



Equality of Opportunity Committee

EOC(2)-03-07 (p3) Annex 1

Cabinet Written Statement

TITLE: The Welsh Assembly Government`s Response to the Equality of Opportunity Committee Report on Service Provision for Disabled Young People

DATE: 21 February 2007

BY: Jane Hutt, Minister for Assembly Business, Equalities and Children

I would like to thank everyone involved in the production of this significant report which I welcome. The Equality of Opportunity Committee (EOC) has worked closely with disabled young people to identify cross cutting issues and to bring them to our attention. They have thrown us a challenge which we must meet in accordance with our commitment to the promotion of equality of opportunity for all people in Wales.

The report emphasises the need for equal opportunities for disabled young people; and the need for service providers to plan with them to ensure that the services and options offered enable disabled young people to lead active lives as young citizens.

There are many issues and recommendations included in this report. I hope that in responding I can provide you with a clear sense of the Assembly

Government's policy direction and assurance of our commitment to policy making and service delivery firmly focused on the needs of individuals.

In the case of four of the recommendations, the Assembly Government does not currently have the powers to act in the way proposed. However, we support them in principle and will take them forward in discussion with the relevant responsible bodies. These recommendations are shown at Annex A.

We accepted the social model of disability some time ago. We have worked with Disability Wales to promote this model across all Ministerial portfolios. But I know that we have much work to do to demonstrate our commitment to this model. A recent survey showed very little evidence of understanding of the social model amongst the British public.

The social model is a lever for change. From it we understand that the loss or limitation of opportunities for disabled people to take an equal part in society is due to social and environmental barriers to their participation. That is, society disables people and prevents them from taking part in everyday life. It follows that if disabled people are to participate, the way society is organised has to change. We must remove barriers which exclude (and disable) people. We must ensure this happens across education, health, training, employment and transport, for example – all picked up in this report.

So it follows that every Ministerial portfolio area has an important part to play in ensuring that we deliver on this commitment to disabled people. Our commitments and goals are set out in our Disability Equality Scheme and in the action plans produced by every Ministerial department. We have set out our commitment to mainstream equality into everything we do by developing systems and structures to ensure this. We want to promote equality for disabled people as an employer and as the Government of Wales.

All the work that we do must be framed around the mainstreaming agenda. Mainstreaming equality simply means building equality of opportunity into every stage from policy development to service delivery. It is not an afterthought and it is not about consulting after decisions have been taken. It is about understanding the diverse needs of individuals, working 'with' not doing 'to' them, and delivering on the basis of fairness, equality, respect and dignity for all.

I am very pleased that this report has been based on real engagement. I know it has been an enriching process for all those who have been involved with the reference group of young people who worked with the Committee. That in itself is a very important message to come out from this report. We are at the beginning of the journey on engaging effectively with disabled people. We have done some good initial work as part of our disability scheme, building networks and relationships and sharing understanding and good practice. I want to see these productive relationships built upon across the Welsh Assembly Government.

Particularly relevant to engagement with young people is our work with children and young people on participation. As part of our commitment to ensuring that all children and young people in Wales have opportunities to contribute to decisions that affect them, the Welsh Assembly Government made it a statutory requirement that all primary, secondary and special schools in Wales should have a school council in place by 1 November 2006. Wales is the only part of the UK where such legislation is currently in place. The Assembly Government's school councils' project leader is working with a broad range of partners, including Funky Dragon, Save the Children, the Participation Consortium, and children and young people themselves to provide information, support and advice to schools to help them develop really effective school councils and models of pupil participation.

The Government's response to each of the recommendations is as follows:

General

Recommendation 1: The Welsh Assembly Government should develop a strategic policy that includes all services that young people need to help them develop the skills they need to live a fulfilling life. Young people should be involved in working out the best way of making this happen.

Recommendation 2: The Welsh Assembly Government to produce guidance for all policy divisions, local authorities and other public bodies in Wales on involving disabled young people, their families and carers in policy making. The guidance should identify good practice (e.g. the work of the Disabled Young People's Reference Group) and emphasise the need to listen to the views of disabled young people as articulated by them rather than focussing on the views of their families and carers.

Recommendation 3: The Welsh Assembly Government should issue guidance to all public, private and voluntary sector bodies who provide services, one to one, groups, projects and initiatives for young people to ensure that they are as accessible as possible for all young people. The guidance should include:

making information on projects accessible;

creating an environment that the young people feel comfortable in;

ensuring that young people's needs are fully understood;

making progress towards projects as enjoyable and challenging as desired by all young people, whilst assessing and minimising any risks involved.

