in the life of their community, through, for example, the provision of equipment and adaptations to enable independent living, of support within their own homes, and of independent advocacy services. The range of approaches to describing their services, however, makes both comparisons and assessment of progress towards equality of opportunity for disabled people difficult. Some reports include statistics of numbers of people receiving services, and even

details of their budgets available for those services; other focus on the quality of service, and changes intended to improve that, in particular, increasing the involvement of consumers in decision-making. There may, in fact, be no difference in the quality or quantity of services in those council areas: the differences may be only in the decisions made about what to include in the disability equality scheme and annual report.

5.37 Improving communication about services is also highlighted: many councils have been improving the accessibility of their leaflets and websites and at least one has been working on enhancing the marketing of the availability of library services for disabled people. Another points to its Welfare Rights Service in a central and accessible location, offering drop-in service or home visits, as a step towards equality.

5.38 Physical accessibility of council buildings is also prioritised in the council action plans, through access audits of premises and consultation with user and disability groups to ensure that appropriate adjustments are made. Improvements to signage, accessible communications, including loops, provision of parking and transport for disabled persons and further training of employees are all directed towards improving equality of opportunity for disabled adults in the community.

5.39 Some councils report that they offer a Supported Employment Service, providing placements and employment opportunities with tailored assistance and support to enable people with a disability to enter sustained paid employment. South Lanarkshire Council, for example, reports that its Social Work team supports adults with learning disabilities through community support teams, colleges and resource centres; that work taster sessions are provided to allow people to gain experience that can lead onto full-time employment; and that projects are run in conjunction with two local cafes to provide access to employment in catering.

5.40 Also in Social Work, the restructuring and rethinking of services in the wake of *Changing Lives*, with its heavy emphasis on personalisation and involving service users, seems likely to move these services in the same direction as the disability equality duty. One council, for example, draws attention to its routine consultation with people who use their Home Care and Support Service, and to the predominantly positive feedback from regular questionnaires. Another describes its social work department as “actively and regularly involved in consumer involvement/consultation”, through questionnaires, interviews, focus groups and one day events, and through the involvement of service users and carers in the *Changing Lives* agenda. Other councils’ action plans, however, may contain no targets for specific departments, or include social care targets which are very broad, such as “Improve respite care provision” or “Identify and address carers’ needs.” The amount of information about social work departmental plans is far less than that provided in the education authority schemes and action plans, which are required to be produced separately, but the comments in the plans and reports of those council which do list departmental action points suggest that this is an area in which progress is being made.

5.41 The Training for Work programme, run by Skills Development Scotland, provides support for people who are unemployed and looking for work. It allows

people to undertake training linked to local labour market opportunities, enabling them to secure and sustain employment. Scottish Enterprise include in their Annual Report information about participation in their Training for Work programmes by equalities groups as follows:

Table 6: Participation in Training for Work programmes by equality groups

Activity	04-05 % of total participants	05-06 % of total participants	06-07 % of total participants
Training for Work			
Women	37.6	37.6	39.1
Disabled	13.6	13.8	12.7
Non-white	3.5	2.4	3.3

Source: Scottish Enterprise, 2007

5.42 Although around 20% of the working age population are disabled, approximately half are in work and not eligible for these programmes. When it is considered that a proportion of the remainder will be incapable of work these attendance figures in Table 6 appear to demonstrate a good level of participation by disabled people.

5.43 Careers Scotland undertook a questionnaire survey of disability organisations and individual disabled people to assess their views of the work of the organisation. Although the sample size is not large enough to draw robust conclusions (37 of 130 organisations who were sent the questionnaire responded) the report provides some significant feedback about the work of the organisation and how it is seen by disabled people. Around half the organisations did not know whether Careers Scotland adequately supported the members or users of their organisations, and a further 27% concluded that they did not.

5.44 Finally, an important part of the progress noted in this focus area concerns the councils' and other organisations' duties as employers. Relevant action points include training to promote positive attitudes towards disabilities, removing physical barriers in the workplace, monitoring recruitment and promotion procedures and reporting on the statistics, reviewing the uptake of training by disabled employees, and setting up a disability forum where employees may draw attention to barriers to equality.

