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The Wider Context

This annex sets out the wider context in which The Committee developed its recommendations.

Current Arrangements

Special Educational Needs

Education authorities have a duty under section 1 of the Education (Scotland) Act 1980 to secure the adequate and efficient provision of school education for their area, including adequate and efficient education for special educational needs. Education authorities must establish which children belonging to their area, who are 2 years of age or over but under school leaving age, have pronounced, specific or complex special educational needs which require continuing review. They must open and keep a Record of Needs for any such child who, following assessment, is found to have such needs. In certain cases, the education authority may continue the Record of Needs until a young person has reached his/her 18th birthday.

Future Needs Assessment

The 1980 Act requires education authorities to undertake a Future Needs Assessment of recorded pupils during the period beginning two years before a child ceases to be of school age (16 years) and ending 9 months before then. The aim is to help maximise a pupil's potential, to extend the choice of post-school routes available to recorded school leavers, and to enable plans to be prepared for the transition from school to other education or training, or to employment. Assisting pupils with special educational needs to prepare for the transition from school to post-school provision has been highlighted as a priority area for project funding in the Government's new SEN Innovative Grants programme aimed at voluntary organisations and other agencies working in partnership with local authorities in the special educational needs area.

Role of Careers Service

The statutory role of the careers service is to assist those in "relevant education" to decide what employment, education and training will be suitable for them, through the provision of information, advice and guidance; and to assist clients to obtain such employment, education or training. The framework of guidance to providers of careers services demands the provision of a confidential and impartial service, centred on the needs of the individual; equality of opportunity and accessibility of the service are emphasised. The framework prescribes that services should be made available without charge to individuals of any age with disabilities, including learning disabilities; and to 16 and 17 year olds who have left education. Careers service companies are encouraged to work in strategic partnership with other bodies to meet the needs of clients.

A section of the framework is devoted particularly to the relationship with clients with special

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education and training needs. Careers advisers are encouraged to act as advocates for disadvantaged clients who may need additional support to obtain a suitable placement. Where clients have special educational or training needs, specialist assessment should be available to the Careers Guidance practitioner, for example, from the educational psychologist or the employment medical advisory service. Careers service companies are required to make a contribution to the Future Needs Assessment. They are also required to collaborate with their Local Enterprise Company to help plan the provision of Skillseekers; identify the special training needs of some young people; and endorse them, in liaison with the LEC, for the provision of additional support as required to meet those needs. Careers service companies are also required to provide supporting services to parents, employers schools and colleges.

Further Education: Provision in FE Colleges for Students with Learning Difficulties and Disabilities

The Further and Higher Education (Scotland) Act 1992 placed a duty on the Secretary of State, in ensuring adequate and efficient provision of further education, to have regard to the requirements of persons over school age who have learning difficulties. A similar duty is placed on college Boards of Management. SOEID Circular 3/93 is the key statement on how colleges should meet the needs of students with disabilities or learning difficulties

Colleges are required to draw up personal learning and support plans for students who attend Special Courses or receive Extended Learning Support. There are 3 broad categories of provision: special programmes; learning support; extended learning support. Special programmes include "extension" courses which last for one or 2 years and cover core skills, personal or social development and work experience, and are usually delivered through the National Certificate modules or college developed units (new National Qualifications and units will be available under Higher Still from August 1999). Students may have physical disabilities, moderate or severe learning disabilities, mental health problems and often have social, emotional or behavioural difficulties.

Extension courses also include school link programmes and programmes for adults who are clients of Social Work Department Adult Resource Centres. Learning support is a service provided by the majority of colleges to help students on mainstream courses to get additional help with study. Examples of help provided include study skills, communication and numeracy, help with specific subject areas, and pre-entry courses and summer schools. Extended learning support is provided for people who have difficulties in gaining access to a mainstream curriculum which might otherwise be suited to their abilities and aspirations. Examples of extended learning support include technological aids, additional staffing, such as sign language interpreter and in terms of help with specific learning difficulties, such as dyslexia.

The Further Education Strategic Framework published in March 1999, encourages colleges to increase participation of young people from under represented sections of the community, and to develop learning and support arrangements that enable them to participate and progress. The

Government will invest around £100m over the next 3 years to remove barriers to participation and to support a further 40,000 student places in FE from among under-represented groups.