Accept

The requirement on all public bodies in the Disability Discrimination Act 2005, to have in place a Disability Equality Scheme addresses these recommendations. In preparing our scheme we have sought to set an example for the public sector in Wales in terms of engaging with and listening to the views of disabled people. Working with Disability Wales and the Disability Rights Commission, we held events across Wales. A summary report of these was provided to key stakeholders and the EOC in autumn 2006. The intention is that these events should form part of an ongoing dialogue with disabled people and their representatives to inform future policy making.

We are publishing guidance for internal Assembly Government use on involving children and young people in development of policies which affect their lives. This guidance underlines the importance of an inclusive approach and the need to involve children & young people from special interest and hard to reach groups. In addition the Children and Young People's Participation Consortium for Wales is publishing guidance ("It's not Rocket science") for other public bodies in Wales.

The United Nations Convention on the Rights of the Child underpins our commitment to the delivery of services for children and young people. The Children Act 2004 strengthens local partnership arrangements for the planning and delivery of services for children and young people. Guidance on local duties to cooperate "Stronger Partnerships for Better Outcomes" was issued in September 2006.

We will issue draft guidance on Children and Young People's Plans in March for consultation. The first plans will need to be in place in 2008. The plans will encompass all services for children and young people from birth to age 18: and in case of care leavers and youth support services to age 25. The plans will replace the current Single Education Plans, social services' Children's Plans, and the strategic elements of Young People's Plans.

Key principles of the plan requirements will include:

giving the highest priority to children and young people in greatest need

engaging with young people and their families in consulting on plans and assessing delivery

carrying out shared assessment of local needs

joint commissioning and funding of services based on priorities in the plan.

We will require Partnerships to relate action in their plans to delivery of the Assembly Government's 7 core aims for children and young people; and to Extending Entitlement which sets out a framework for support and services for young people aged 11-25 to enable them to participate in education and training, maximise opportunities for employment and participate in the lives of their communities. Extending Entitlement applies to all young people.

Financial Implications – None.

Education, Training and Employment

Recommendation 6: The Welsh Assembly Government should provide an holistic, co-ordinated framework policy for provision of pre-16 and post-16 (up to at least age 25) education, training and employment support and services.

The framework policy should cover early identification, assessment and service provision to clearly set out multi-agency roles and protocols for sharing information and providing services.

Accept

Current Children and Young People Framework plans (and the successor Children and Young People's plans) are the main vehicle for a framework

policy. The plans cover early identification, assessment and service provision on a multi-agency basis.

A set of measures to improve transition planning and secure specialist residential provision for learners with learning difficulties and/or disabilities (LLDD) was approved by the Cabinet Sub-committee for Children and Young People in November 2006. The measures focus on inter-agency collaboration from Year 9 onwards, leading to improved arrangements for securing specialist post-16 residential placements funded jointly by the Assembly Government and other agencies

The Welsh Assembly Government in collaboration with the "Transition in Action Group," consisting of key stakeholders from the public and voluntary sectors, will hold a conference later in 2007 for disabled young people to consider transition to adulthood. The conference is being designed with input from disabled young people. A conference report will be distributed to enable sharing of good practice.

The Assembly Government is making £20,000 available to develop a transition guide for young people, a website on transition for young disabled people and a tool kit for professionals on transition planning, incorporating good practice examples. Development of these resources will draw on material from the conference and will involve disabled young people.

Financial Implications – None additional to funding already budgeted for.

Recommendation 7: The Welsh Assembly Government to review the assessment and funding systems for support services to help disabled young people move from education and training into employment. The review should focus on work-based learning provision, and ensure that it emphasises equality of outcome in terms of jobs and progression, rather than on qualifications attained.

Accept

The Department for Education Lifelong Learning and Skills (DELLS) is working towards a single funding methodology for all post-16 LLDD provision so as to address current inequalities across post-16 provision.

The Work Based Learning Improvement Plan (WBLIP) which the Minister for Education Lifelong Learning and Skills agreed in January 2006 aims to improve work-based learning programmes in Wales. These all-age programmes are being refocused to deliver against the two key policy drivers of employability (tackling economic inactivity) and of the existing workforce (skills). It is intended to facilitate access for learners of all ages and abilities, giving them appropriate skills to enter, and to remain within, the labour market.

This recommendation will be taken forward as part of our review of Skill Build

Financial Implications - None

Recommendation 8: The Welsh Assembly Government to ensure that all advice and support on education, training and careers, whether spoken or

written is in the medium of Welsh, ethnic minority languages and accessible formats. This should include ensuring that all Assembly-funded information services are available on-line.

Accept

The Assembly Government is fully committed to providing services in Welsh and English. Our Welsh Language Scheme, prepared in accordance with the Welsh Language Act 1993 and the Government of Wales Act 2006, sets out how we will deliver Welsh language services to the public.

