**Scotland’s Commissioner for Children and Young People: Disability Workstream Review, January 2014**

*Please fill in the final column of the table where possible. Recommendations are from SCCYP reports***[[1]](#endnote-1)** *unless otherwise indicated. For information, CYP refers to Children and Young People and LAs to Local Authorities. The first box in the last column is filled in as an example.*

| ***Topic*** | ***Recommendations for Scotland’s Commissioner for Children and Young People and others***  | ***Recommendations from disabled CYP & their families*** | ***Recommendations for Local Authorities*** | ***Ongoing/ current work in this area*** |
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| ***Theme: Communication and Accountability*** |
| *Listening to CYP & their families* | * Set up a national young disabled people’s forum.
* Ensure that mainstream CYP forums include more disabled children.
* Develop and promote independent advocacy for disabled CYP.
* Public bodes should use accessible methods to consult fully with disabled CYP and take their views into account when making decisions affecting their lives.
 | * Work to ensure that the views of disabled CYP and their families and carers are truly listened to and their perspective is reflected in service provision.
 | * Ensure families & CYP are given the opportunity to express their views about the services provided.
* Formally assess a child’s needs when a parent asks them to do so.
 | **For example:*** SCCYP research involved focus groups of CYP and their families.
* SCCYP’s Disability Advisory Group involved young disabled people and their families, although this group is no longer meeting at present.
* SCCYP has collated feedback from CYP gathered at our September conference and this information was published on our website.
* We are aware that for Scotland’s Disabled Children and Children in Scotland are engaging in a Parent Participation project, which aims  to give parent carers of disabled children in Scotland an increased opportunity to inform the development of the relevant legislation and policy and to drive work forward.
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| *Communicating with CYP & their families* | * Public bodies should be more active in disseminating information about services for disabled CYP.
* Ensure materials are available in a range of accessible formats for CYP, including in appropriate languages and taking into account families’ religious and cultural needs within all forms of provision.
 | * LAs should be open, honest and transparent when communicating with disabled CYP and their families. Lines of communication between LAs and their families must be clear.
 | * Publish information explaining what services might be available.
* Ensure all CYP and their families are provided with an explanation of the decisions made in an appropriate format in line with their Equality duties.
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| *Resolving conflict* | * Set up a conflict resolution mechanism for families using social work services.
 | * Lines of accountability should be clear and a method should be in place to hold authorities accountable for fulfilling their statutory requirements of service delivery.
* Ensure effective, efficient and transparent monitoring of LA performance.
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| ***Theme: Service provision*** |
| *Eligibility criteria* | * Offer advice and information to families deemed ineligible for support.
 | * Eligibility criteria should be visible/ recognised/ clear/ audited, examined and local authorities must be asked to justify how they are applied.
* There should be a campaign for equitable eligibility criteria. Families have been subjected to assessment that are not meaningful, and in themselves cause stress.
 | * Consider providing guidance about charging for services for disabled CYP and their families.
* Try to share good practice and establish communication mechanisms to ensure a common understanding of the purpose, content and use of eligibility criteria.
* Ensure that staff receive regular and frequent training about how to make decisions about service provision in the context of all relevant legislation & policies in Scotland.
* Ensure that those who are assessed as not being eligible for services are provided with advice or directed to other services that might be able to help and that such cases are monitored and reassessed regularly.
* Be aware that it is not good practice, and previous judicial review16 shows it can be unlawful, to reduce or withdraw services from disabled children or young people without proper re-assessment or review of their needs.
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| *Monitoring of Section 23* | * Monitor how LA duties under Section 23 of the Children (1995) Act are carried out.
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| *Inclusion* | * Dedicate new projects to disabled children and existing projects should include more disabled children.
* Mainstream facilities such as sports centres give free entry to disabled CYP & carers.
 |  | * Ensure plans for children’s services include information about disabled CYP.
* Support mainstream organisations to include disabled CYP.
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| *Joint Working* |  | * Improve joint working between agencies (particularly education services and social work services, health and voluntary organisations), including by having centrally held information systems relating to disability rights to ensure that families do not fall between the gaps.
* Streamline and simplify the process of care and provision for disabled young children from the current multitude of services and forms.
