

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).

Camphill Scotland is the membership organisation for the 10 Camphill communities in Scotland. Together, our members support around 600 people with learning disabilities and other support needs, including children, young people, adults and older people. The communities are located in a variety of beautiful locations across Scotland, from Dumfries to Aberdeen. Each offers a supportive community life with personalised opportunities to find purpose and belonging through a wide range of social and cultural activities. Meaningful work and social enterprise play a key role within Camphill in Scotland.

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).

Camphill Scotland

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.

Camphill Scotland supports the proposed Commissioner for Disability (Scotland) Bill. We believe that the Commissioner can act as a champion for disabled people. Establishing the office of the Commissioner for Disability will help to address the inequalities facing disabled people, and deliver improved outcomes for disabled people. The need for such a champion has been highlighted by the impact of the Covid pandemic upon disabled people.

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

It is now more than two years since Covid began, yet the rights of disabled people are still being ignored. We live in a discrimination-by-design society. Disabled children are being denied access to education, essential respite services have closed without explanation, and archaic workplace practices are continuing to lead to limited work opportunities for disabled young people and adults.

Against this background, there are now more barriers to equal citizenship for disabled people than ever before. We urgently need to prioritise the voices and experiences of disabled people, their families and unpaid carers. That is why Camphill Scotland welcomes Jeremy Balfour MSP's proposed Disability Commissioner Bill, which will establish the office of the badly needed, and long overdue, independent commissioner who will stand up for disabled people as a champion of their rights.

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.

Camphill Scotland believes legislation is required to achieve the proposed Bill's aims. We consider that placing the office of the Disability Commissioner on a statutory footing, and giving the Commissioner statutory powers, are necessary to achieve the proposed Bill's aims, and to ensure that the Commissioner is able to act as an effective champion for disabled people.

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.

Camphill Scotland supports the proposal that the Commissioner's role should cover all disabilities. We

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

believe this is necessary to ensure that the Commissioner is a champion for all disabled people, and that all disabled people are able to seek assistance and support from the Commissioner. It will also provide that the Commissioner's remit covers the full range of issues impacting upon all disabled people.

Camphill Scotland welcomes the commitment in Jeremy Balfour MSP's consultation document that "the proposed Disability Commissioner would complement existing bodies, and not amend or detract from their remits and powers". We also welcome the statement in the consultation document that the Commissioner's work could be supported by "Memorandum of Understanding with other public bodies where there are common themes and potential overlaps", and by "collaborative discussions between the various organisations". Camphill Scotland considers that this approach will help to strengthen the protection of disabled people's rights and to address inequalities impacting upon disabled people, and to ensure that legislative reform and policy development addresses the needs of disabled people.

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.

Camphill Scotland is aware that disabled people are discriminated against in many areas of their every day lives, including education, housing, welfare and employment, and face issues which cut across a wide range of policy areas, and may require various cross-cutting actions. Camphill Scotland, therefore, strongly supports the proposal that the Disability Commissioner should have a role in reviewing laws and policies that might impact on disabled people. We believe this is necessary to provide that any legislation passed by the Scottish Parliament treats disabled people fairly and protects their rights, and addresses their needs.

Ensuring that the Commissioner is involved in devolved legislative reform and policy development affecting disabled people will enable the Commissioner to identify devolved policy issues and policy areas where legislative change is necessary to address the needs of disabled people, to protect their rights and to tackle any inequalities impacting upon disabled people. Providing the Commissioner with a role in legislative reform and policy develop will help to ensure that legislation and policy development meet the needs of disabled people, and promote equality and inclusion.

It is also anticipated that there may be policy issues and areas where the Commissioner, in the course of fulfilling their reviewing role, becomes aware that the needs of disabled people are not being met, that they are being treated unfairly, and discriminated against, but that the powers to address these policy issues and areas lie with the UK Parliament, and with the UK Government. Providing the Commissioner with a reviewing role would help to inform the Commissioner's discussions with the ECHR and with other UK-wide agencies about addressing these policy issues and areas to ensure that disabled people across the UK are having their needs met, are being treated fairly and are not discriminated against.

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?

Camphill Scotland welcomes the proposal that the Commissioner "will promote best practice and learning from service providers, key stakeholders and from different sectors including the third sector". We believe this will help to shape and influence legislation and policy development, and to ensure that it meets the needs of disabled people, and that they are being treated fairly and are not discriminated against.

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

Camphill Scotland welcomes the statements in the consultation document that the Commissioner "will encourage the involvement of disabled people and DPOs (Disabled People's Organisations) in the work of the Commissioner", and "must pay particular attention to groups of disabled people who do not have other adequate means by which they can make their views known".

We also welcome the commitment that the Commissioner "would be required to communicate in an inclusive way, paying particular attention to disabled people who do not have other adequate means by which they can make their views known". We believe these measures will provide that disabled people are at the very centre of the Commissioner's work. It will also help the views of disabled people to be heard, and for disabled people to engage in decision-making on matters that affect them, and society as a whole.

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

Both Scottish Public Bodies and service providers

Please explain the reasons for your response

Camphill Scotland is aware that disabled people are discriminated against in many areas of their every day lives, including education, housing, welfare and employment, and that this discrimination occurs across many different sectors. It is, therefore, essential that the Commissioner should be allowed to investigate both 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

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.

Camphill Scotland notes from the consultation document that the costs for the Commissioner for Disability will be comparable to those of the Commissioner for Children and Young People in Scotland Office, which has an "approved budget of £1.3m". We believe this is a relatively modest amount, particularly in view of the significant contribution which the Commissioner will be able to make to improving outcomes for disabled people.

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.

Camphill Scotland agrees with the statements in the consultation document that "Equality is at the heart of this proposed Bill". We believe that the Bill will make a significant contribution to tackling discrimination against disabled people, and to promoting and protecting their rights.

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?

Camphill Scotland notes the statement in the consultation document that: "The principles of sustainable development include human rights and wellbeing, equalities and equity and participation and accountability". We believe the Bill will help to tackle discrimination against disabled people and to protect their rights, and have a positive impact upon society as a whole.

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)?

Camphill Scotland welcomes the commitments in the consultation document that the Commissioner "must communicate in an inclusive way", and pay "particular attention to groups of disabled people who do not have other adequate means by which they can make their views known". We believe this will help to meet the Bill's aim of ensuring "that everyone would be able to make their views known in order for the needs of disabled people to be prioritised in the Commissioner's work".