Iaith Pawb, our national action plan for a truly bilingual Wales, states that SEN provision in Welsh and bilingually is a matter of providing equality of opportunity. It acknowledges the right of pupils with special educational needs to receive provision in the language of their choice. Accordingly, one project stemming from Iaith Pawb focuses on provision of speech and language therapies through the medium of Welsh.

Careers Wales has agreed a Welsh Language Scheme with the Welsh Language Board. All the companies employ Welsh speaking staff to deliver advice and guidance to young people in Welsh medium schools and for all clients on demand. To support this, Careers Wales provides a range of bilingual careers and labour market information materials in hard copy and through Careers Wales Online. Hard copy information on learning and employment opportunities is also made available in prevalent ethnic minority languages so far as is appropriate in the circumstances and is reasonably practical.

Careers Wales is striving to improve the content, format and functionality of Careers Wales Online (CWO) for clients with a range of special needs. It has designated content for special needs clients as a priority in Phase 3 development of CWO and has seconded a Careers Wales Special Needs Manager to work on the project. A detailed specification has been developed based on feedback from clients, partners and staff. This has come in part from focus groups for clients with special needs, the parents of clients with special needs, special needs teachers and voluntary organisations. – It is envisaged that the site content for SEN clients with special educational needs will be tested and made available during the period September 07- March 08.

Financial Implications - None.

Recommendation 9: The Welsh Assembly Government to ensure that all local authorities in Wales have systems in place to guarantee that all young people, irrespective of any impairment, receive appropriate assistance through the transition process.

Recommendation 10: The Welsh Assembly Government to ensure that one-to-one support is available to disabled young people as part of education, training and employment services.

Accept in part

The NSF for Children, Young People and Maternity Services sets specific standards for public bodies to ensure disabled young people who require continuing services are offered a range of co-ordinated multi-agency services, according to assessed need, in order to make effective transitions from childhood to adulthood. Key actions contained in this 10 year strategy include the need to ensure there is an inter-organisation system to identify children

who will require transition into adult services in the year before their 14th birthday (in year 8) - as outlined in the SEN code of Practice for Wales. This informs the strategic planning for all organisations.

The NSF further requires the appointment of a key transition worker to all disabled young people at age 14 requiring two or more services. It is the responsibility of the key worker to ensure that the young people, their families and all relevant agencies are appropriately involved in the planning process. The key transition worker co-ordinates the planning and delivery of services before, during and after the process of transition and continues to monitor and have contact with the young person until the age of 25 years.

A Self-Assessment Audit Tool (SAAT) has been developed as part of the performance management system for the Children's NSF. Local Authority Children and Young People's Framework Partnerships use the SAAT data to monitor progress in implementing the NSF Key Actions. The SAAT also facilitates the sharing of best practice.

The Learning and Skills Act 2001 places a duty on the Assembly Government to make arrangements for the assessment of young people, under the age of 19, who have statements of special educational need where it believes that they are likely to leave school to continue with post-16 education or training or enter higher education. The assessment must be made during the final year of compulsory education and should set out a person's learning needs and the provision required to meet them.

The Act also gives powers to the Assembly Government to conduct an assessment of any young person who is under the age of 25 where it appears that they may have learning difficulties and where they are undertaking, or likely to undertake, post-16 education or training or to enter higher education. This enables assessments to be made where young people continuing in post-16 education or training, develop learning difficulties shortly before or after leaving school and thus do not have a statement of SEN. The power applies in respect of people up to the age of 25 to enable assessments to apply for the duration of a learning course. The Welsh Assembly Government exercises this duty through its annual contract with Careers Wales companies, except where a young person is already attending a Higher Education course in Wales. In these circumstances, the relevant HE institution is asked to arrange the assessment – either through its own Careers Service or by Careers Wales.

The assessment arrangements described above identify whether and to what extent one to one support is necessary for an individual disabled young person. While the need for such support should always be considered it will not always be appropriate, or not appropriate all the time.

Financial Implications - None

Recommendation 11: The Welsh Assembly Government to assess the impact of education, training and employment service provision by measuring how accessible services are for disabled young people, whether the services are meeting individual needs and how many 16-25 year old disabled young people are in employment or the type of employment of their own choice.

Recommendation 12: The Welsh Assembly Government to act on the results of the assessment of education, training and employment services to increase their effectiveness.

Accept

Local education authorities and schools are under a statutory duty to prepare accessibility strategies and plans in order to:

increase the extent to which disabled pupils can participate in the school curriculum;

improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education and associated services in schools; and

improve the delivery to disabled pupils of written information provided to pupils who are not disabled.

Estyn are shortly to publish a report which was commissioned by the Assembly Government which will provide advice on how the Assembly Government itself, local authorities, schools and other education providers, can evaluate outcomes for children and young people with additional learning needs. In particular, it will provide advice on how to assess whether learners with additional needs are doing as well as they can and the extent to which their additional provision represents value for money.

