

Consultation on a proposal for a Children and Young People Bill



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

Please key F11 to move between fields

1. Name/Organisation

Organisation Name

Dyslexia Scotland

Title Mr Ms Mrs Miss Dr *Please tick box as appropriate*

Surname

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3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

4. Background

In analysing your response, it would be helpful to know your background. Please indicate the area which best describes your involvement with children from the options below.

Please tick box as appropriate:

- | | |
|------------------------|-------------------------------------|
| Early Years | <input type="checkbox"/> |
| Education | <input type="checkbox"/> |
| Health | <input type="checkbox"/> |
| Justice | <input type="checkbox"/> |
| Parent/Carer | <input type="checkbox"/> |
| Police | <input type="checkbox"/> |
| Social Work | <input type="checkbox"/> |
| Sport and Leisure | <input type="checkbox"/> |
| Voluntary Organisation | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

Dyslexia Scotland is the national organisation representing the interests of people with dyslexia in Scotland.

We have only responded to the questions in this consultation where we have direct experience or which are directly relevant to children and young people with dyslexia.

CONSULTATION QUESTIONS

1. A SCOTLAND FOR EVERY CHILD

More effective rights for children and young people

1. Do you feel that the legislative proposals will provide for improved transparency and scrutiny of the steps being taken by Scottish Ministers and relevant public bodies to ensure the progressive realisation of children's rights?

In general, we are in favour of the legislative changes proposed, as far as they go.

However, in an article in the Times on 30 August 2012, Solicitor Advocate Alistair Bonnington stated that 'All lawyers know that passing laws makes no difference to anything. It's just words on paper. What matters is in enforcement and efficacy. On these tests, any independent audit of Holyrood's record would judge that the bulk of its legislation is useless.'

There is already clear evidence that local authorities are not implementing the Education (Additional Support for Learning) (Scotland) Act 2004, as amended, as was intended and yet no action has been taken to remedy this.

While the consultation proposals explain that Scotland's Commissioner for Children and Young People could be given the power to investigate complaints in respect of individual children and young people, the consultation is silent on what **legal** steps could be taken where a public body does not carry out any new duties required under the legislation proposed. These legal steps need to be made explicit to avoid Bonnington's criticisms applying to any new legislation passed.

For example, paragraph 59 of the consultation document states that 'However, many stakeholders believe that the Commissioner's powers should be extended to allow them to undertake investigations on behalf of *individual* children. This change would introduce an important mechanism for children to seek redress in response to perceived violations of their rights.' The document does not explain what form this redress would take. Would there be a financial component, or an apology, or both, or something else?

Similarly, while paragraph 57 of the consultation document states 'we suggest that the Children and Young People Bill requires that all reports prepared by Scottish Ministers be laid before Parliament at the time of publication' the document does not make clear what the role of Parliament would be if it decides that any of the reports are not satisfactory.

2. On which public bodies should a duty to report on implementing children's rights be applied?

We consider that local authorities, health services and the police and Children's Hearing system are core in terms of reporting on implementing children's rights and we propose the following list of public bodies although we have no objections to others being included:

- Local authorities
- Police
- Health boards
- Scotland's Commissioner for Children and Young People
- Scottish Children's Reporter Administration
- Children's Hearings Scotland
- NHS Health Scotland
- NHS 24
- NHS Education for Scotland
- Disclosure Scotland
- Education Scotland
- Care Inspectorate
- Scottish Prison Service
- Scottish Social Services Council
- Additional Support Needs Tribunal for Scotland
- Mental Health Tribunal for Scotland
- Parole Board for Scotland
- Scottish Housing Regulator
- Scottish Funding Council

3. Do you agree that the extension of the Children’s Commissioner’s role will result in more effective support for those children and young people who wish to address violations of their rights?

We agree subject to the caveat expressed in our response to question 1, namely, that legal remedies to any violation of rights need to be made explicit.

Whilst we are generally supportive of the extension of the Commissioner’s role, we would like to see more information on how this would work in practice. Would the additional powers be properly resourced, for example?

A new focus on wellbeing

4. Do you agree with the definition of the wellbeing of a child - or young person - based on the SHANARRI Wellbeing Indicators, as set out in the consultation document?