5.45 To sum up the evidence of progress, activity is discernable in the following areas:

- formation and promotion of policies at Scottish Government level
- at local government level, some social work action points geared to improving the quality of life of disabled adults and their capacity to engage with life in their communities
- also at local government level, action points to enhance communication with disabled clients and improvements to the accessibility of council buildings, signage, etc.
- to enhance employability for disabled adults, a series of programmes, including some supported employment schemes, and a Training for Work programme in which participation by disabled adults appears to be at a good level

- in their role as employers, a range of actions to promote positive attitudes towards disabilities, removing barriers in the workplace and involving disabled employees in consultation bodies.

Reporting on progress: areas where progress is less evident

5.46 Most of the local authority schemes do not present enough detail about services to disabled adults in their own homes and in the community to allow a full assessment of progress towards equality of opportunity. This is not necessarily a criticism: the disability equality scheme is a summary document covering all aspects of council services, and cannot convey the full impact of, for example, social services, on the quality of life of a diverse range of clients in the community, especially when those professionals are working in partnership, say, with health professionals, careers advisers and council employees responsible for housing.

Participation in Training Programmes

5.47 The Scottish Enterprise annual report shows very low figures for participation by disabled people on their Skillseekers programme: they made up only 0.3% of the total participants in 2004-05 and only rose to 0.4% in 2005-06 and 2006-07. No reasons are given for this low rate of participation. Research is required to establish why so few disabled people access these important programmes.

Careers Advice

5.48 As explained in the introduction, Careers Scotland is not subject to the Specific Duty and has not published an annual report. Brief descriptive references to their work are included in the reports of both Scottish Enterprise and Highlands and Islands Enterprise, but no statistics are provided on their work. An equality impact assessment report on the Careers Scotland website indicates that they have reviewed the way in which they record data on their clients, although it is not clear whether this has been implemented yet. This should enable them to identify disabled clients, and provide evidence of the outcome of the support provided. Keeping appropriate records of communication with disabled clients with is an area in which many other organisations, including local authorities and further and higher education institutions, are also seeking to improve.

5.49 To sum up, assessing evidence progress both in the area of social work and of employability is complicated by lack of detail in many of the local authority schemes. Areas in which organisations have themselves identified as requiring improvement include communication with service users, record keeping and enabling disabled people to participate in programmes to prepare them for employment.

Categories of impairment employed

5.50 Many of the Council disability equality schemes do not offer statistics of the disabled adult population. There is no standard practice in use of categories of disability: for example, the Renfrewshire scheme cites statistics of those in six groups: learning difficulties, blind, deaf, mental health, homecare with learning

disabilities; homecare with physical disabilities, while South Ayrshire lists its current expenditure for occupational therapy, older people, learning disabled, physical disability and children with special needs.

5.60 Scottish Enterprise, Highlands and Islands Enterprise and Careers Scotland do not set out how they define disability for the purposes of their schemes. All three schemes use the general term 'disabled people' throughout and make no reference to the needs of particular impairments. The statistics they provide do not attempt to break down the disabled population by impairment even though this might provide some useful insight into how they could improve their services to disabled people.

Consultation and involvement

5.61 Almost all Councils mention their links with voluntary groups who work with disabled people in their area and seek to involve them, alongside disabled clients and employees in their consultation processes. They report a wide range of consultation and involvement activities, including customer services questionnaires; focus groups with disabled persons and members of voluntary sector organisations; and invitations to council employees and their trade unions to join in equalities planning. One council reports holding three involvement events when producing their disability equality scheme, to seek the views of disabled adults, representatives of disability organisations, disabled children and their parents. Another announces a promotional campaign to promote the potential for disabled people to become more involved in public life; while a third authority describes using surveys to gauge the gap in the level of satisfaction with services between disabled and non-disabled users.