In using Assembly Government school building improvement grant local authorities are required to ensure that new buildings and buildings undergoing significant refurbishment are accessible to disabled people.

We work closely with Department for Work and Pensions and Jobcentre Plus who monitor access to training and employment opportunities by disabled young people through their Disability Advisory Service and New Deal programmes, in particular the New Deal for Disabled People (NDDP). We have worked closely with DWP and Jobcentre Plus in the development, design and delivery of the Pathways to Work programme and the joint Welsh Assembly Government/Jobcentre Plus Want2Work programme. Both offer supported training and employment opportunities for disabled young people.

Further research work will be undertaken in this area during 2007/08.

Financial Implications – None.

Recommendation 13: The Welsh Assembly Government and service providers should review advice, information and support services for young people on relationships, sexuality and sexual health, both in-school and outside school, in full consultation with disabled young people themselves.

Any resultant good practice guide should be provided in ways that all children and young people with impairments can understand.

Accept

The Assembly Government is supporting the 2nd National Information and Advice Project for young people aged 11-25 'Clic Online'. The contractors are required to provide information in a range of formats including audio versions for young people who have visual impairment.

The Assembly Government has commissioned Estyn to undertake a survey of the provision of education for the promotion of social responsibility and respect for others. The report is to be published in mid 14 February 2007. Its findings and recommendations will be taken into account in reviewing the guidance which the Assembly Government provides to schools and local authorities.

The revised Personal and Social Education Framework is currently out for consultation as part of the general review of the National Curriculum. The final framework and the accompanying guidance for local authorities and schools will take account of issues of accessibility.

Best practice guidance on the provision of contraceptive and sexual health advice services for young people was issued in a Welsh Health Circular in July 2001. This highlighted the need for services to be accessible to young people with learning difficulties and physical disabilities. It encouraged service providers to consult with all young people in the planning and evaluation of their services.

Financial Implications – None

Recommendation 15: The Welsh Assembly Government should put in place additional measures, both practical and financial, such as incentives for employers and funding for support workers to ensure meaningful work experience placements are offered to disabled young people.

Accept in Principle

We have appointed a 14-19 Employer Engagement Task Force. Its terms of reference include giving advice on work experience placements for disabled young people. It is due to report by the end of March 2007.

Financial Implications – None.

Recommendation 16: The Welsh Assembly Government should work with the Voluntary and Community Sector to identify ways by which voluntary organisations can be more involved in delivering initiatives aimed at helping disabled young people into sustained employment.

Accept

We work closely with DWP and Jobcentre Plus who in turn work with the Voluntary Sector to offer opportunities and support for disabled young people to enter sustained employment under the Welfare to Work programmes, including NDDP.

We are also implementing a three year programme to promote more volunteering by young people aged 16-25, in response to the recommendations of the Russell Commission. Work experience gained through volunteering is a valuable stepping stone to employment. We are contributing to UK

Government work aimed at removing the barriers that deter young people with disabilities from volunteering. The work is likely to include disability audits leading to organisational action plans, disability awareness training for staff and volunteers, and structural renovations to make buildings more accessible.

Financial Implications – None.

Recommendation 17: The Welsh Assembly Government should make representations to its colleagues in the Department of Work and Pensions on the following: the need to overcome the disincentives to work within the current benefits system that are experienced by disabled people;

the need to build sufficient flexibility into the Personal Capacity Assessment (PCA) to take account of fluctuating medical conditions;

the need for PCA to be available through a medium appropriate to each individual.

Recommendation 18: The Welsh Assembly Government and the Department for Work and Pensions should work closely together to develop ways in which budgets and the benefits system can be used creatively to ensure that Welsh Assembly Government policies are supported by Whitehall Departments.

Accept

We are working with the Department of Work and Pensions on the development of the Welfare Reform Bill, the design of the new benefits system and future programmes, to ensure they encompass Assembly Government policies and meet the needs of the people of Wales.

Financial Implications – None.

Recommendation 19: The Welsh Assembly Government should ensure that its strategy to improve the provision of BSL services, including interpreters, in Wales is fulfilling its objectives by regular monitoring and review.

Accept

The Assembly Government formally recognised British Sign Language as a language in its own right in January 2004. Since then we have:

provided £1.6 million to BSL Futures, a £2.7million partnership initiative also supported by the European Social Fund. BSL Futures will increase BSL teaching capacity and train more than 30 new interpreters; and

consulted on draft guidance ‘Delivering in BSL: Advice for Public Service’ – due to be published in March 2007.

We are also putting in place an Action in to ensure that the recommendations in the Advice Document are implemented effectively.