Scottish Further Education Funding Council

In January 1998, the Government accepted the Garrick Committee's recommendation that there should be two separate funding councils in Scotland, one for further education and one for higher education, but with a degree of common membership and supported by a single staffing structure and a single Chief Executive. The Scottish Further Education Funding Council was established on 1 January 1999, as an Executive Non-Departmental Public Body. The Council assumed responsibility for the funding of Scotland's further education colleges, together with all the other various functions and tasks associated with that principal responsibility, on 1 July 1999.

Enterprise Network: Special Training Needs Provision

Scottish Enterprise and Highlands and Islands Enterprise manage and deliver the national training programme for young people, Skillseekers, through their networks of Local Enterprise Companies. While the focus of Skillseekers training is on assisting young people to achieve SVQ Level II or above, there are a number of young people who do not, at least initially, have the capability to achieve that level of qualification. Such young people are "endorsed" by the careers service as eligible for special training needs (STN) provision. Some young people may pursue a SVQ Level I or a pre-vocational training programme leading to a qualification such as Wordpower or Numberpower, others pursue SVQ Level II but with additional support. There are variations across LECs in the numbers of young people supported through STN provision and in the type and nature of programmes available. One of the key elements of Skillseekers is that all young people should have an individual training agreement or plan which sets out their identified learning needs and the qualifications for which they are aiming.

Currently around 15 % of Skillseekers are in STN provision. On average per capita spending for young people on STN provision is estimated to be almost double the spending for SVQ Level II or Level III. Many LECs use operating surpluses to fund innovative approaches or seek matching funding from ESF initiatives or from other partners e.g. local authorities.

The Legislative Framework

Children (Scotland) Act 1995: Children's Services Plans

The Children (Scotland) Act 1995 introduced a new legal framework for assessment, services and support for children with disabilities and their families. Section 19 of the Act requires Local Authorities to prepare and publish plans for children's services. The plan should focus on the needs (both current and future) of vulnerable children. Local Authorities are required to consult with the range of authorities and organisations that provide services for the welfare of children and their families e.g. Health Boards and Trust, Voluntary Organisations, the Principal Reporter,

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Housing Agencies. Social Work Departments have the lead responsibility but they should work closely with education services, housing, recreation and leisure.

Children's Services Plans will cover services for a range of children including "Looked after Children"; children with disabilities; children or young people who are homeless, in poor housing or living in a violent environment; children who have emotional, behavioural or mental health problems; and children who offend. This is an illustrative but not an exhaustive list. The plans should also cover those needs of the family which will impact on the needs of the children.

In April 1998 The Scottish Office completed a review of the first round of Children's Services Plans produced by local authorities. One of the main areas of strength in the plans was that different departments and agencies collaborated in their production. Some local authorities set up strategic planning groups to take the work forward with representatives of all relevant departments and agencies and with a view to promoting an integrated provision of services. Many of the plans showed extensive consultation with user and providers of services.

The NHS and Community Care Act

Since April 1993 local authority social work departments have been required by the NHS and Community Care Act 1990 to assess social, health and housing care needs of vulnerable adults, in conjunction with other statutory care agencies where necessary and, to tailor appropriate packages of care in order to meet those needs. Social Work Departments are also expected to identify any educational needs and should liaise with further education colleges to identify appropriate provision.

The Disability Discrimination Act 1995

From 1 December 1998, the employment provisions of the Disability Discrimination Act applied to employers with 15 or more employees (previously 20 employees or more). This brought into coverage a further 45,000 employers and 70,000 people with disabilities. The Government announced on 9 June 1998, their timetable for the implementation of further rights of access in Part III of the Act (the provision of education is not covered by Part III).

From 1 October 1999 new duties under Part III will apply to people who provide goods and services to the public. Service providers will have to take reasonable steps to:

- change practices, policies or procedures which make it impossible or unreasonably difficult for disabled people to use a service; and
- provide auxiliary aids or services which would make it easier for, or enable, disabled people to use a service; and

- overcome physical features which make it impossible or unreasonably difficult for disabled people to use a service, by providing the service by a reasonable alternative method.

The second and final phase of the later rights in Part III of the Disability Discrimination Act is due to come into force in 2004. Service providers will have to take reasonable steps to remove, alter, or provide reasonable means of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use a service.