5.62 Further examples of consultation and involvement in this focus area include:

- seeking feedback from disability access panels, user groups of mental health and learning disability services, and sensory disability group
- establishing groups of disabled people to participate in impact assessment
- support for community based disability organisations
- setting up an equipment and adaptation evaluation panel involving service users and carers who are in receipt of equipment and adaptations from the Council, giving them the opportunity to appraise items of equipment currently supplied and to recommend continued use or a change to another product
- working in conjunction with DisabledGo, an social enterprise company who offer a web-based guide on venues in local areas to empower disabled people to enjoy the benefits of, and contribute to, their local community, by researching and inputting material for their local guide
- organising consultation days to bring together people with learning difficulties, families, carers and key partners to examine practice and improve services for people with learning disabilities in the local area
- maintaining a consultative forum for disabled staff, and ensuring that their views are heard and they have an opportunity to influence the practice of the council in its capacity as employer, as well as in its capacity as service provider.

A few councils report difficulties in encouraging membership of consultation groups, finding that both disabled employees of the council and people from the wider community are sometimes reluctant to serve.

5.63 The schemes of Scottish Enterprise and Highlands and Islands Enterprise demonstrate only limited involvement of disabled people in their production. Scottish Enterprise has established an Equality Forum to involve disabled people. Highlands and Islands Enterprise participated in the Highlands Wellbeing Alliance, engaging in discussion to inform its work. This organisation clearly has a broad remit, discussing many aspects of the social inclusion of disabled people and other marginalised groups. There may be a need for a forum specifically focusing on the inclusion of disabled people in employment.

Summary and conclusions

5.64 Progress in closing the employment gap between disabled and non-disabled people over the past few years has been slow at around 1% a year. The Equalities Review, Chaired by Trevor Phillips, concluded that at the current rate of progress the gap might never be closed (Cabinet Office, 2007). It is not possible from the evidence available to establish how far the training programmes formerly managed by the Enterprise Agencies are contributing to this slow improvement. The *Skills for Scotland* strategy (Scottish Government, 2007b) makes it clear that these programmes have an important role to play in building a strong Scottish economy. If they are to contribute to achieving disability equality in employment it is important that participation levels by disabled people rise to reflect their proportion of target audience for these programmes.

5.65 Local authority disability equality schemes and annual reports examined provide ample evidence of activity, of efforts to support disabled adults in the community, increase their opportunities to participate in the community and to achieve employment. There is no doubt that the Disability Equality Duty has helped to focus attention on the barriers that they face and to encourage councils to review their policies and services. Yet even for councils who present findings of user satisfaction surveys, it is impossible to assess from these documents alone how far these efforts are making a difference to the lives of disabled adults in the community. To demonstrate that, more in-depth research with service users would be required.

6 SERVICES FOR DISABLED CHILDREN AND THEIR FAMILIES

Background policy and statistical evidence

6.1 The disability equality schemes, action plans and annual reports of the 32 Scottish local authorities, relevant sections of the Scottish Government's disability equality scheme, and guidance and research documents were examined to produce this chapter of our report. This chapter deals primarily with social services support for families of disabled children; for arrangements for the education of disabled children, see Chapter 3 (Schools).

Wider policy context

6.2 The need for tighter inter-agency working underlies recent policy on services for disabled children in Scotland. For example, the policy document *For Scotland's Children* (Scottish Executive, 2001) set out the agenda for change and the practical adjustments which were required, such as the sharing of electronic records by health, education, social work and the voluntary sector. This agenda was further developed in the *Getting It Right for Every Child* initiative, which incorporated a commitment to the development of an Integrated Assessment Framework and a single support plan for disabled children and others with significant additional support needs. Working together was also a central theme of the report of the Children's Sub-Group of the Scottish Executive's learning disabilities strategy (Scottish Executive, 2006c). The report, entitled *Changing Childhoods?*, advocated the extension of the Local Area Co-ordinators scheme, also involving key workers.

6.3 New education legislation is based on the principle of joined-up working. The Education (Additional Support for Learning) (Scotland) Act 2004 placed a duty on local authorities to identify and meet children's additional support needs. Children with enduring difficulties arising from one or more complex factors or multiple factors and requiring significant additional support from education and other agencies qualify for a Co-ordinated Support Plan (CSP). This plan specifies the services to be provided by a range of agencies and has statutory status. Health and social work have a duty to assist education in making provision to meet additional support needs. Early evidence suggests that relatively few children are deemed to meet the tightly specified criteria for a CSP, but the need for services to be co-ordinated is recognised for all children with additional support needs.