The BSL Futures Board meets regularly three monthly to monitor progress and reports on it to the Welsh Assembly Government.

Financial Implications – None.

Recommendation 20: The Welsh Assembly Government should work with both public and private sector employers and Trade Unions to put in place structures to encourage the employment of disabled people.

Accept in principle

The Assembly Government does not have legal powers to deliver this recommendation. However, we work closely with DWP, Jobcentre Plus, the Trade Unions and the private and voluntary sectors to encourage the employment of disabled people. We are currently supporting the Cities Strategy pathfinder consortia in Wales, in the development of their business plans to DWP. These aim to provide a route into employment for disadvantaged groups, including disabled people, through a holistic partnership approach.

Financial Implications - None

Recommendation 21: The Welsh Assembly Government should work with the UK government to ensure that options for supported employment for disabled people are maintained.

Accept

We are already working closely with UK Government on this matter. In particular we are in regular contact on the current review of Remploy's operations, which is focused on modernising its businesses, improving the value for money of the provision, and enhancing the range of provision to help disabled people into employment.

Financial Implications – None.

Recommendation 22: The Welsh Assembly Government to work with Disability Wales, the Confederation of British Industry and other employer organisations to develop ways in which disabled young people can be encouraged to consider the option of self-employment as a future career path.

Accept

We have worked closely with DWP and Jobcentre Plus in the development and design of Pathways to Work and Want2Work. Both programmes that offer help, advice, guidance and financial support to disabled young people who want to take up self-employment. The self-employment option is also

available through the New Deal programmes.

Careers Wales provides an impartial client centred service to all young people including those with disabilities to assist them in making learning and career choices that are right for them. This support includes the provision of advocacy services where required and signposting to further sources of information and advice on all learning and employment routes, including self employment.

Financial Implications – None.

Transport

Recommendation 24: The Welsh Assembly Government should work with transport providers to ensure that information about the accessibility of transport services for disabled people is available in accessible formats.

Accept in part

The Assembly Government is committed to ensuring information about the accessibility of transport services is widely available. We already work with Traveline Cymru to ensure that appropriate information for disabled travellers in Wales is made available. Local authorities together with bus and train operators like Arriva make information available for disabled travellers in a variety of formats.

Financial Implications – None.

Recommendation 26: The Welsh Assembly Government should work with public transport operators and the voluntary sector to produce guidance to ensure that training for drivers and guards on the needs and rights of disabled people using the transport system is appropriate and given regularly. It should be developed in conjunction with children and young people and its effects should be monitored.

Accept in part

Training and skills development is delivered by GoSkills. The organisation already works with Department for Education Lifelong Learning and Skills of the Assembly Government to provide targeted training for public transport operators. The Community Transport Association also provides training under the MIDAS Programme for community transport drivers.

Financial Implications – None.

Recommendation 27: The Welsh Assembly Government should ensure that support training for disabled young people on using public transport is available across all parts of Wales.

Accept

The Assembly Government provides funding for approximately 5,800 learners to follow Independent Living Skills courses each year. Such courses, which are widely available throughout the Further Education sector, provide a range of support training for learners with learning difficulties and/or disabilities.

Financial Implications – None.

Recommendation 28: The Welsh Assembly Government should work with transport providers and the voluntary sector to ensure that there is sufficient support and information for the parents and carers of disabled young people to have the confidence to allow their young people to use the transport system.

Accept in part

We are working with Traveline Cymru to improve the availability of information for the parents and carers of disabled young people.

Financial Implications – None.

Independent Living

Recommendation 29: The Welsh Assembly Government should require all local authorities in Wales to carry out regular housing needs assessments amongst young people with a range of impairments. These should be used to inform housing policy with a view to ensuring that the housing needs of disabled young people are met.

Accept

Assessments are already required in accordance with the 'Local Housing Assessment Guide' issued to all local authorities in Wales in April 2006. This places a requirement on authorities to determine current and likely future requirements. Paragraph 3.17 of the Guide, 'Data on groups with particular accommodation needs' specifically refers to 'households with disabilities....to inform future planning and housing policy'. The Assessments have to be included in each authority's Local Housing Strategy, to be submitted to the Assembly Government in April 2007.

Financial Implications – None.

Recommendation 30: The Welsh Assembly Government to require all local authorities in Wales work with the public, private, independent and voluntary sectors to identify and increase the availability of rented accommodation suitable for disabled young people.

Accept

The Welsh Assembly Government works with local authorities, private landlord representative bodies, all registered social landlords and the voluntary sector to provide appropriately adapted accommodation for disabled people in Wales.

Financial Implications – None.

Recommendation 31: The Welsh Assembly Government should produce guidance for local authorities and Registered Social Landlords on the housing needs of disabled young people including their support needs, adaptations and funding available for any work required.