The Disability Discrimination Act covers training both as a service available to the general public (Part III of the Act) and as part of a package of terms and conditions which employers provide for their employees (Part II of the Act). Employers with 15 or more employees have to consider reasonable adjustments so that their work related training activities can be accessed by disabled employees. From 1 October training providers will have to consider reasonable adjustments so that their training can be accessed by disabled people. The Disability Rights Task Force is now undertaking a wide review on how to secure comprehensive and enforceable rights for people with disabilities. The Task Force is due to report in November 1999. They have considered how disability discrimination legislation should apply to education.

Recent Developments

National Special Educational Needs Advisory Service

Children in Scotland have been awarded a grant for 3 years by The Scottish Office to provide a National Special Educational Needs Advice service to parents, families and carers of children and young people with special educational needs across Scotland. The service will liaise with specialist support services in the statutory and voluntary sectors and will offer development and training support to local networks providing advice services.

Children with severe low incidence disabilities

In 1998 the Government announced the establishment of an Advisory Committee, under the Chairmanship of Professor Sheila Riddell, Professor of Social Policy, (Disability Studies) at Glasgow University, to undertake a strategic review of the co-ordination and provision of education for children with severe low incidence disabilities in Scotland. The Committee's report contains 22 recommendations on measures that could be taken by Government, local authorities, health agencies and voluntary bodies to improve educational and other services for this group of children and young people. We understand that the report of the Committee is about to be published.

New Community Schools

The aim of New Community Schools is to meet each child's need in the round: the key is

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integrated provision of services - teachers, social workers, community educational workers, health professionals and others working together in a single team. In March 1999, 30 Local Authorities were given funding for 37 pilot projects across the country. Each will run for 3 years. Over 150 schools, nurseries and family centres are involved and the total funding for the year 1999-2000 is £6m. The objective is that every authority will have 2 new community schools projects by 2001. The total investment over a 3 year period will be £26m.

New Community Schools should address the fact that there are many factors affecting achievement at school, and many different meanings to achievement. Each New Community School will work closely with families to raise their expectations for their children and themselves. The schools will also involve the local community as each project develops.

Education Action Plans

Through the framework of Education Action Plans, the Government is supporting measures to raise performance in 35 secondary schools which face major challenges. In a number of cases, the Plans will also directly benefit associated primary schools. Sixteen education authorities are involved. £15m will be invested over the three financial years from 1999-2000 through the Special Programme of the Excellence Fund for Schools.

The Action Plans focus on teaching and learning in schools and build on successful ways of raising attainment. The intention is to fund innovative proposals which extend and apply best practice. Key areas are adjustments to the curriculum for particular pupils or groups of pupils to ensure a better educational experience and the effective use of staff in raising attainment. The contribution of positive partnership with parents and with local business is also important.

Alternatives to Exclusion

The Alternatives to Exclusion Grant Scheme provides councils with funds to pilot innovative projects which offer alternatives to exclusion from school. The scheme is helping education authorities develop new initiatives across Scotland to support pupils at risk of exclusion, and those who have been already excluded. Eighteen out of the 32 Councils are receiving funding over 3 years until 2000 to pilot a range of schemes. The pilots involve multi-agency working with organisations including social work, education and voluntary organisations. These will then be evaluated by HM Inspectorate so that best practice can be disseminated and rolled out across the country.

£23 million will be made available to all education authorities as part of the Excellence Fund to resource a programme of alternatives to exclusion across Scotland. The money will be distributed on a formula basis over 3 years and will build on the pilot work being done under the Alternatives to Exclusion Grant Scheme.

Education for Work

The Education for Work and Enterprise agenda is about improving quality and coherence in the wide range of activities designed to make better links between education and the world of work. These activities include work experience, mock interviewing, mentoring, and a range of enterprise education activities. There is much anecdotal evidence that many of these activities are effective in re-engaging in learning some of those young people who are at risk of dropping out, and at improving the future employability of many students and pupils.

Higher Still

Higher Still will realise individual potential and maximise participation. Courses at all 5 levels from Access to Advanced Higher will mean that the whole age cohort can work towards achievable qualifications. Students will be able to progress from one level to another at their own pace and, since courses are divided into units (usually of 40 notional teaching hours), they will have the incentive of achieving success within a relatively short period. The structure of Higher Still courses means that people returning later to learning need not repeat the year for which credits were obtained earlier. They can begin straight away to complete any missing units.