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| *Service quality* | * The Care Inspectorate should consider exploring the quality of services for disabled CYP.
 | Services for disabled children should:* Be of a consistently excellent quality
* Be appropriate for that individual child and their families
* Be timely and flexible (support to all as and when required)
* Prioritise value and output of services over cost.
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| *Breaks/ Emergency Care* | * Hold the SG to account for its commitment to provide funding for increased respite provision each year and to increase its funding for short breaks for families who have severely disabled children.
* Discuss with the SG how these commitments will fit with children’s rights to express their views about short breaks and have these taken into account.
 | * Provide preventative/ early intervention instead of just responding when there is a crisis.
* Improve funding for community and home respite for families.
 | * Ensure arrangements are in place for emergency care of disabled children and young people, when needed, provided by people and within settings with which the child is already familiar.
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| *Recreation, play and wellbeing* | * Work with mainstream recreation and social providers to build their capacity to welcome and include disabled children, highlighting the need for support with friendship, communication and accessible transport.
* Raise the issue of sex education for disabled CYP with local education authorities.
* Create/ advocate for more social and recreational opportunities for disabled CYP, including those with life-limiting conditions.
* Providers should give attention to accessible transport.
 | * Include leisure and play and opportunities for social interaction in services for disabled children as a priority rather than a luxury (and therefore be properly funded).
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| *Vulnerable groups* | * Focus on promoting the rights and social inclusion of neglected groups, including looked after disabled children, children at residential school or in hospital, LGBT disabled children, disabled children from travelling families and others.
* Prioritise tackling the social and economic disadvantage facing disabled children.
* Public services should identify and actively reach out to disabled children and young people from BME communities, where appropriate through recognised community leaders.
 | * Adequately reflect the needs of disabled BME CYP and other vulnerable groups in service provision.
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| *Specialist equipment* |  |  | * Ensure compliance with the provisions of the Chronically Sick and Disabled Persons (Scotland) Act 1972.[[2]](#endnote-2)
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| *Community/ family support* | * Consider if there would be benefit from offering more direct support to the siblings of disabled children, for example, through support groups or on-line networks.
* Consider setting up more support groups for parents, if possible available at different times.
 | * Consider how to engage community and build capacity and focus on coproduction if key services are not available.
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| *Waiting lists* | * Actively manage and regularly monitor waiting lists, with families being kept informed of progress and offered alterative advice, information and support as appropriate.
 |  | * Ensure performance monitoring systems are in place to help manage waiting lists and times effectively, including the times associated with service provision.
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| ***Theme: Moving on*** |
| *Transitions* | * Lobby for a target that all authorities should have a transition process in place.
* Ensure that the SG updates, publishes and acts on the recommendations of the *Report on Implementation of School to Post-school Transitional Planning for CYP with Additional Support Needs 2009-2011*.
 | Work to ensure smooth transitions between children's and adults services for disabled young people, including by:* Supporting disabled CYP to face future challenges.
* Ensuring that services enabling social opportunities for DYP continue to be available during and after transition
* Ensuring effective transitions where services meet individual future needs.
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| *Employability* | * Talk to employers about improving availability and take-up of jobs for young disabled people
 | * Consider how the disabled young person can be an active participative citizen and a contributor to society.
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| ***Theme: Policies, legislation and advocacy*** |
| *Policies relating to disabled CYP* | * Produce a simplified policy overview/ guide setting out children’s rights and service providers’ responsibilities.
* Take steps to monitor the implementation of legislation, regulations and guidance relevant to the provision of services for disabled CYP and their families by LAs.
* Ensure that public bodies observe children’s rights under international conventions such as the UNCRC.
 | * Ensure that policy and practice across Scotland acknowledges rights and responsibilities in terms of disabled CYP and their families.
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| ***Theme: Resources*** |
| *Inequity* | * Establish and lead a high profile education and awareness raising campaign about disability equality in relation to disabled CYP.
 | * Ensure that there is equitable and universal access to services across Scotland.
* Look at funding and resource provision that is not constrained by which local authority the CYP/ family live in.
 | * Put a system in place to support consistency of decision-making and fairness in the allocation of resources.
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| *Increasing need matched by resource* | * Ensure that budgets and staffing levels for disabled children’s services are sufficient to meet assessed need as well as the increasing number of service users and complexity of some cases.