Accept

The Disabled Facility Grant (DFG) means-test for the parents of disabled children was abolished in September 2005 following the review of adaptations and DFGs. The Assembly Government is currently revising the guidance on DFGs, including the means-test change.

Financial Implications – None.

Recommendation 32: The Welsh Assembly Government should work with local authorities in developing a more coordinated approach to the provision of direct payments. This would include the need for increases in the publicity of direct payments and the support provided to disabled people through the application process.

Recommendation 33: The Welsh Assembly Government should review the current mechanisms for assessing eligibility for direct payments with a view to ensuring that equal access is given to young people with learning disabilities.

Accept in principle

The following groups receiving services either under Section 17 of the Children Act 1989 or Section 2(1) of the Carers and Disabled Children Act 2000 are potentially eligible for a direct payments arrangement:

a person with parental responsibility for a disabled child;

a disabled person with parental responsibility for a child;

a disabled child aged 16 or 17; and

carers aged 16 and 17

Development of the direct payments scheme in Wales has taken place over a number of years. Since 2004, Social Services have been under a duty to

offer a direct payments arrangement to all potentially eligible people. This replaced the previous local authority discretion.

In 2006, Welsh Assembly Government officials undertook a survey of all 22 local authorities' direct payments promotional and other information arrangements. The survey showed that local authorities and their local support schemes have web based direct payments information and other forms of direct payments material on CD, DVD, video and in leaflets/booklets (in a range of languages and formats).

Most local authorities provided an information pack to potentially eligible persons at or around the time of the care assessment or re-assessment and followed this up with discussions with local support scheme staff and/or social services staff. A number of other organisations including Children in Wales, Learning Disability Wales, the National Autistic Society, SCOPE and Disability Wales, have promotional and other information about direct payments in web based or other formats.

Implementation of the direct payments scheme is a matter for each local authority. We have though sought to ensure consistency by means of our Direct Payments Policy and Practice Guidance issued in 2004; and facilitating the establishment of the Wales Local Authority Direct Payments Forum and the Wales Direct Payments Support Scheme Network. The Forum and Network bring together practitioners from all 22 local authority areas to exchange information, ideas and practice.

The reference to eligibility in Recommendation 33 is presumably to the requirement for potentially eligible persons to give their consent to a direct payments arrangement and to demonstrate that they can manage a direct payments arrangement. It is for local authorities to make decisions about the capacity of an individual to consent to or to manage a direct payments arrangement. Our advice to authorities is that they should consider matters relating to capacity on an individual basis in accordance with the principles and approaches set out in the Mental Capacity Act which is due to come into effect in Wales in October 2007.

As part of our ongoing development work, we are commissioning independent research to identify the reasons for and possible local and national solutions that could be adopted to improve/address the:

overall take up of a direct payments arrangement;

apparent variance in take up between local authority areas; and

apparent variance in the take up between potentially eligible groups.

The research report will be available later in 2007. It will inform the future development of the direct payments scheme, including the issues of publicity and promotional literature.

Financial Implications – None.

Recommendation 34: The Welsh Assembly Government should require all public and voluntary bodies that provide carers for disabled young people to demonstrate how disabled young people can be and are being involved in the process to decide on the person who will work with them.

Agree in principle

There are benefits in continuity of carers for disabled young people, but high turnover in the social care workforce can lead to changes in carer. For disabled young people aged 16 and 17 the direct payments option allows the individual young person to choose their carer / personal assistant. Where parents of younger disabled children take up the direct payments option there is scope for the young person to influence the choice of carer.

Financial Implications – None.

Recommendation 35: The Welsh Assembly Government should require all local authorities to ensure that all providers of care and support services for disabled young people have mechanisms in place for the review of performance of their staff and that those reviews involve the views of the young people they work with.

Accept in principle

Review of the performance of individual social care workers and support service staff, whether in the statutory, voluntary or private sectors, is a matter for the employer. As a matter of good practice the Assembly Government would expect providers to seek clients' views on the service provided. The processes of assessment of need and provision of services by social care staff are subject to review and guidance requires that children and young people are involved in such reviews.

Financial Implications - None

Recommendation 36: The Welsh Assembly Government should require all social service departments and voluntary organisations working with disabled young people to have a clear, understandable complaints procedure which is widely advertised and made accessible to all service users.

Accept

Local authorities have a statutory duty to establish and publicise complaints' procedures, which they must make available to services users free of charge in any form requested, along with the contact details of the authority's complaints officer. Complaints can also be made against others acting on an authority's behalf including voluntary organisations.