Yes. The SHANARRI Wellbeing Indicators are now being used in most, if not all, local authorities.

5. Do you agree that a wider understanding of a child or young person’s wellbeing should underpin our proposals?

Yes.

Better service planning and delivery

6. Do you agree that a duty be placed on public bodies to work together to jointly design, plan and deliver their policies and services to ensure that they are focussed on improving children's wellbeing?

Yes, but we would welcome more information about how the implementation of the duty will be monitored and what steps can be taken where public bodies are not working together in the ways intended.

We would also welcome a clear definition of what ‘working together’ means perhaps through the development of standards or quality indicators so that public bodies can evaluate their own performance and can be accountable publicly.

7. Which bodies should be covered by the duties on joint design, planning and delivery of services for children and young people?

We consider the core bodies to be :

Local authorities
Police
Health boards
Scottish Funding Council

8. How might such a duty relate to the broader Community Planning framework within which key service providers are expected to work together?

Dyslexia Scotland is not involved directly in Community Planning but we note that reporting on Community Planning is to communities rather than to the Scottish Government. If the intention is to embed this duty within the Community Planning framework then we would hope that reporting and accountability are directed to the Scottish Government as well as to local communities.

Improved reporting on outcomes

9. Do you agree that we should put in place reporting arrangements making a direct link for the public between local services and outcomes for children and young people?

Yes. We welcome this. It is important that the public is aware of outcomes for children and young people.

10. Do you think that these reporting arrangements should be based on the SHANARRI Wellbeing Indicators as set out in this consultation paper?

Yes. We welcome this. The use of the SHANARRI Wellbeing Indicators will ensure that reporting covers the broad range of factors impacting on the wellbeing of children and young people.

11. On what public bodies should the duty for reporting on outcomes be placed?

We consider the following public bodies to be core:

Local authorities
Police
Health boards
Scotland's Commissioner for Children and Young People
Scottish Children's Reporter Administration
Children's Hearings Scotland
NHS Health Scotland
NHS 24
Education Scotland
Care Inspectorate
Scottish Prison Service
Additional Support Needs Tribunal for Scotland
Mental Health Tribunal for Scotland
Parole Board for Scotland
Scottish Housing Regulator
Scottish Funding Council

2. A SCOTLAND FOR EACH CHILD

Improving access to high quality, flexible and integrated early learning childcare

12. Do you agree that the Scottish Government should increase the number of hours of funded early learning and childcare?

Yes. This is very much welcomed.

13. Do you agree that the Scottish Government should increase the flexibility of delivery of early learning and childcare?

Yes. This is very much welcomed.

14. Do you think local authorities should all be required to offer the same range of options? What do you think those options should be?

The options outlined in paragraph 101 would be appropriate with others added to meet local circumstances.

15. How do you think the issue of cross-boundary placements should be managed, including whether this might be through primary or secondary legislation or guidance?

This is potentially a very complex area and links need to be with the placing request legislation, the Education (Additional Support for Learning) (Scotland) Act 2004, as amended, and the 1980 Education Act, section 23(2) of which refers to the recovery of costs where a child is educated in an authority other than his/her home authority. It is likely that legislation will be required (we have no view on whether this will be primary or secondary legislation) with this supplemented by guidance or a code of practice.

16. Do you agree with the additional priority for 2 - year olds who are 'looked after'? What might need to be delivered differently to meet the needs of those children?

Yes, although we note that such a priority has not been applied to disabled children which we would expect and we would argue should be included in the Bill. Really any child identified as having significant needs within the SHANARRI framework should be a priority.

It is likely that looked after children will need to be supported within the home environment as well with advice and guidance given to parents and carers on child-rearing to maximise children's development of wellbeing. For example, pre-school home visiting teachers, social workers and community nursing staff are all potentially important sources of support.

The Named Person

17. Do you agree with the proposal to provide a point of contact for children, young people and families through a universal approach to the Named Person role?

Yes.

18. Are the responsibilities of the Named Person the right ones? Are there any additional responsibilities that should be placed on the Named Person?