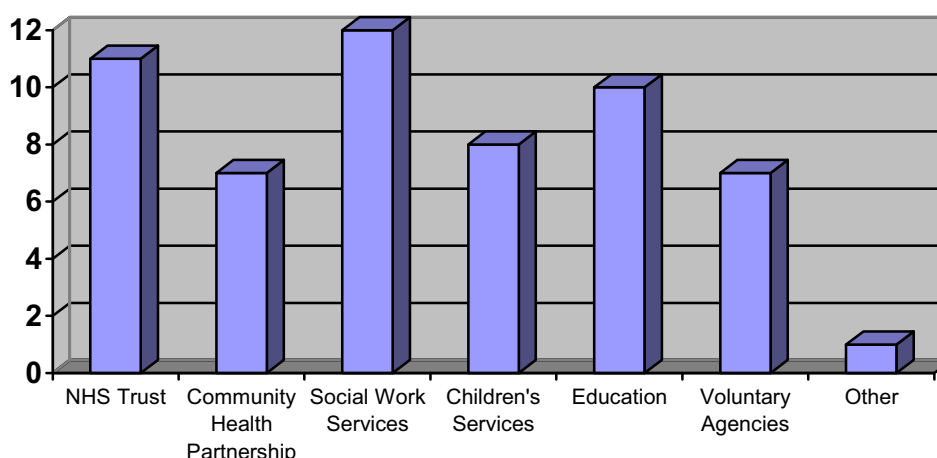
6.4 Key working or care co-ordination has been developed to help disabled children and young people and their families benefit from inter-agency working. However, it is evident from the brief review of policy and legislation above that, whilst the principle of co-ordinated service delivery is endorsed by all agencies, there is a danger of duplication of effort and confusion over terminology. For example, the same family might be eligible for a learning disabilities team key worker and a CSP co-ordinator, who might well be located in different agencies and might not communicate very effectively with each other. Care Co-ordination Network UK (CCNUK) is a voluntary organisation set up to promote care co-ordination and key working to avoid the dangers of service duplication. Over the last five years, it has developed partnerships with local authorities and health boards to assist them in providing co-ordinated services to families with a disabled child. Service standards on care co-ordination

(CCNUK, 2008) have been developed by CCNUK and recognised by the Scottish Government.

Research and statistical evidence

6.5 Research conducted by Purves *et al.* (2008) examined the extent to which key working schemes were operating or under development in Scotland and how they were working in practice. The study up-dated earlier work on approaches to care co-ordination across the UK (Greco *et al.*, 2004; 2005), which showed that in 2003 care co-ordination was somewhat better developed in England compared with Scotland. The more recent Scottish research (Purves *et al.*, 2008) demonstrated the extent to which progress has been made in Scotland, with more than half of Scottish local authorities, working in conjunction with health boards, providing key worker support to families of disabled children. In the following sections, some key findings from this research and implications for future development are highlighted.

Figure 14: Which agencies were involved in setting up the scheme?



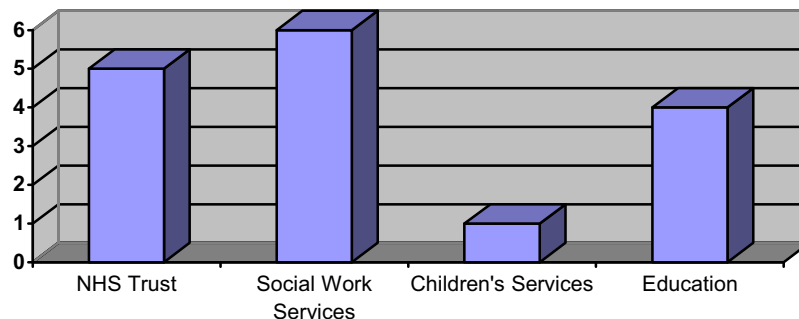
Source: Purves *et al.* (2008)

6.6 As seen in figure 14, NHS Trust, Social Work Services, and Education were the main agencies involved in setting up the schemes. Five respondents reported that all of the six agencies mentioned (NHS, Community Health, Social Work, Children's Services, Education and Voluntary) were involved in setting up and overseeing the schemes. The respondent who stated 'Other' reported that parents were also involved in setting up and overseeing the scheme.