We have issued guidance to local authorities along with 'Your Rights to Complain: A Quick Guide to Complaints Procedures for Children and Young People'. Both of these set out the young person's right:

to have information that they can understand about how to make a complaint and who to contact

to have a complaints procedure that will be clear and easy to use

to make a complaint, even about something that happened a long time ago.

to choose someone else to make a complaint for them

to be treated with dignity and respect

to have their concerns taken seriously and dealt with properly - whatever their communication needs

to be told what is going on with their complaint and to be kept up to date

to withdraw their complaint at any time.

Financial Implications – None.

Recommendation 37: The Welsh Assembly Government should establish a system of advocacy for all disabled young people, regardless of their impairment that is independent of service providers, accessible to all users and sustainable.

Accept

All disabled children (in need and in care) currently have a right to access independent advocacy services when making a representation or complaint to social services or in a secondary care setting such as a hospital. Independent advocacy providers (voluntary sector organisations) are contracted by local authorities to provide such services. Similar support arrangements apply in health services through the Independent Complaints Advocates services provided by Community Health Councils.

The Assembly Government's long-term vision is that every child should have access to advocacy services in health, social care and education settings. Later this month we will consult on an integrated model of advocacy provision that will be independent of the providers of services and be more accessible to children and young people. The new model is informed by the recommendations of reports on advocacy for children and the views of children themselves. The consultation proposes that advocacy services should be commissioned by Children and Young Peoples Partnerships (CYPPs); and that specialist advocacy services should be developed to support disabled children and young people.

Financial Implications – There will be additional costs for the Assembly Government and statutory agencies in extending advocacy services to all children and young people in health, social care, education and lifelong learning settings. The issue of costs will form part of the consultation.

Recommendation 38: The Welsh Assembly Government and Assembly Parliamentary Service to ensure that the social model of disability is fully integrated into their functions, relevant and appropriate training for staff and conduct of business, including prompt and effective implementation of their Disability Equality Schemes.

Accept

The Welsh Assembly Government has accepted the social model of disability. We are working with Disability Wales on a three year project to support the application of the model. We are providing £50,000 per year towards this project over the period 2005 - 2008. The objectives are to promote the understanding, adoption and implementation of the social model across the Welsh Assembly Government and the wider public sector in Wales. The project has assisted in the production of the Welsh Assembly Government's Disability Equality Scheme. The priorities for action were identified through consultation with disabled people.

The Assembly Government has also established a 'critical friends' network of disabled people and organisations that represent them, which will provide support and advice on the implementation and development of the scheme.

Financial Implications – None.

Recommendation 39: The Welsh Assembly Government to audit the accessibility of all hotels and conference facilities throughout Wales with a view to producing a public list of accessible venues that will encourage all venues to attain higher standards of accessibility.

Accept in principle

The Welsh Assembly Government is leading an Accessible Venues project in partnership with the Disability Rights Commission, the Wales Council for the Blind, the Royal Institute for the Blind and Disability Wales. In 2006 the project launched an on-line guidance for venue providers and event organisers giving step by step instruction on how to ensure that venues are accessible.

The next stage of the project is considering how to draw up a list of accessible hotels and conference venues in Wales. Disabled people will be involved in the work.

Financial Implications – None.

Recommendation 40: The Welsh Assembly Government should encourage, through the planning system, those seeking permission to build new public and commercial buildings, to include Changing Places toilets in their plans with a view to establishing, in the first instance, one facility in each local authority area.

Accept

The Minister for Environment, Planning and the Countryside announced in December 2006 his intention to introduce secondary legislation for design statements to complement the legislation approved on 13 December relating to access statements. We will consult on detailed guidance for local planning authorities and developers. This guidance will set out the requirement for access and design statements to be submitted with planning applications later this year. In preparing the draft guidance, we will consider the inclusion of Changing Places toilets. Such facilities are likely to add to the costs incurred by developers. We will explore the likely scale of additional costs in the consultation.

Financial Implications – None.

ANNEX A

In the case of the following four recommendations, the Assembly Government does not currently have the powers to implement them fully. However, we support the recommendations in principle and will take them forward in discussion with the relevant bodies.

Details of work in progress and action already taken by the Assembly Government in relation to these particular recommendations are indicated below.

Recommendation 4: The Welsh Assembly Government should set up a review of disability equality training for professionals working with disabled young people and employers. The outcomes of the review should feed into the development of professional training which covers the provision of advice, information and support on relationships, sexuality and sexual health, as well as educational and careers advice.

Recommendation 5: The Welsh Assembly Government should issue guidelines to local authorities on how to ensure that disability equality training in local authorities is being delivered by people with sufficient and appropriate experience and training of the issues facing disabled people.

The duty to provide equality training rests with employers, who must comply with legislation on equality. For some staff it will form part of their professional training. For others, such as Assembly Government staff, the employer has to ensure that it discharges its responsibility by raising awareness and providing staff training. The Assembly Government is currently undertaking a review of its in-house equality training provision and will, in due course, design an improved training programme to meet identified staff needs.