Adult Guidance Networks

Adult guidance has been available through a number of sources for some time, but across the majority of Scotland there was a lack of co-ordination, leading to duplication of effort and ineffective use of resources. To achieve cohesion and co-ordination, and to raise awareness of the availability of adult guidance among adults, in 1997 The Scottish Office provided funding to create 17 adult guidance networks across Scotland. These networks are strategic partnerships, involving career service companies, local enterprise companies, local authorities and higher and further education bodies. They all have a co-ordinator to be the contact with members of the network and to drive forward recommendations by the strategic partners.

At this stage it is considered that the networks have made good progress towards a more co-ordinated approach to adult guidance, have raised the profile and have helped to make guidance available to outreach areas.

Scottish University for Industry

The Scottish University for Industry will provide a one-stop shop to connect individuals and organisations to providers of the learning they need, via a telephone call, e-mail, web connection or face-to-face at a learning centre. The Scottish Ufi will inform people about existing learning provision, commission materials to meet gaps in the market, assist with access to advice on choice of learning and financial support, put people in touch with relevant learning providers and ensure the quality of products or services which it brokers or commissions. People will be able to access learning through learning centres, which could be at work, at a college or school, a library,

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shopping centre or at home: whatever is most convenient to them. The Scottish Ufl will be launched in 2000.

Local Learning Partnerships

A network of local learning partnerships (LLPs) covering most of Scotland, building in most cases on the Education Business Partnership network, has been established to promote and co-ordinate the delivery of lifelong learning at a local level. Partnerships have been developed drawing together a wide range of support from education, business and local authorities. LLPs work closely with the adult guidance networks. Funding has been allocated to establish LLPs in 18 areas across Scotland: Argyll and Bute, Ayrshire, Caithness and Sutherland, Dumfries and Galloway, Dunbartonshire, Forth Valley, Glasgow, Grampian, Inverness and Nairn, Lochaber, Lothian, Moray, Renfrewshire, Ross and Cromarty, Shetland, Orkney, Skye and Lochalsh and the Western Isles.

Right to Time Off for Study or Training

The Teaching and Higher Education Act 1998 places a duty on employers to allow paid time off to 16 and 17 year olds to pursue a course of study or training up to a Level II qualification (broadly equivalent to 5 Standard Grades (1-3), SVQ Level II or 5 Intermediates above Intermediate 1 Grade C). Employees who are 18 years old and who embarked on a course of study or training leading to a relevant qualification before reaching 18 are also entitled to paid time off. The emphasis is on improving the young person's future employability. The Right to Time Off will come into force on 1 September 1999. Regulations setting out the eligibility for Right to Time Off and the standard of achievement to be obtained will also come into effect on 1 September 1999.

New Deal

The Government's New Deal for 18-24 year olds offers young unemployed people full-time further education or training, subsidised employment with training or participation in voluntary or environmental work, also with training.

One of the key elements of the New Deal is an increased focus on the individual. On entering the Gateway phase, young people have the support of a Personal Adviser to help with job search and to identify any barriers or difficulties in entering employment. The Personal Adviser can refer people to a range of specialist provision which might involve assistance with job search skills, careers advice and guidance or short courses to develop confidence, motivation and basic work skills. The Personal Adviser may also refer young people to agencies which can help with literacy and numeracy, housing, drugs and alcohol problems that need to be tackled before an individual is ready to progress to a job or a New Deal option.

New Deal for Disabled People

The New Deal for Disabled People (NDDP) is a voluntary programme aimed at improving opportunities for disabled people who want to move into or stay in work. The main client groups are people of working age with a disability or long-term illness who receive Incapacity Benefit; Income Support/Housing Benefit/Council Tax Benefit; or Severe Disablement Allowance. A Personal Adviser service is being piloted in twelve areas across Britain, including Lanarkshire. Personal Advisers co-ordinate a range of local services and provide a link with local employers, playing a vital role in assessing, placing and supporting people into work. In addition, 24 innovative schemes are receiving funding through NDDP to explore how best to help people who want to work. A total of 6 projects have some coverage in Scotland including 3 Scottish-based projects in Thurso, Edinburgh and Dundee.