6.7 Eleven respondents reported that there was a lead agency within their scheme. Lead agencies identified were as follows: Social Work (n = 4); Health (n = 4); Children's Services (n = 2); Education (n = 1). Two respondents stated that they did not have a lead agency within their scheme. Figure 4.18 shows that six schemes were funded by Social Work Services, and in two of these cases additional funding was provided by the NHS Trust and Education. Two schemes received money or resources from the NHS Trust and Education. In one case, the only source of funding was the NHS Trust, and another scheme only received funding from Children's Services. Three of the thirteen respondents did not specify which agencies contributed money or resources to the scheme, suggesting that they may

have been unsure. It is worth underlining that, despite the principle of joined-up working, only two schemes appear to have received support from all three central agencies (health, education and social work).

Figure 15: Which agencies contributed money or resources (staff) to the scheme during the financial year 2006-2007?



Source: Purves *et al.* (2008)

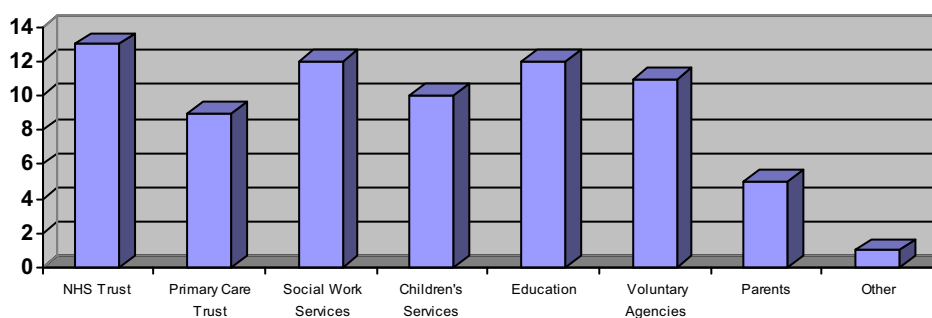
6.8 The Changing Children's Services Fund was a short-term Scottish Government initiative aimed at providing pump-priming money to start up new types of service provision for a limited period. The understanding was that when this funding stream came to an end, local authorities would have to decide whether to fund these services through their core budget (referred to as mainstream funding). Five respondents specified that they had used funds from the Changing Children's Services fund for support; one respondent had used Changing Children's Services Fund and Sure Start; two respondents had used mainstream funding; and four respondents reported using funds from both the Changing Children's Services Fund and the mainstream budget.

Families using care co-ordination: eligibility and referral

6.9 Purves *et al.* (2008) also found that the number of families being supported by the schemes varied greatly according to the size of the local authority. The smallest scheme, in a rural area, supported twelve families whereas schemes in urban areas typically dealt with more than 150 families. Five of the schemes only covered the 0-5 age range. Two schemes covered 0-15 years and six covered the complete age range from 0-16+ years. Most respondents stated that all children with a diagnosed complex disability that required the involvement of two or more services were eligible for the scheme.

6.10 Twelve schemes used an open referral system. As Figure 16 shows, many respondents stated that they took referrals from a range of agencies as well as other sources. On average, respondents took referrals from six agencies although one respondent reported that they only took referrals from the NHS Trust. The respondent who stated 'other' reported that anyone can refer a child for assessment.

Figure 16: Who refers families to the scheme?



Source: Purves *et al.* (2008)

Funding issues

6.11 It is evident from the findings of Purves *et al.* (2008) that, despite their popularity with parents, the financial future of care co-ordination services is unsure. Many were initially funded through special initiatives such as the Changing Children's Services Fund. The advantage of such programmes is that their ring-fenced funding allows specialist services to be developed. The downside, however, is that funding is guaranteed for a limited period only, and subsequently services have to compete with others for funding from the core budget. If mainstreaming is achieved, it may be the case that a less lavish service is provided, leading to fears that the initial gains may be lost or diminished.

