

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).

SPAEN supports individuals and families who are eligible for social care 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).

Scottish Personal Assistant Employers Network (SPAEN)

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.

Colinm@spaen.co.uk

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.

SPAEN has long believed that a Commissioner for disability and disabled people in Scotland is required. We hope that such a Commissioner will advance the rights of disabled people in Scotland and that disabled people will have a single point of contact through whom they can raise issues rather than the current disjointed systems in place which often result in matters relevant to disabled people are lost.

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

Disabled people in Scotland are under-represented and often forgotten. Having a Commissioner for disabled people will hopefully redress this and give a focus and voice through which disabled people can express themselves and be heard rather than ignored.

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.

We have had 12 years of a Self-directed Support Strategy; 17 years of a disability employment strategy and many more years of campaigning and fighting for equality in aspects such as housing; education and access to other parts of civil society, all of which have failed to make meaningful progress toward the rights of disabled people.

SPAEN considers that legislation is not only preferable but is absolutely essential if the Commissioner is to meaningfully represent and progress matters for disabled people in Scotland. A Commissioner without a legislative basis would be yet more 'tokenism'.

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.

Any Commissioner should cover the whole range and gambit of disability and not discriminate or limit the scope that is covered by the role. SPAEN would encourage the Commissioner's role covering disability as defined in the Equalities Act.

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.

Having a Commissioner not only means that disabled people can be properly engaged and consulted, but the role must be key in the development and deployment of laws and policies affecting the Commissioner's constituents and we would therefore prefer that the Commissioner's role in such acts is enshrined in statute to avoid exclusion.

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?

To gain the full benefit of having a Commissioner, the post-holder must ensure they engage with and learn from key stakeholders (disabled people) whilst also promoting and encouraging the widespread adoption of best practice. Indeed, SPAEN would like to see the Commissioner championing best practice across local and national government; the public, private and third sector on behalf of and in partnership with disabled people.

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

SPAEN would caveat our full support with some assurance and checks and balances that DPO's are fully and properly consulting and then representing the broad range of views and experiences of the people these organisations seek or claim to represent. To that end, we would suggest the Commissioner should encourage DPO's to engage in the work of the Commissioner but not to the exclusion of all relevant stakeholders, and most importantly, at an individual level, disabled people. There must be a hybrid approach that ensures the broadest engagement and influence on the work of the Commissioner.

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

Both Scottish Public Bodies and service providers

Please explain the reasons for your response

SPAEN would suggest this should extend to beyond just public bodies and service providers and include DPO's and any other bodies representing or working with disabled people who might argue they are outside the scope of a "service provider" where they do not necessarily provide "services" in the legal definition of the term.

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?

no overall change 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.

SPAEN doesn't foresee any significant change (positive or negative) in the current costs should a Commissioner be appointed.

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.

SPAEN believes that the appointment of a Commissioner would have an impact on individual members of the community but that this would be a positive impact as they would have representation (hopefully enshrined in law and with powers to positively influence or direct changes to decisions and services) which affect individuals as a result of their disability.

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?

SPAEN believes that the appointment of a Commissioner will have a positive impact, particularly in a just society should disabled peoples rights be better understood, enforced and protected.

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)?

No Response