In early 2006 the Assembly Government commissioned Estyn to review the practice of schools and local education authorities in implementing their duties. The report has been received. Its recommendations are being considered in the context of guidance for schools and LEAs due for publication during Summer Term 2007.

A circular (WHC (2006) 084) was issued to all NHS employers in December 2006 reminding them of their duty to promote disability equality in relation to the Disability Discrimination Act 2005. Similar guidance was issued to all education employers in January 2007.

Recommendation 14: The Welsh Assembly Government should ensure that the terms and conditions of all staff working with disabled young people in schools, including learning support assistants allow them to receive adequate training to enable them to fully support disabled young people.

Terms and conditions of employment are the responsibility of the employer in consultation with relevant trade unions and employers association and not the responsibility of the Welsh Assembly Government. The response to recommendations 4 and 5 addresses the duty on employers to ensure staff receive appropriate training. However, within these limitations, the Assembly Government is committed to ensuring that school staff are appropriately trained to fully support disabled young people.

Teachers have many opportunities during their training to develop and maintain the skills required to help them to fully support disabled young people.

During initial teacher training, trainees have to demonstrate that they meet the standard for Qualified Teacher Status (QTS). The new standards that apply to trainees from September 2007 mean that trainees will be expected to gain an understanding of diversity issues in a variety of contexts.

Amongst other things, the new QTS Standards will require trainees to:-

understand the diverse learning needs of pupils and endeavour to provide the best possible education to maximise their potential, whatever their individual aspirations, personal circumstances or cultural, linguistic, religious and ethnic backgrounds

understand how pupils' learning can be affected by their physical, intellectual, linguistic, social, cultural and emotional development

take account of and support pupils' varying needs so that girls and boys, from all ethnic groups, can make good progress

select and prepare resources, taking account of pupils' interests and their language and cultural backgrounds

establish a purposeful learning environment where diversity is valued and where pupils feel secure and confident

recognise and respond effectively to social inclusion and equal opportunities issues as they arise in the classroom, including by challenging stereotyped views, and by challenging bullying or harassment, following relevant policies and procedures.

Once teachers have qualified they follow an induction programme which has funding and time set aside for additional professional development. At the end of this newly qualified teachers have to demonstrate that they have met the induction standard. This standard (amongst other things) requires that the individual " demonstrates a commitment to equal opportunities, social justice and inclusion", and also plans effectively to meet the learning needs of all pupils including those with Special Educational needs.

The induction year is followed by two years of early professional development when newly qualified teachers have £1,000 per year allocated to them to enhance their own professional development. They are able to target their funding to focus on issues surrounding support of disabled children.

Beyond these first three years in teaching individual teachers can apply to the GTCW for individually focussed CPD funding. It is for the individual teacher to determine the content of the development opportunity that they wish to pursue. They may choose to focus on issues surrounding the support of disabled children. In 2006-07 funding of almost £3 million has provided over 4,000 development opportunities.

There are a range of development opportunities available to school support staff. These may be funded through the Better Schools Fund, through LEAs or from schools' own budgets. In the best schools the training and development of 1 support staff is carried out alongside that of teachers and they also participate in the full range of INSET and LEA training.

Recommendation 23: The Welsh Assembly Government should monitor the implementation of the statutory code of practice on transport throughout Wales.

The current legislation governing access to public transport for disabled persons rests with the UK Government. The Assembly Government will continue its dialogue with the UK Government to support the implementation of the Statutory Code. There is commitment to providing accessible public transport for all members of society. The Statutory Code provides general guidance and good practice to bus and train operators on making vehicles more accessible to disabled people. Compliance is a matter for the operators and not the Welsh Assembly Government.

The Public Service Vehicle Accessibility Regulations 2000 for England and Wales specify detailed technical accessibility requirements for all new buses and coaches. The regulations address the needs of the widest possible range of disabled people. All new buses and coaches for more than 22 passengers used on local and scheduled services have had to be accessible since 31 December 2000. By 2020 at the latest all public transport vehicles will need to meet the appropriate accessibility regulations. The current legislation requires new rail vehicles to be accessible to disabled persons and the UK Government has announced that all passenger rail vehicles must comply with the Rail Vehicle Accessibility Regulations by 2020.

Recommendation 25: The Welsh Assembly Government to issue new guidelines for the tendering process that require local authorities to only offer tenders or contracts to operators who have undergone approved training disability awareness training.

The Welsh Assembly Government does not have the powers to implement this recommendation. In accordance with sections 89 and 90 of the Transport Act 1985 it is for local authorities to determine the basis on which tenders for subsidised services are invited and accepted. However, the Assembly Government will give further consideration to how current arrangements might be improved.