On-going challenges of inter-agency working

6.12 Despite the endorsement of the principles of key working by all parties, it was clear from the various accounts presented above that joined-up working was more easily achieved in theory than practice. Ownership of care co-ordination schemes tended to rest with the agency which had initiated the scheme in the first place. It was quite rare for education, social work and health to be equally involved in the delivery and funding of care co-ordination services. With regard to their disciplinary background, key workers were more likely to be social workers or health professionals, and less likely to come from education. It was reported that some professional difficulties emerged when schemes were being set up initially, sometimes disappearing once the scheme was up and running, but occasionally persisting. The specific discourses employed by health, social work and education continued to contribute to lack of understanding of different professional practices. Problems in successfully implementing multi-agency working are amply illustrated in the research literature (see, for example, Lightfoot *et al.*, 2001). It is evident that a significant amount of energy is needed to overcome these challenges, so that skirmishes over professional boundaries are not allowed to damage the quality of service delivered to disabled children and their families.

Accessing key worker service

6.13 Purves *et al.* (2008) found that, in different geographical areas, a range of practices were used in terms of determining access to key working services. In rural

and semi-rural areas, where pressure on services was less intense, all parents whose children required multi-professional input were offered a key worker, and most accepted. In urban areas with considerable pressure on services, demand for key workers often out-stripped supply, and as a result more stringent qualification were applied. In some areas, the child's age determined access to care co-ordination services. Sometimes, key workers were only allocated to pre-school children or those under the age of three. These services were typically run by social work or health, and deemed to be no longer necessary once education became the main service provider.

Proliferation of co-ordinated planning mechanisms

6.14 Purves *et al.* (2008) demonstrate that, as the need for joined-up services has gained recognition, so the mechanisms for achieving inter-agency working have increased. Care co-ordination services, often led by social work or health, have spread, and at the same time Co-ordinated Support Plans, with education as the lead agency, have been established. Although the Scottish Government wishes to have an integrated assessment framework in place by 2009, associated with a single support plan, it is evident that the care co-ordination services run by different agencies are often operating separately. In some areas, it appeared that a child's key worker might have little involvement with, or indeed knowledge of, the person with responsibility for the child's Co-ordinated Support Plan. In addition, a child or young person with learning disabilities might have a key worker linked into the area learning disabilities team, whose responsibility for the young person would continue after they moved into adult services. Clearly, the task of harmonising co-ordinated services planning mechanisms has yet to be undertaken and, as one interviewee mentioned, much work will be needed to achieve a single assessment framework and support plan, compiled and used by all agencies working with the child.

Providing family and child-centred services

6.16 The need for services focused on meeting the needs of families and children was recognised by all interviewees. Purves *et al.* (2008) report that, at the same time, placing parents' concerns at the heart of all planning and review meetings was clearly difficult to achieve, since each professional was likely to have their own concerns and preoccupations which might often predominate. Furthermore, allowing children to communicate their experiences of services was recognised as a major challenge. Some professionals felt that children might be too young to articulate their views, or might be hindered by communication difficulties. However, it was evident that the various imaginative ways of providing severely disabled children with communication opportunities, perhaps using ICT or low tech communication aids, had not been fully explored. This clearly is an area for future development.

Understanding of the key worker's role

6.17 It is evident that a number of different models of key working are used in Scotland, for example, sometimes key workers are employed to carry out this role as the main or only focus of their work, whereas in other cases key working may be part of a much wider job remit. Whichever model is employed, it is of vital importance that practitioners and service users are aware of what makes key working different

from other forms of service delivery, as spelt out in the Care Co-ordination Network UK key worker standards (CCNUK, 2008) . It is telling that Purves *et al.* (2008) found that some interviewees expressed the view that key working was not that different from the normal working practices of health or social work professionals. Such attitudes suggest a lack of awareness of the distinctiveness and challenges of care co-ordination. Indeed, earlier work conducted by the Social Policy Research Unit at the University of York (Greco *et al.*, 2004; 2005), found that the belief that key working was no different from normal practice tended to indicate a lack of understanding of and adherence to the central aspects of the key worker's role.

