

Briefing for the Public Petitions Committee

Petition Number: [PE1789](#)

Main Petitioner: James A Mackie on behalf of the 1673 Network

Subject: Learning difficulties and disability qualifications.

Calls on the Parliament to urge the Scottish Government to increase the number of professionals such as speech and language therapists, educational psychologists, physiotherapists, psychiatrists and occupational therapists qualified to assess children and parents with learning disabilities/difficulties and other behavioural problems, to reduce the number of children taken into care.

Introduction

A child with additional learning needs or disabilities may be assessed by different professionals and in different settings. This briefing sets out some of the duties and policies that public bodies have and the levers the Scottish Government has in relation to the workforce of the professionals listed in the petition.

Role of health professionals

NHS Scotland provides a universal health promotion programme to all children and their families known as the [child health programme](#). This programme includes screening for specific medical problems, routine childhood immunisations, and a structured programme of needs assessment, health promotion, and parenting support. This provision operates through regular scheduled contacts with health visitors, school nurses and other health professionals.

As stated in the background information to the petition, learning disabilities, learning difficulties and behavioural problems are formally diagnosed by clinicians and psychologists. However, support can still be provided by other health professionals in the absence of a formal diagnosis, although a diagnosis can often facilitate access to available support.

In 2014, NHS Scotland reintroduced a 27–30 months universal child health review within the child health programme. This review is broadly aligned to Health for All Children (commonly known as 'Hall 4'), which states that every child and parent should have access to a universal or core programme of preventative preschool care, but that formal screening should be confined to

the evidence-based programmes agreed by the [UK National Screening Committee](#).

Hall 4 does not recommend formal universal screening for speech and language delay, global developmental delay or ASD, but states that staff should elicit and respond to parental concerns as part of child health surveillance. The report emphasises the need for an efficient preliminary assessment, or triage process, to determine which children may need referral for fuller assessment and/or intervention.

More specialist intervention is usually provided via Child and Adolescent Mental Health Services (CAMHS). CAMHS treat children and young people with neurodevelopmental problems, as well as those with mental health disorders.

Education authorities

Education authorities are local authorities acting in their capacity to secure education. Education authorities have a number of duties under the Education (Additional Support for Learning) (Scotland) Act 2004. These include a requirement to:

- make adequate and efficient provision for the additional support required for each child or young person with additional support needs for whose school education they are responsible, subject to certain exceptions;
- make arrangements to identify additional support needs;
- keep under consideration the additional support needs identified and the adequacy of support provided to meet the needs of each child or young person; and
- provide appropriate additional support for certain disabled children under school age (in this case, generally children under 3 years of age) belonging to their area who have been brought to the attention of the authority as having additional support needs arising from their disability.

Importantly, the focus here is on additional support to ensure the child or young person will benefit from his or her school education. While a diagnosis may support this, in many cases it is not required. The definition of additional support needs is very much broader than children with learning difficulties or disability.

In terms of providing support to benefit from school education, where a child has ongoing and complex (or multiple) needs which require the intervention of more than one public service¹, the education authority must prepare a Co-ordinated Support Plan (CSP).

¹ The education service and another service, e.g. social work or the NHS.

In assessing a child's needs, or whether to prepare a CSP, the education authority is under a duty to, "seek and take account of relevant advice and information from such appropriate agencies and other persons as the education authority think appropriate"². [2017 statutory guidance](#) on the 2004 Act explains what "persons" means in this context:

"In this context, "person" does not mean a named individual but rather the type of professional involved such as a psychologist, speech and language therapist or learning support teacher." (p40)

According to [the most recent statistics](#), in 2018 there were 368 full-time equivalent (FTE) educational psychologists employed by education authorities in Scotland. Every education authority employed at least two FTE educational psychologists.

Education psychology courses

In May 2018, the Scottish Government and COSLA jointly announced a £4m fund to, "help with training fees and living costs to encourage more specialists to train and work in Scotland".³ Two-year MSc courses are offered [at Dundee University](#).

Social work

Separately to the duties on a local authority in its capacity as an education authority, noted above, the [Children \(Scotland\) Act 1995](#) places a duty on local authority to, "safeguard and promote the welfare of children in their area who are in need" (s22) The 1995 Act defines a child in need, among other things, as a child with a disability.

Section 23 of the 1995 Act, makes specific provision for the support of a child with a disability stating that services provided by a local authority to support a child with a disability must, "minimise the effect" of the disability. This section also provides for a duty on local authorities to, "carry out an assessment of the child, or of any other person in the child's family, to determine the needs of the child in so far as attributable to his disability". The purpose of the assessment would be to determine what support might be provided to the individual or family. [2004 guidance](#) on the 1995 Act says:

"In assessing children's needs local authorities should take into account families' views and preferences, and consider the contribution which other statutory and voluntary agencies, for example health and education, might make to the assessment or services provided." (p31 of pdf)

² S12 of the 2004 Act.

³ <https://news.gov.scot/news/more-than-gbp-4-million-for-educational-psychologists>

Scottish Government levers to increase workforce

The employers of the professionals listed in the petition are likely to be territorial health boards or, in the case of Educational Psychologists, education authorities.

The Scottish Government can support increases in the workforce at the supply-side through workforce planning mechanisms or specific funding to attract entries to courses (see the example of Educational Psychologists above).

While in many cases the make-up of workforces in health boards and education authorities is a matter for those bodies, the Scottish Government can influence this. For example, it could provide additional funding to education authorities for the specific purpose of employing additional staff, as it has done recently with ASN assistants.⁴

At the end of 2019, the Scottish Government published its [integrated workforce plan for health and social care](#). This included a commitment to invest £1bn in mental health services and to introduce a package of measures to improve services and embed support for good mental health across public services.

There were also more specific commitments around building the workforce, including additional training places for clinical psychologists. The integrated workforce plan also highlights the work of the [Children and Young People's Mental Health Taskforce](#) which is taking steps to increase workforce capacity in early intervention and prevention.

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4 March 2020

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⁴ <https://www.gov.scot/news/additional-support-for-learning/>

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