* Make the case against cuts in services.
 | * Avoid emphasis on the cost of care and start evaluating it in terms of promoting wellbeing for the whole family & society.
* Consider how to address the rising demand while costs are reducing—in particular, ensure that contract staff communicate clearly with professionals working on the front line.
* Examine how to manage unrealistic expectations where there is a limited budget.
* Address limited local authority funding.
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| ***Theme: Self-Directed Support (SDS)*** |
| *Self-Directed Support* | * Ensure that statutory guidance sets out how quality of care is to be monitored, and how CYP will be informed about their rights under SDS.
* Involve young disabled people in local development.
* Research the potential impact of SDS on disabled children.
* Ensure disabled YP and their families have access to info about its potential benefits of SDS.
* Ensure families get practical assistance with admin associated with SDS.
 | Research and assess the implications of SDS on existing core services/ care packages.  |  |  |
| ***Theme: Research*** |
| *Additional research requests* | Research the following areas:* The impact of the Equality Act 2010 on disabled CYP
* The effectiveness of strategies for tackling disability-related bullying
* The pattern of short breaks for disabled children across Scotland
* The high numbers of disabled children being excluded from school
* The implementation of Curriculum for Excellence for children with complex needs.
 | Research the following areas:* Key issues facing disabled CYP
* Numbers of CYP with Autism
* The impact of welfare reform on families with a disabled child
* Long-term impacts of social expectations of disabled CYP
* Growing levels of unmet meet and the current levels and types of demand and budgets
* What can be influenced in terms of local authority & government priorities
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| ***Theme: Education*** |
| *GIRFEC* | * Ensure that GIRFEC takes a holistic view of disabled children.
* Research the extent to which disabled children are being included within GIRFEC and what difference this is making in terms of social inclusion.
* Ensure that GIRFEC principles and practice are applied to disabled children as to any others.
 | * Ensure GIRFEC is properly monitored and implemented consistently across Scotland and teachers are fully aware of its implications.
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| *Early Years* |  | * Concentrate a work stream of the Early Years Collaborative on families affected by disability.
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| *Workforce and Training* | * Discuss with LAs the need to support teacher professional development through accredited and research based courses.
* Analyse the inclusion of disability equality teaching in schools.
* Promote the value of multi-disciplinary training in disability equality and communicating with disabled children.
* Ensure that public bodies are providing training for staff working with disabled CYP and their families across all services and at all levels.
* Ensure that professions allied to medicine are readily available to those disabled children and young people who would benefit from their services on an on-going basis.
* Ensure that staff-to-young-person ratios are safe and effective.
* Open channels of best- practice sharing and information exchange for families and practitioners.
 | * Improve disability awareness and training (and education on transitions) for social workers, teachers, health professionals, voluntary organisations, etc.
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| *Needs of disabled CYP in school* | * Appropriately meet disabled children’s personal care and medical in school.
* Change the structure of ITE courses towards more, not less, content in the area of Additional Special Needs and do not disadvantage those with more complex needs.
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| ***Theme: Miscellaneous*** |
| *Other areas* | Are there any other significant pieces of relevant work not referred to above? |  |  |

1. Stalker, K., Moscardini, L., [A critical review and analysis of current research and policy relating to disabled children and young people in Scotland](http://www.sccyp.org.uk/downloads/Critical_review_and_analysis_of_research_research_and_policy_relating_to_disabled_children1.pdf.pdf), April 2012; Lancaster, B., [Social work services for disabled children and young people and their families: assessment and eligibility](http://www.sccyp.org.uk/downloads/Adult%20Reports/sh_Elig_Crit_FINAL_SCCYP_REPORT_29_oct.pdf), Oct 2012; Stalker, K., [It Always Comes Down to Money: Recent changes in service provision to disabled children, young people and their families in Scotland.](http://www.sccyp.org.uk/ufiles/It-always-comes-down-to-money.pdf) Sept 2013 [↑](#endnote-ref-1)
2. Under this legislation, if a child is assessed as needing certain named services, including aids and equipment, practical help in the home, help with travel or recreational facilities, and is eligible for them, the LA must provide them. [↑](#endnote-ref-2)