The training and development of key workers

6.18 Recognising the distinctiveness of the key worker's role is linked to the importance attached to initial and ongoing training. It is evident that, whilst most new key workers are provided with initial training, on-going training is far less widely available, and is often contingent on the presence of a manager with time dedicated to this task. There is clearly a cost attached to delivering training to new key workers, as well as those who have been undertaking this work for some time. However, as demonstrated by earlier work (Greco *et al.*, 2004; 2005), failure to invest in initial and ongoing training is likely to result in an under-developed service with insufficient awareness of best practice.

6.19 To summarise, it is evident that the principles of care co-ordination have received widespread acceptance over a relatively short period of time, and yet much further change will be needed to ensure that new ways of working become embedded. Safeguarding and building on the gains will be extremely important over the coming years, particularly in times of greater financial stringency when funding for innovative projects may be less readily available.

Reporting on progress

6.20 In the sections which follow, we shall present first the areas in which progress towards equality is evident from the disability equality schemes, action plans and annual reports, followed by discussion of the areas in which progress is not evident. The report will end with

- discussion of the use of categories of impairment in the schemes;
- the evidence of the involvement of and consultation with, disabled people and their families; and
- a summary and conclusions.

Reporting on progress: areas where progress is evident

6.21 The Scottish Government's own disability equality action plan includes many actions relevant to improving the position of disabled children and their families. In addition to the steps outlined in the Schools Directorate action plan to improve education and support for children with additional support needs, the Children, Young People and Social Care Directorate action plan describes moves to increase numbers of grants to families with disabled children, to give greater parental empowerment and control over services to disabled children and continued support

for families affected by disability; improving the capacity of the social care sector to support vulnerable groups, including those affected by disability; developing approaches to working with children and their families that prevent, manage and deal with risks; and ensuring that the rights of all children, including those affected by disability, are respected.

6.22 Actions by the Lifelong Learning Directorate to improve guidance on the Disability Students' Allowance, Partnership Matters, the funding practices and provision of further education opportunities available to people with complex needs and of information, advice and guidance on funding for learners may also be relevant to disabled children and their families. The Scottish Government scheme also lists programmes where disability equality is being mainstreamed which may improve the opportunities for disabled young people – Workforce Plus, More Choices, More Chances, Get Ready for Work, Determined to Succeed, and the Education Maintenance Allowance.

Improving communication with children and their families

6.23 The evidence from the disability equality schemes and annual reports points to progress in a number of the areas relevant to Children's Services. Like other groups, families with disabled children may benefit from reported improvements in general areas, such as improved access to public buildings and provision of aids and adaptations to houses. Another important area is accessible communication about services: the provision of information in Braille, audio and large print; translation and interpretation services including sign language, lip speakers, Braille; and ensuring that council websites and intranet facilities comply with best practice for accessibility and usability. Some councils note the need not only to expand their provisions of loops at public locations, but also to check that they are operating effectively and that all staff are trained adequately to operate them.

Staff development and awareness-raising

6.24 Staff training, not only in operating appropriate equipment, but also raising the awareness of all staff of disability and other equalities, is an important element in many plans. Some councils approach this by offering awareness-raising training to all new and existing staff, and more detailed training tailored to those with specialist roles. Training of staff in impact assessment also figures in many of the first round of action plans. Some have also prioritised the training of councillors. Only a few, however, note the need to monitor and review the effectiveness of this training.

Developing collaborative systems for future action and consultation

6.25 Progress on issues specific to disabled children and their families (as opposed to their education) is not easy to assess from the disability equality schemes and annual reports. In some cases, the Council annual report describes efforts which, in the first year of the scheme, have been put into developing appropriate systems for the future. An example of this is the progress reported by Inverclyde Council in setting up a Community Engagement Network to review consultation and engagement arrangements, establishing a Community Health Partnership, and creating an integrated Children and Disability Team intended to

increase their ability to respond more effectively to the needs of children and families affected by disabilities.

6.26 In other cases, the out-of-school needs of disabled children and their families are included in the education action plan and annual report: for example, Stirling Council Children's Services has developed a scheme that "goes beyond Children's Services education functions and seeks to address disability equality in all services for children and young people". It therefore includes action points about opportunities for disabled children and young people to access to care, play, sports and social activities both in school and with council partners, and about pre-school and out-of-school provision. Most of the education authorities' action plans and annual reports, however, are concerned primarily with schools and schooling, rather than the wider system of support from health and social services.

