

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 without a disability.

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 worked from 2004-24 as a personal assistant for a disabled person; been an unpaid carer for 3 people from 2000-2009; and am a family friend to a group with young autistic adults, so have seen them struggle towards independent living

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 am saddened that discussion of a Disability Commissioner is required, as there should be greater inclusion and equality. However, even an element of independent living is often denied, due to Scotland's housing market, with its loss of smaller properties to short-lets, and lack of replenishment of local options as so much new build is executive homes with few amenities.

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

Young people with disabilities have great challenges during schooling, due a bullying culture and lack of understanding about making 'reasonable adjustments'. Child Plans look good, but all too often do not work well in practice, This curbs pathways to any possible independent living.

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.

Given current culture, legislation seems to be necessary. A more open culture (as measured by better responses to Freedom of Information requests with gradually declining need for such requests) would perhaps cancel such necessity.

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?

Unsure

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 am worried about the vested interests, and the segregated interests, as too many e.g. charities look more to securing further funding than to enabling their client group. Housing is a case in point - why is it that Scotland still condones rising housing prices and also uncapped change of properties to use as short-lets? Sadly, few individuals may have the skills or patience to keep on feeding in the need for 'reasonable adjustments' so that all may be socially and financially included in society.

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.

But it is not just a matter of reviewing laws and policies, but actually what is happening on the ground. Many good words come to nothing. There must be a general culture of making 'reasonable adjustments' established.

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 opposed

Please explain the reasons for your response, including how you envisage this work being undertaken?

Service providers, and the the third sector in many cases curb best practice. They do this by being more focused on proving the need for more funding, than in enabling their clients. This has long been witnessed, for example, in meetings of Integrated Joint Boards, where public and third sector bodies come together, and exclude addressing what would help their clients or the the wider community of people with special or increasing needs.

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

Please involve disabled people, but ensure that (somehow) their welfare entitlements (or support packages) are not compromised. Focus groups involving individuals could well be best, as then the disabled person may feel that their views will be heard.

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

The Commissioner should not have power to carry out investigations

Please explain the reasons for your response

I'd suggest that the Commissioner should have the right to call an investigation say by Audit Scotland. Then the Commissioner will purely represent interests of the disabled, whether with special or increasing need. This is so key given existing structures and also given the perhaps well over-broad ambitions of the proposed National Care Service.

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 reduction 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.

The Commissioner could well reduce costs by enabling disabled people to live as independently as possible, and within the economy taking paid work. This will partly involve ensuring that travel-to-work distances are contained, which depends on sorting housing policy and plans, with builders getting used to building what is needed rather than what is most profitable.

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.

Society is getting to the stage of having so many fragments as exemplified by the list above. How about restarting, but saying that people and employers have to make reasonable adjustments so all may get along amicably?

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?

Scotland has a real problem in making 'adaptations' to its housing, as these are required for people with special needs and increasing needs: and those may arise from physical or mental aspects, and be exacerbated by increased fuel costs and by increased flooding due to adverse impacts of climate change. So look at easing the way for people with disabilities in the wider context of ensuring adaptations may be made. For example, how will households with disabled people ever be able to afford to change their heating systems without relevant policies being evolved? Raise this in Westminster if Scotland's devolved powers are deemed to be inadequate. But here's to this proposed Commissioner adding some urgency and focus to proceedings.

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)?

Thank you for instigating this consultation and survey, as disabled people in Scotland are not getting a fair deal.