

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 a physical

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation.

The first question is not inclusive. It should say 'Person with lived experience of disability' full stop. Why separate disability into 'physical' and 'other types' categories? I have neurological damage from Lyme Disease which creates both physical and 'other types' of challenges. And as regards the term 'disability', disability does not arise from my 'range of impairments' but by the barriers placed by society and the environment.

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).

Elizabeth Richardson

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 opposed

Please explain the reasons for your response.

I do not want a Disability Commissioner. I want and need what Ireland has....a National Disability Authority (<https://nda.ie/about-us/>) with its statutory Centre of Excellence for Universal Design (the only centre of its kind in the world). In my opinion, this is the best approach.

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

I am fully supportive of a body dedicated to disability like the one in Ireland BUT fully opposed to the idea of a disability commissioner as described in this proposal. The days of top-down relationships need to end. We need roundtable collaboration, with a seat at the table for us at every level. Nothing about us without us.

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.

Yes, legislation is required. Ireland had the National Disability Authority Act 1999.

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.

Again, because i disagree with your premise of a Disability Commissioner, i prefer the way this is achieved by Ireland's National Disability Authority (<https://nda.ie/about-us/20-years-of-disability-policy.pdf>)
And please stop using the term 'mental' disabilities in your references. It's right up there with 'handicapped.' The language around disabilities in this document really needs reviewing.

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

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?

Please explain the reasons for your response.

But again, i prefer the way it's established in Ireland's NDA (<https://nda.ie/about-us/20-years-of-disability-policy.pdf>)

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?

But again, i prefer the way that Ireland's National Disability Authority does this: <https://nda.ie/about-us/20-years-of-disability-policy.pdf> and <https://universaldesign.ie/>

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

Because i believe Scotland should establish a National Disability Authority instead of a Disability Commissioner, it goes without saying that DPO representatives would be members of said authority. "... membership of the board of the National Disability Authority should be balanced and representative. At least 60% of the membership should be persons with disabilities or their families." (<https://nda.ie/about-us/20-years-of-disability-policy.pdf>)

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

Both Scottish Public Bodies and service providers

Please explain the reasons for your response

In order to be a true advocate for the disabled, a national disability authority must have the broadest investigative powers, especially regards human rights breaches. Otherwise, their influence is weakened.

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

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?

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.

Any change comes with financial consequences. But that should not be a deterrent. The creation of a national disability authority will incur costs...for staffing, admin, inclusive tech/communication, possible workplace adaptations, etc. And the changes caused by policies developed by this authority will have financial consequences for individuals, businesses, the public sector, etc as well. But we have to think in terms of the big picture. What are the benefits? Every human being enjoying their right to choose how they want to live their lives and achieve their goals. And you can't put a price on that.

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'm hoping that a national disability authority would have a positive impact on the lives of disabled people, and society in general. But the goal should be assimilation not segregation. We don't have the market cornered on injustice or suffering. We should want a level playing field for everyone. Any human rights-based agency must be inclusive. One group's rights cannot come at the expense of another's. Universal design for all addresses this challenge. For example, 'accessible' housing is exclusive; universally designed housing is not. There are cultural conflicts around disability, as well. How will these be handled? And disability isn't a stand-alone characteristic. It overlaps with others. How would a disability law impact those?

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?

Disabled people are the most marginalised by climate change. But when it comes to environmental policies, we tend to be excluded (just as we were at COP26). That's why we have eco-ableist policies like 'Active Travel' and 20 minute neighbourhoods. So, i'm hoping that a national disability authority would provide a check for more inclusive legislation along the lines of the Right to a Healthy Environment, for example. Universal design would be another example of inclusive legislation. A wellbeing economy is inclusive. And at the end of the day, inclusion = sustainability. It's as simple as that. The wealth of a nation should not be based on its GDP but on the wellbeing of its citizens....ALL its citizens.

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)?

I am concerned that the concept of a disability commissioner is too limited. The first thought that came to mind when i learned of this proposal was, would this person be disabled? If so, the responsibilities of the position could be hugely challenging for someone depending on their disability (if they have a fluctuating illness, for example). Then there's the other side of the coin. For too long, the disabled community have been represented by the image of a wheelchair user. But wheelchair users only comprise 8% of the disabled community. So, they're not representative. I think the best way around this..again...is to go with a fully representational national disability authority as i described previously, including a centre of excellence for universal design. We also need a new national disability strategy and a national housing strategy for disabled people.