

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.

Parent carer of severely disabled son over 25 years. Cortically blind, dystonic CP, complex medical needs

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.)

Partially supportive

Please explain the reasons for your response.

I am totally unsure of what this role can practically achieve. What are the aims and objectives. How will success be measured? How will that role filter down to those of us dealing daily with disability on the ground.

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

What is the aim and objective of the role

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.

Legislation could be helpful to those who need to quote the legislation to get their needs met. However support for severe disability in Councils which should be needs related, is always cost related. So it could be ineffective at ground level. Such a role needs to make a practical real difference, and be measured in it's success

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?

Partially 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.

It's important the person taking on the role is fully abreast of all those conditions and how they affect someone's daily life. Most people do NOT fit a box. Our son's condition is complex involving sight, motor skills, wheelchair, lack of speech, individual needs for communication and learning, vulnerability, complex medical needs to be supported.

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?

Neutral (neither support nor oppose)

Please explain the reasons for your response.

I feel a bit suspicious of this, can it really make a difference on the ground? "Disabled people" that is a huge group, physical disabilities are one aspect, mental disabilities are very complex e.g. Autism, Severe learning disability etc. dementia/Alzheimer's, Deaf, blind sensory disabilities. We need to look in society on the way " (horrid blanket phrase "disabled people" are perceived. We need to perceive how can be make those ABLE and not DISABLED. A lot of the form filling needed for PIP and grants etc, or even the National Sensus phrase questions in such a way that are irrelevant to a disabled person. There was very little focus in the sensus on disability at all, I thought that was hugely disappointing and showed there was NO INTEREST in that data.

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?

We have best practice in transition, BUT sadly it is not making a difference on the ground and I have heard of several cases of those leaving school having no activity/support package 2 years post school. This is not acceptable, however there is a best practice on this process "The principles of good transition". It is not making a difference for ALL.

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

Of course. How can they know where the gaps are, or what's needed. But needs to be a varied wide group encompassing the ranges of disability I have listed.

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

Both Scottish Public Bodies and service providers

Please explain the reasons for your response

The role must have power to fine or expose any bad practice? Like the care commission? Will it link to this aspect?

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.

What we need is a champion, that could be good. What we don't need is more red tape that slows down the system or makes it harder to get packages in place and fulfilled by local councils. Who are slow enough as it is. WE DO NOT WANT MORE RED TAPE.

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 don't think you could pass a law to meet all the huge range of needs you have listed. I am sorry I do not think gender re-assignment/marriage and civil partnerships, sexual orientation or religion are part of the role

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?

What a wonderful concept. But I don't think it can achieve this. We do need far more activities suitable for disability, even "changing spaces", this is basic stuff. If our young people are now out and in the community, how can they go about and do normal stuff without even basic toilet needs being met. Or proper ramp access to building, or parking/public transport. Our son went on the border train (only 1 wheelchair space per train!) Could not travel with his wheelchair friend, that needs sorting. At Edinburgh Waverly when he was visiting the mainstream Edinburgh Festival, 3 taxis refused him a ride, just because he was in a wheelchair!!! This was as recent as 2018. And also, staff in those places who are trained to understand the needs of this huge group. I realise it's a huge task.

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)?

This role needs to have clear objectives, it should be about making change effectively to improve things. Those changes must be able to be measured. A great deal of knowledge is needed to ensure if a law was passed in an attempt to assist, it doesn't have the opposite effect by causing more difficulty. Things need to change/improve with a good speed, those changes must be measured. It is a difficult job but it's not about the "feel good factor" for the person in that role, it's about creating real practical change. e.g. how often has it happened with Mobility or one of the government departments calling, "Can i speak to X please". NO we have filled in a form which details that he can't speak. Such questions are so offensive and upsetting. "The script" that some of the government people use needs to be changed and they need to be aware of needs at the other end even if their script changed to..."I would normally speak to the client, is that appropriate, or would it be best I speak to his welfare/financial guardian?" It's not difficult it just that one size will never fit/suit all. Social Work is another area of great ignorance and lack of knowledge even within units that class themselves as Learning Disability. That's a very challenging area to tackle. This is one very small example and it occurs often to many people. I am still very uncertain about the role. I welcome something that would make a real practical difference, it must not end up costing the disabled community or their budgets will be cut back even further/their already challenging lives made more difficult. I think this person needs to be super talented, kind, caring, intelligent and HIGHLY INFORMED. To be prepared to dig below the surface and question protocols and procedures. There is a lot of research needed, to discover and plug the gaps, this survey is just a small part of that. It is only a beginning not the full picture. I hope my comments are not perceived as overly negative, I consider they are realistic with 25 years lived experience. If you can make Scotland a better place to live with a disability that would be incredible.