

# 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

Representative organisation (trade union, professional association)

**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).**

RPS is the professional leadership body for pharmacists working in all sectors across Scotland, England and Wales. Our mission is to put pharmacy at the forefront of healthcare. Our vision is to become the world leader in the safe and effective use of medicines. We champion the profession, and are internationally renowned as publishers of medicines information. We promote pharmacy in the media and government, lead the way in medicines information, and support pharmacists in their education and development.

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).

Royal Pharmaceutical Society

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.**

We welcome the creation of the disability commissioner if it results in the improved promotion and safeguarding of the rights of all disabled people. It is essential that this role is created as a unique position which does not duplicate the work carried out by other organisations. It is also imperative that clear structures are in place which explain how this role will work with and integrate into the other organisations mentioned within the Bill who already do work in this area. It would be essential that with this role there is an intersectional view ensuring work is being done to remove barriers faced by individuals with challenges in addition to disability.

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**

A specific disability commissioner will provide a stronger focus on the needs of people with a disability, ensure those needs are considered, and work to protect them from discrimination. They will also be able to explore the need to collect disability data to be able to provide a fuller picture of how many people are affected. They would be able to advocate for and safeguards the rights of disabled people

We would also encourage ongoing work to ensure that there is a renewed focus on eliminating discrimination and reducing inequality for all those who belong to a group with a protected characteristic and ensure that everyone is treated fairly and with dignity.

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.

To have a significant impact and affect change the role would need statutory powers to ensure timely investigation, access to information and compulsion of co-operation that can only be conferred by law. It is also important that this new role is entirely independent to ensure that investigations can be carried out without undue influence by government or employers.

## 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.**

It would be hard to separate these conditions and prioritise one over another, also the role would require

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

an in-depth knowledge of all disabilities, the impact of having a disability and to be able to work with experts and relevant support organisations to be able to represent people effectively, investigate issues and listen to concerns. However, it would be important to ensure the role is able to work to cover all those conditions and represent them in an effective way.

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.**

The role of commissioner would require a working knowledge of the discrimination that disabled people face on a day-to-day basis. This knowledge could be enhanced through working with people with lived experience, and expert groups who can provide a view on the impact their disability has on daily life. All this knowledge brought together should enable the commissioner to provide insight to those writing laws on the potential impact of them on those with disabilities and will give a stronger voice to those living with a disability.

It may also encourage those writing the laws and policies to be more mindful of the impact of what they are producing on all those who have protected characteristics.

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?**

Increasing people's knowledge and raising awareness of the rights of disabled people would be an important role for the commissioner. However, this is not a task one person could undertake. It may be necessary for the commissioner to oversee a group of people undertaking this work and have in depth knowledge and a personal input or via extensive networking with relevant organisations.

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

**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**

The views and input of those with lived experience would be vital for certain aspects of the role. The role of commissioner should in some regards be a force for good and a voice for those living with disabilities but to accurately reflect that voice, the commissioner would need to listen first. Therefore, the involvement of disabled people and DPO's would be essential.

For other aspects of the role, such as investigations, it may not be appropriate to have external input.

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

Both Scottish Public Bodies and service providers

**Please explain the reasons for your response**

All organisations should be knowledgeable about the rights of disabled people and take appropriate action to ensure that they are not knowingly discriminated against or excluded. It would be important for the commissioner to be able to investigate both Scottish Public Bodies and service providers to ensure consistency in the approach to how disabled people are considered. It is also important that the commissioner supports anyone it investigates to gain relevant knowledge on how to make improvements, to change their practice and make reasonable adjustments to remove the barriers to disabled people and ensure an inclusive environment for all.

## 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?

a significant increase 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.**

The financial burden would be on the public to fund the commissioner and the team of people required to support the role. There could also be a financial impact on those investigated if they were required to make changes to improve accessibility, however, if this is possible, it should have been carried out anyway. The commissioner themselves must endeavour to be accessible to all and for there to be no financial impediment to accessing their services or co-operating with an investigation.

## 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.

As an organisation who are committed to inclusion and diversity, we feel this new role should and could improve the access patients with disabilities have to an individual or team responsible for championing their needs. There is an opportunity to enhance person centred care through this role by hearing individuals' experiences, common themes and experiences of living with a disability and the impact that has had.

There is a risk of introducing unconscious bias with the Commissioner or their team, as they would be an independent public leader, they need to provide a voice for all disabled people to ensure they are being considered and are not being unfairly discriminated against and having a poorer experience on a daily basis. They would need to make sure they are not introducing their own prejudices and biases into people's stories and putting their own judgement on that individuals experience resulting in dismissal of the groups experience.

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.

We would also expect there to be processes in place to mitigate biases where possible such as undertaking Equality Impact Assessments when appropriate.  
There would need to be assurances in place that the focus on other protected characteristics would not be diminished because of the creation of this post and that an intersectional view is considered acknowledging the additional barriers people with a disability may experience if they identify with additional protected characteristics.

## 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*