In addition to the New Deal for Sick and Disabled People other Government initiatives include:

- The reform of the All Work Test so that, as well as assessing entitlement benefit, it also provides information about people's capacities which can be used to help them plan their return to work;
- The introduction of ONE which is a radical new programme designed to offer individually focused advice to benefit claimants to help them overcome barriers to work. It will be piloted in 12 areas, including Clyde Coast and Renfrew, starting from June 1999. All unemployed people, lone parents and people with a disability or long-term illness registering for benefit in these pilot areas will be invited to participate in a work-focused interview. They will then be allocated their own Personal Adviser who will provide appropriate guidance and support aimed at helping as many people as possible to find work, take up training or undertake activity designed to help them move towards independence. Subject to the passing of the Welfare Reform and Pensions Bill, the requirement to attend an interview will become a condition of receiving benefit in the pilot areas, from April 2000, unless circumstances indicate that an interview would clearly be inappropriate. With the exception of those claiming Jobseeker's Allowance, claimants will not be required to take any further action such as attending training or looking for work;
- Training for Work is the Government's main training programme for adults aged 25 or over who have been unemployed for 6 months or longer. Those aged 18-24 with a severe disability and/or learning difficulty are also eligible. The programme aims to help people improve their work-related skills and to move into employment through the provision of appropriate training and structured work activity in line with assessed needs. Early entry is available for those who face particularly difficult barriers to employment, including people with a disability.

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New Futures Fund

The New Futures Fund was launched by the Secretary of State in May 1998 to help "difficult" categories of unemployed people and those suffering from serious disadvantage. It is unique to Scotland. The NFF targets young people aged 16-34 including those suffering from substance abuse, those with family or relationship problems, the homeless, those with learning difficulties, ethnic minorities and the mentally and physically disabled. The activities or projects will include social/leisure activities to encourage participation, personal and social development (perhaps including health and drugs advice, welfare rights and life skills). Scottish Enterprise manages the New Futures Fund in partnership with a range of organisations who have appropriate experience with the client groups in this area, through an Advisory Management Team.

Social Inclusion Strategy

The Government is committed to tackling problems of exclusion, disadvantage and poverty in Scotland, and is taking forward a comprehensive and well-resourced programme of action to promote social inclusion. In addition, the Government, with the assistance of the Scottish Social Inclusion Network, has developed and published a Social Inclusion Strategy, setting out a programme of work to ensure action to promote social inclusion is integrated, evaluated and informed by new ideas and existing best practice.

Under the Strategy, 5 Action Teams are developing recommendations in key areas of social inclusion policy, including what more can be done to tackle the exclusion suffered by young people in Scotland. The output of all the Action Teams will feed into the development of an 'Inclusion Plan', a joint statement of integrated action to promote inclusion in Scotland on the part of all the major national agencies.

Learning Disabilities Review

The Scottish Office Social Work Services Group, in conjunction with the Department of Health, is taking forward a review of social and health care for adults and children with learning disabilities. Their remit recognises the importance of accessing housing and education and employment opportunities. The Learning Disabilities Review is also looking at the nature of day activities and has had a number of representations on this point.

Community Planning

Community Planning provides a process through which a council and other organisations plan, provide and promote the well being of their community. In 1997 a joint Community Planning Working Group was established, comprising senior management of The Scottish Office, COSLA, local authorities and the non-elected public sector and examined best practice in councils' partnerships with other bodies in planning, providing for and promoting the economic, social and environmental well-being of the communities they serve. The resulting report recommended that

councils and their partners should take forward the community planning process and produce community plans. A number of "pathfinder" councils were identified to produce early plans and would then share their experiences with other councils and partner agencies. The five "pathfinder" councils (Edinburgh, Stirling, Highland, South Lanarkshire and Perth and Kinross) presented their plans at a Scottish Office/COSLA seminar in March 1999. All councils will develop community plans in 1999.

Community Education

The report on the development of Community Education in Scotland "Communities: Change through Learning" proposed a new approach to Community Education which linked community based learning with policies on social inclusion, Lifelong Learning and active citizenship. In April 1999, SOEID issued a circular (4/99) giving guidance to local authorities. The circular asked them to produce community learning strategies and plans to address the learning needs of their communities, working in partnership at all levels with the voluntary sector, local adult guidance networks, other education providers, health, and community safety. The circular highlights the particular needs of those at transition stages who are, or who are at risk of becoming, alienated from society because their educational experience has left them dissatisfied or their lifestyle makes them more vulnerable. Emphasis is also given to the importance of providing educational support to individuals, families, people with disabilities, interest groups and communities that are endeavouring to improve the quality of their lives.

