

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).

The National Deaf Children's Society is the leading charity dedicated to creating a world without barriers for deaf children and young people. We want to work with Government, local authorities, health bodies as well as our third sector partners to ensure they can effectively support deaf children and their families. Our response is based on the views of our membership as a whole.

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).

National Deaf Children's 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.)

Fully supportive

Please explain the reasons for your response.

The National Deaf Children's Society agrees with the aims and approach of the Bill to fully realise the rights of disabled people.

We also believe there are additional key areas which should be referenced within the Bill:

1) The early years: This identified as a priority area by the Scottish Government and the positive impact that can be achieved when a child receives the support they need at this time in their life is broadly evidenced. The benefit of targeting resources into supporting children more effectively at this time in order to reduce the risk of factors that undermine their wellbeing being missed and this having a lasting impact on their life chances and ability to succeed and achieve potential. For disabled children and young people who require targeted support, getting this right in the early years is fundamental to securing their future. The plan is an opportunity to include increased access to early learning and childcare for disabled children, and improved standards in early years support.

2) Having the right workforce across education, health and social care is essential to achieving equal access to the key areas of life for disabled children and young people. Ensuring our workforce has an effective set of skills, knowledge and experience and is fit for the purpose of supporting the access of disabled children and young people is vital and should be addressed within the document. Supporting our communities ensure that disabled, young people and adults can live as equal citizens, living in communities which value diversity and are free from stigma and discrimination.

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

Deafness is a low incidence need and statistical information about numbers of deaf children and their needs is often missing despite duties of state parties under Article 31 of the UNCPRD. This may mean that deaf children are not accounted for within baseline scoping and are not effectively targeted through initiatives to promote children's rights and wellbeing.

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 - see Q2 answer.

Additionally, appointment of a Commissioner will provide an additional redress mechanism for breaches under the UNCPRD.

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 - however we would note that many deaf children and young people do not consider themselves

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

disabled. For examples, research shows that deaf young people perceive a number of barriers preventing them from gaining employment. Some young people felt that their hearing loss was met with negative views from employers and some felt that disclosing their deafness on job applications limited the likelihood of them being invited to interview. As well as identity differences, which may also be cultural, there are also confidence and disclosure issues.

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.

Yes - as well CRWIA's including questions around disabled children and requiring consideration of the impact of policies and legislation on groups of children. The proposed Bill must also take into account the implications of amendments to Children and Young People (Scotland) Act 2014 and must be consistent with the single (non-statutory) planning process set out in the GIRFEC policy and practice guidance. Consultation and liaison with third sector organisations, parents/carers and disabled children and young people themselves would be important here.

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?

Consultation and liaison with third sector organisations, parents/carers and disabled children and young people themselves will be vital. We welcome the opportunity to provide feedback from our membership of deaf young people, their parents/carers and professionals working with deaf children.

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

Q8. Who should the Disability Commissioner 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

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.

No Response

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?

This would be a positive proposal following the existing barriers faced by deaf young people to education, transitions and the workplace with the additional double disadvantage experienced by this group due to the effects of the coronavirus pandemic. For example, there is currently a lack of tailored support available for deaf young people to prepare for and find employment. Given the current economic climate, this presents a double barrier for this group – scarcity of jobs and discrimination due to lack of awareness.

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 welcome the Bill's intentions however more detail is required on how these will be met in practice without deterring from non-statutory planning. The National Deaf Children's Society is committed to working collaboratively with all national and local partners to improve the life chances of deaf young people.