6.27 As noted in the chapter 3 (Schools), in some areas the education disability equality scheme and action plan are integrated into the local authority scheme and plan - featuring as an appendix or separate section within the main council document. Yet even if all services are described within one document, social work initiatives such as fora for service users with physical disabilities, learning disabilities or mental health problems, carers and parents of disabled children and the provision of person-centred services for young people in transition are generally listed quite separately from the arrangements in schools for support, consultation and involvement of disabled children and their parents. Perhaps as more progress is made on collaborative working it may be possible to draw together information on the progress towards equality of some of these user groups. It could be argued that real progress towards equality of opportunity for disabled people will depend on the co-ordinated actions of several teams of service providers within their local area, including education, health, social work, housing, and leisure services.

6.28 To sum up, schemes and action plans contain ample evidence of activity intended to improve the situation of disabled children and their families, by improving communication and information, developing stronger links with other professionals working with those families and staff training to raise awareness of disability issues. Measuring progress is complicated by the separation, in reporting, of the activities of education and social work professionals, the former being reported in the education authorities' annual reports, the latter in the general council schemes.

Reporting on progress: areas where progress is less evident

6.29 Most of the local authority schemes do not present enough detail about services to disabled children and their families to allow a full assessment of progress towards equality of opportunity. This is not necessarily a criticism: the disability equality scheme is a summary document covering all aspects of council services, and cannot convey the full impact of, for example, services for disabled children and their families, as opposed to their school education. This does not mean, of course, that no progress is being made, but simply that disability equality schemes and annual reports are not always suitable sources for detailed evidence of progress.

6.30 Impact assessment of policies by councils is progressing unevenly. Some local authorities report training their assessors and identifying priority policy areas for

impact assessment in their first year, while others report that they have designed and distributed impact assessment tools, or present prioritised lists of policies for impact assessment. Others again, such as South Ayrshire, provide not only a guidance leaflet for their staff undertaking impact assessment, but also a list of those policies which had already been impact assessed before they produced their first annual report.

6.31 To sum up, the breadth of some of the aims expressed in the council action plans and the relative lack of clear targets, as well as the separation of the education and social work plans makes it harder to see how much progress is being made in improving the opportunities for disabled children and their families. It also seems likely that delays in some authorities in undertaking impact assessment of policies will not have helped.

Categories of impairment employed

6.32 As noted in previous sections, most council disability equality schemes do not provide statistics of their service users and the categories of their disabilities. A few supply statistics of children in schools, who may or may not be recipients of services in the community. Perth and Kinross Council, for example, provided data on pupils with additional support needs in primary and secondary schools, using both the old categories and the new.

Consultation and involvement

6.33 Almost all the disability equality schemes mention links with voluntary groups who work with disabled people in their area and seek to involve them, alongside disabled clients and employees in their consultation processes, and most plans include seeking the views both of disabled children and their families. Yet as noted elsewhere in this report, many schemes and annual reports contain scant details of the processes of consultation or of the nature of the changes that were made as a result and how these changes helped progress towards equality of opportunity for disabled people. Some councils, however, do provide a little more detail: for example, one notes that “children and young people’s views are routinely collected as part of staged intervention, childcare review and co-ordinated support plan meetings to inform and influence decisions that affect them, leading to personalised learning and care plans”, and describes consultation with parents over the opening of new premises, and awareness-raising sessions at Parent Forums to encourage participation of children and young people, parents and carers in public life.

Summary and conclusions

6.34 Disabled children and their families seem likely to benefit from the focus on reviewing services and policies and increased consultation with and involvement of service users which the disability equality duty demands. While the disability equality schemes and annual reports reviewed here contain evidence of efforts to improve the provision and co-ordination of services, these documents alone cannot capture the difference, if any, that council services are making to the lives of disabled children and their families. To understand that would require a more detailed

investigation of the users' perspectives on the impact of the disability equality legislation.

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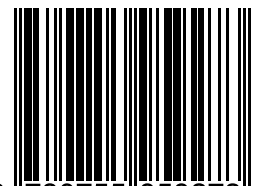
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