

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 two young men late diagnosis Autism Spectrum with a PDA Profile of Autism and other disabilities such as Hypermobility , Epilepsy, dyspraxia , sensory processing disorder .

Please select the category which best describes your organisation

No Response

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).

Patricia Hewitt

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.

Being disabled myself , mainly from late teens then late fifties onwards I have been shocked at how little support there is for disabled people especially those with hidden disabilities . I have only been aware over the last eight years that both my young men were on the Autistic Spectrum and as far as I can tell the Autistic Community have been sold down the river for years . So many should and have failed to support that's especially true of the Scottish Parliament where their ongoing answer seems to be report after report with no improvement .

This Bill highlights many of the ongoing failures within the disabled community .

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

My main concerns are will they be effective or just "tread water" ? We already have a Children's Commissioner yet there are numerous concerns still out there . Why he is supposed to be Independent of the SP !!! . There is also a proposed Autism / LD Commissioner but I believe that remit is too large for one person . Will all these Commissioners overlap and achieve less than what's happening now ? Unless it's a person who goes above and beyond and really does stand up for the Disabled Community as a whole I have my concerns .

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.

Most certainly . As far as I have seen first hand there is NO Accountability . Local Authorities are a Law unto themselves and there is no clear direction from the Scottish Parliament .

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.

Yes. As an example both my Autistic young men have other hidden disabilities some of which are physical and including mental health , anxiety and PTSD

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 Laws we have at present are failing far more than what they are supporting . This is especially so in Education .
Achieving any type of diagnosis is problematic and can take years .

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?

There are two many who make decisions and haven't a clue what the reality is for many disabled people .
Some of the larger Charities in my opinion should have done far more over the years , more concerned over their funding from Holyrood . I also believe that local carers centres should be involved they deal with many disabled families .

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

Vital . There needs to be first hand shared experiences .
Most disabled people are fed up filling in Questionnaires . We have already told people / organisations for years what the issues are .

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

Both Scottish Public Bodies and service providers

Please explain the reasons for your response

It returns to no accountability .
I have recently given evidence into the teacher abuse case at Scottish Borders Council to QC Webster .
Although my children weren't involved with that particular case but the Complaints Department behaviour was appalling . I was bullied , threatened with slander and the whole episode was covered up and swept under the carpet . Parental blame is rife . The only system that works effectively in Scotland is the system that covers up the truth . If you dare complain majority close ranks .

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.

It returns to early intervention . If the money and funding were there at the start then so much of the long term funding would not be required . It's working on a case of prevention . It's easier to prevent than undo years of misdiagnosis and the wrong support leading to Mental Health crisis and PTSD .

Accept the PDA profile of Autism and make sure there is a clear pathway for acceptance and support . Enforce our Education Laws . Again it's a two tier system those who can afford private Lawyers to support their cases .

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 a woman I believe high profile cases like the the Alex Salmond have done so much damage to woman's human rights . The Scottish Governments handling of such cases has been appalling . If they can't support their own Ministers what hope is there for the general public .

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?

Unless someone is going to uphold these Laws what is the point . We have generations of families who have been failed like mine and left with lifetime disabilities on benefits . What about this group . Mainstreaming although noble in practise is failing too many children and young people . We need too go back 50 years and have a rethink . One system doesn't fit all . We need alternative education settings like forest schools .

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)?

We now have a two tier system . Many families can't get a diagnosis through normal NHS pathways . They are unable to pay for expensive private assessments so are left abandoned for years . There needs to be direct pathways .