

Proposed Disability Commissioner (Scotland) Bill

Introduction

A proposal for a Bill to establish a Disability Commissioner for Scotland

The consultation runs from 12 May 2022 to 3 August 2022

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Person with lived-in experience of other types of disability than physical

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation.

I have a disability and have been fighting for years to get reasonable adjustments from health and social care.

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I would like this response to be published anonymously

If you have requested anonymity or asked for your response not to be published, please give a reason (Note: your reason will not be published):

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).

(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposed Bill? (Please note that this question is compulsory.)

Partially supportive

Please explain the reasons for your response.

I would prefer the person who runs the organisation to be nominated by people with disabilities rather than the parliament.

Otherwise it could be seen as jobs for the boys.

Ideally someone with a disability (subject to Equality Act allowing this).

Q2. Which of the following best expresses your view on whether there is a need for a specific, dedicated commissioner focussing solely on people with a disability?

Fully supportive

Please give the reasons for your response

Things are split across multiple organisations at the moment. When you fall in a gap between services it ends up as being nobodies responsibility and nothing is done.

Treating disabilities as a whole should help ensure that the entire world of disability is considered.

Q3. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

There is already lots of legislation to protect rights of people with disabilities.

It is just ignored by organisations.

I would like to see a naming and shaming of organisations who break legislation as with those who break minimum wage law.

Scope of the Disability Commissioner Role

Q4. Which of the following best expresses your view of the Disability Commissioner role covering all disabilities; physical, mental, hidden and fluctuating conditions?

Fully supportive

Please give reasons for your response, including how the commissioner could co-ordinate with the work of existing bodies/organisations who support people with these conditions.

Ideally the commissioner should have the right to inspect these organisations to ensure that disabilities are being considered.

Q5. Which of the following best expresses your view of the Disability Commissioner having a role in reviewing laws and policies that might impact on disabled people?

Fully supportive

Q5. Which of the following best expresses your view of the Disability Commissioner having a role in reviewing laws and policies that might impact on disabled people?

Please explain the reasons for your response.

There are often gaps in the legislation as it only considers narrow aspects - having an overall view would help ensure that gaps are noted and rectified either in legislation or guidance.

Q6. Which of the following best expresses your view of the Disability Commissioner promoting best practice and learning from service providers, key stakeholders and third sector?

Fully supportive

Q7. Which of the following best expresses your view of encouraging involvement of disabled people and DPOs (Disabled People's Organisations) in the work of the Disability Commissioner?

Partially supportive

Please explain the reasons for your response. Please discuss how you think this would work in practise – would this be through focus groups, internships, paid roles etc

One issue I have encounter is that a number of DPO's represent the organisation and carers etc. rather than the disabled person themselves.

If the commissioner is to be for disabled people it should involve disabled people directly and not filter through organisations unless this is the only way of getting feedback.

Q8. Who should the Disability Commissioner be allowed to investigate?

Both Scottish Public Bodies and service providers

Please explain the reasons for your response

There are a number of organisations that are funded by public bodies but have no oversight. For example advocacy organisations.

This means that service quality can be poor if not dangerous. There appears to be a tendency to fund third sector organisations to fulfil a statutory duty but not ensure it is of sufficient quality.

Some form of oversight is needed to ensure safety and that public money is being spent wisely.

Financial Implications

Q9. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

some reduction in costs

Please explain the reasons for your answer, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

If you do things right at the start then costs are minimised - most of what is required is legally mandated

Q9. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

anyway, just ignored until enough people complain or die. Retrofitting solutions is much more expensive.

By ignoring rights there is an ongoing cost to society.

For example, I have been unable to get assistance to get medical treatment due to my disability. Because of this my health is deteriorating. Something that could have been fixed by minor treatment will likely now involve major surgery. This obviously costs more money and impacts throughout society.

Equalities

Q10. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

Hopefully it would help people with disabilities gain equality.

I trust that appropriate impact assessments will be done with the legislation to ensure that giving rights to disabled people doesn't impact on others in society.

Sustainability

Q11. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question)

Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

Disabled people can contribute to economy if allowed unfortunately society as a whole tends to ignore them.

As an example with COVID teleworking was demonstrated as a workable option.

This can mean that disabled people can help fill the current shortage of labour, helping the economy and also helping create a fairer society.

It would also help reduce overall welfare bills and get people working who just need a little help.

General

Q12. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

If you're going to produce a consultation document for disabled people it would be a good idea to produce accessible versions.

I want to contribute to a better society but without easy-read versions of these documents I can not fully understand everything in the consultation document.

Having to rely on people to help you understand the consultation document and help you write answers to consultations is not right and demonstrates why a commissioner is needed.