

# 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.**

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.)

Fully supportive

**Please explain the reasons for your response.**

I have had to work extremely hard on behalf of my son for 20 years to have his voice heard. I feel that a Disability Commissioner is long overdue. Even before the covid pandemic, stronger advocacy was required for people with disability. A Disability Commissioner working proactively towards improving equality for people with disability would be most welcome.

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 strong advocate is needed for people with disability. Evidence shows that people with disability were among the hardest hit by the covid pandemic, but are also those struggling to regain levels of equality that had been hard fought for many years before the pandemic. In many ways it feels as though people with disability have had equality pushed backwards.

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.

I feel that legislation is required. Personal experience of supporting an adult with incapacity is that he is given no voice and his needs are regularly overlooked or ignored on a regular basis. I'm concerned that current legislation to support equality for people with disability doesn't seem to work as it is. For example, in terms of requesting reasonable adjustments on behalf of my son for things like health care - many health professionals have never heard of 'reasonable adjustment'. I've had to explain it many times. I think that not only is legislation important, but training to ensure people are aware of the legislation is equally important. Another example might be for example how Self Directed Support is interpreted and implemented in such varying ways by different local authorities across the country, affected by different local authority budgets, etc. I would hope that a Disability Commissioner would work towards fairness across the country.

## 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.**

I think the Disability Commissioner role should encompass all disability. Within the role, there should be scope for expertise for each group of disability. Many individuals have complex needs with many disabilities. For example, the needs of people with learning disability may vary to other disability groups, and the needs of people within the learning disability population vary widely too.

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.**

I agree with the suggestion that it would appear the protected characteristic of disability has been diminished within the Equality Act. As mentioned previously, current laws don't appear to work effectively, and it's particularly hard for people in a disadvantaged group to challenge when the law lets them down. Having someone who can review laws and policies would help enormously. The current process of obtaining support through advocacy is not an easy task either.

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?**

Promoting best practice is essential, however drawbacks with best practice is that it is only effective if implemented and doesn't work well when best practice is not sustained in the longer term. I would prefer to see a system where best practice is something which is embedded into longer term robust systems.

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**

Many disabled people's organisations have full involvement with their service users and are very familiar with the lived experiences of their service users. I think a starting point for representation from DPOs might be to try to assemble data of the number of disability organisations in Scotland and the number of people in the country who are represented by the various organisations.

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

Both Scottish Public Bodies and service providers

**Please explain the reasons for your response**

The pandemic highlighted more than ever the lack of accountability by public bodies, the fragility of service providers, and a lack of robust systems to protect people with disability. It seems that public bodies can get away with 'tick box' exercises when it comes to carrying out Equality Impact Assessment for example. I'm not sure how it's viewed that officers within some public bodies can be tasked with carrying out equality impact assessment whilst at the same time, are being tasked with identifying cost savings within the same service. There should be an impartial EQIA process. There are also too many cases where there is a lack of adult protection within services provided for people with disabilities. Adult protection often appears as a reactive process when things go badly wrong. There needs to be something more robust in place. Currently, I don't know who is actually championing adult protection for people with learning disabilities. I would hope that a disability Commissioner could help tackle this.

## 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

**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.**

I don't have any expertise in this. I think there could be some increase in costs but in the longer term the benefits of the work of the Disability Commissioner could also make financial gains - things such as better health care; promotion of equality of access and the 'purple' pound within the economy. Many people with disability rely on carers. The majority of carers are women. I think benefits of the work of the Disability Commissioner could positively impact women as well.

## 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.

I think there could be positive impact through promotion of greater diversity within employment etc.

## 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?

See answer for Q9. I think widening involvement of everyone within communities creates a better balance for future generations.

## 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*