

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.

on behalf of an organisation

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".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

Sight Scotland, formerly known as Royal Blind, is Scotland's largest visual impairment organisation. We have been dedicated to meeting the challenges of visual impairment for more than 225 years. Our range of services support people with visual impairment and span all stages of sight loss, including learning services, support in the community, residential care, enterprise and funding for research. Sight Scotland runs the Royal Blind School in Edinburgh and the Scottish Braille Press. For more information, visit sightscotland.org.uk

Sight Scotland Veterans

Sight Scotland Veterans is the sister charity of Sight Scotland. Sight Scotland Veterans provides free support to ex-servicemen and women affected by sight loss in Scotland to help them regain confidence, restore their independence and make new connections. For more information visit sightscotlandveterans.org.uk

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

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).

Sight Scotland and Sight Scotland Veterans

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.

Sight Scotland and Sight Scotland Veterans are supportive in principle of the establishment of a Disability Commissioner for Scotland. We believe the creation of this role will provide a specific and targeted focus on upholding the rights of disabled people at a national level, but we note there is also work to be undertaken at a local level too. The Covid-19 pandemic has not only disproportionately impacted disabled people and brought additional challenges to those with sight loss but has also provided us with an opportunity to do things differently - including assessing how best Scotland can champion the rights of disabled people. A dedicated Commissioner for those with disabilities would have a significant part to play in this and could be effective in raising awareness of the issues impacting disabled people, how existing legislation such as the Equality Act can be better upheld and highlighting existing good practice. This must be coupled with practical support in Local Authority areas and we'd like to see the creation of local Commissioners too that could feed into the wider work of the Commissioner's office.

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?

Partially supportive

Please give the reasons for your response

A dedicated Commissioner for Disabled People ensures a focused approach. The definition of 'disability' proposed under the Equality Act includes a wide range of impairments and therefore there is a risk if the Commissioner weren't to have a sole focus on disability, the remit would be too broad. The focus must be inclusive of all disabilities and ensure that no one is left behind or excluded. It is vital that the role of the Commissioner doesn't add a further layer of bureaucracy to realising disabled people's rights, and that the role of the Commissioner is structured in a way that improves support and advocacy for people with a disability.

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 currently a wide range of legislation that aims to uphold the rights and ensure support is available for disabled people, however these are not always upheld. It is our view that further legislation would not add value to the existing landscape, and instead more work must be done to raise awareness of current obligations, identifying gaps and needs not being met, as well as highlighting good practice and positive examples. The role of the Commissioner is suited to these functions and would help to achieve the aims of the Bill effectively. In addition, the role of the third sector in service provision is often

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undervalued; having a Commissioner would allow direct dialogue and improved collaboration and coordination with providers.

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.

We believe the definition of 'disability' as set out in the Equality Act is the appropriate starting point of discussions as to the remit of the Disability Commissioner. As expected, we're supportive of the inclusion of sensory impairments in this definition and believe an intersectional approach should be taken.

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

Please explain the reasons for your response.

We support the proposal for the Disability Commissioner to have the power to review laws and policies that might impact disabled people. This is in line with functions of other Commissioners in Scotland, such as the Scottish Children and Young People's Commissioner. Without such a power, the Commissioner would not be able to meet the aims as set out in the Bill.

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

Please explain the reasons for your response, including how you envisage this work being undertaken?

As Scotland's leading and oldest charities for sight loss we are fully supportive of the Commissioner promoting best practice and learning from the third sector. The sector has a wealth of knowledge and expertise that should be fostered and nurtured to inform policy development and exemplar behaviour. Often, third sector organisations are also service providers and their on the ground experience should be highlighted and championed.

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?

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?

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

It's vital that disabled people and DPOs are at the heart of the work of the Disability Commissioner. We would support proposals for the office of the Disability Commissioner to have a panel of people with a disability who would set the agenda of work and take the lead in establishing priorities for the Commissioner.

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

Both Scottish Public Bodies and service providers

Please explain the reasons for your response

If the Commissioner has a role in reviewing laws and policies that impact disabled people and is to act as an advocate for disabled people, then the Commissioner should be able to carry out investigations into whether, by what means and to what extent a service provider has regard to the rights, interests and views of disabled people in making decisions or taking actions that affect those disabled people, to include Scottish Public Bodies and Service providers.

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 increase in costs

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.

No Response

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?

No Response

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)?

No Response