Youth Information Points

While services in different areas vary according to local circumstances and needs, all local authorities provide informal education opportunities for young people, both directly and through their support for voluntary organisations. The voluntary sector is a crucial dimension of work with young people. It includes organisations with specific concerns for young people with special needs and others, such as the uniformed organisations, which all pursue inclusive policies. Altogether, around 80,000 volunteers are involved in youth work through the voluntary sector. Local authorities are increasingly establishing youth strategies. These draw together the interests of different parts of the local authority which have a concern for young people and the various other bodies, both statutory and voluntary, with similar interests in order to meet effectively the diverse needs of young people in their areas.

Recent initiatives which have involved most local authorities, voluntary organisations and other agencies have included the development of youth information points, Connect Youth and the Youth Parliament, and Community Learning Scotland's Youth Issues Unit. The Scottish Office is also supporting development work, including a national project on detached and outreach work, particularly relevant to vulnerable young people. There are now 74 youth information points across Scotland, ranging from town-centre shops which are manned full-time to lunch-time stalls in schools. With both volunteers and paid staff in support, they provide information services specifically designed for young people.

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Connect Youth brings together young people's forums under various titles throughout all of the local authority areas in Scotland and works with a network of national voluntary organisations. Supported by both local authority youth workers and the voluntary organisations, the forums give young people a way of expressing their views to decision-makers on relevant issues. In some areas, the forums act as sounding boards on council policy. With help from The Scottish Executive, the youth forums are extending their interests to the national level and will be setting up a national voice for young people, to be called the Scottish Youth Parliament.

The Youth Issues Unit in Community Learning Scotland is advised by a group whose membership includes the Scottish Crime Prevention Unit, the Health Education Board for Scotland, Scottish Homes and Community Education Managers Scotland. It brings a cross-disciplinary focus on to key concerns of young people and seeks to generate a coherent response.

Employment Initiatives

The Employment Service Disability Service aims to offer people with disabilities particular help and advice in finding and retaining work or appropriate training; and to encourage and help employers to make such opportunities available to them. In Scotland, six Disability Service teams deliver a co-ordinated locally based service with Disability Employment Advisors (DEAs) based in each Jobcentre.

Disability Service offers a number of initiatives designed to help people with physical, mental or learning disabilities into employment. These include:

- The Access to Work programme which provides support tailored to the needs of the individual. The support can take various forms such as help with travel expenses to and from work, help with the cost of aids and adaptations to work equipment. Employers are required to contribute to the costs but self-employed disabled people have such support costs met completely by Access to Work;
- The Work Preparation Programme which aims to help people with disabilities into work. This is achieved by addressing specific employment-related needs resulting from the individual's disability which prevents them from retaining or taking up work or vocational training;
- The Job Introduction Scheme (JIS) which offers a weekly grant towards the cost of employing people with disabilities for a trial period of employment. This is usually for 6 weeks although it can be extended for up to a maximum of 13 weeks;
- The Supported Employment Programme is to ensure the provision of appropriate job opportunities for people who, because of the severity of their disability, are unable to be fully productive in work, but who are able to make a significant productive contribution to the economy;

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- Working with employers to encourage a positive approach to the employment and progression of disabled people. If certain criteria are met, Disability Service can award the employers the right to use the Disability Symbol.

Benefits and Financial Support

Young people undertaking training through Skillseekers are entitled to receive a training allowance which is normally around £40-45 per week. Young people who attend further education colleges may be eligible for a bursary administered by the college. The education authority or the further education colleges can also provide assistance with travel costs for disabled students.

Education Maintenance Allowances (EMAs) are designed to encourage students from low-income families to stay on at school or college post-16. The allowance is means tested and is administered by the local authority. EMAs will be piloted in East Ayrshire for 3 years from August 1999, in addition to pilots in 15 areas in England.

The Government is currently reforming benefits for people with disabilities including those benefits which are linked to employment. The Welfare and Pensions Bill is going through Parliament.