We are content with the roles and responsibilities of the Named Person.

19. Do you agree with the proposed allocation of responsibilities for ensuring that there is a Named Person for a child at different stages in their lives set out in the consultation paper?

Yes.

20. Do you think that the arrangements for certain groups of school-aged children as set out in the consultation paper are the right ones? What, if any, other arrangements should be made? Have any groups been missed out?

We note in the second paragraph of section 118 there is reference to 'grant-maintained schools' (a term which, we understand, does not exist in Scottish legislation) when it should be 'grant-aided schools'.

There is no reference to children in hospitals, including hospices, where special arrangements would need to be made. This is very important because HMI inspection reports have indicated significant shortcomings in some of the educational provision made for children in hospital.

The Child's Plan

21. Do you think a single planning approach as described in the consultation paper will help improve outcomes for children?

While the single planning approach is to be welcomed it is not clear how the various statutory plans already existing will sit within the Child's Plan. We note that the intention is to provide detailed guidance to be issued by the Scottish Ministers. However, this proposed detailed guidance should really be available now for comment especially given that this issue of planning has been with us for at least 5 years or more. Without this guidance it is difficult to know whether the single planning approach will achieve its aims.

22. How do you think that children, young people and their families could be effectively involved in the development of the Child's Plan?

The content of the Child's Plan set out in paragraph 134 **does not specifically require that the views of the parent(s) or carer(s) are recorded.** We assume this is an unintentional omission.

Chapter 7 of the Code of Practice for the Education (Additional Support for Learning) (Scotland) Act 2004, as amended, provides useful advice on working with children and families.

Right to support for looked-after children

23. Do you agree that care-leavers should be able to request assistance from their local authority up to and including the age of 25 (instead of 21 as now)?

Yes.

Corporate Parenting

24. Do you agree that it would be helpful to define Corporate Parenting, and to clarify the public bodies to which this definition applies? If not, why not?

Yes.

25. We believe that a definition of Corporate Parenting should refer to the collective responsibility of all public bodies to provide the best possible care and protection for looked-after children and to act in the same way as a birth parent would. Do you agree with this definition?

Yes.

Kinship care

26. Do you agree that a new order for kinship carers is a helpful additional option to provide children with a long-term, stable care environment without having to become looked after?

No comment.

27. Can you think of ways to enhance the order, or anything that might prevent it from working effectively?

No comment.

Adoption and permanence

28. Do you agree that local authorities should be required to match adoptive children and families through Scotland's Adoption Register?

No comment.

Better foster care

29. Do you agree that fixing maximum limits for fostering placements would result in better care for children in foster care? Why?

No comment.

30. Do you agree foster carers should be required to attain minimum qualifications in care?

It is important that foster carers have access to training and information as required in order to equip them with the skills and awareness to look after the children in their care at any time. If for example the children in their care have additional support needs such as dyslexia, they should be directed to relevant support agencies at that point.

31. Would a foster care register, as described, help improve the matching by a local authority (or foster agency)? Could it be used for other purposes to enhance foster care?

No comment.

32. Do you think minimum fostering allowances should be determined and set by the Scottish Government? What is the best way to determine what rate to pay foster carers for their role – for example, qualifications of the carer, the type of 'service' they provide, the age of child?

No comment.

Assessing Impact

33. In relation to the Equality Impact Assessment, please tell us about any potential impacts, either positive or negative; you feel the legislative proposals in this consultation document may have on any particular groups of people?

Children and young people with dyslexia are not mentioned specifically in this consultation but we do consider that the proposed legislation will have a positive impact subject to the comments above.

34. In relation to the Equality Impact Assessment, please tell us what potential there may be within these legislative proposals to advance equality of opportunity between different groups and to foster good relations between different groups?

No comment.

35. In relation to the Business and Regulatory Impact Assessment, please tell us about any potential economic or regulatory impacts, either positive or negative; you feel the legislative proposals in this consultation document may have, particularly on businesses?

No comment.

Thank you for responding to this consultation.

Please ensure you return the respondent information form along with your response.

The closing date for this consultation is 25 September 2012. Please return to childrenslegislation@scotland.gsi.gov.uk

or

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