

# 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.**

I have been a member of an Access Panel and Chair for 14 years and consistently argue better inclusive design in our built 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).

Robert H Dick

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.**

One in five people have a disability, yet the society which we live in still doesn't reflect the needs of people with disabilities.

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**

We need a voice at the Scottish Parliament who can advocate and argue for the needs of disabled people in key areas, for example: we need better enforcement of legislation when it comes to disabled parking and parking on the pavement. Planning legislation is weak in terms of building accessibility and accessible toilets, when it comes to Public Sector Equality Duty, most organisations do not comply with it. There is also a lack of 'case law' relating to features which should be fined in buildings and streetscapes for actually putting people with disabilities at a disadvantage.

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.

Existing disability legislation is very good, but the problem is it isn't enforced by councils or public bodies. There is significant ignorance with our local council over the Equality Act, particularly with Planning. Unfortunately the legacy relating to approving buildings will mean that errors don't get corrected.

## 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.**

The Disability Commissioner should have personal knowledge/lived experience of at least one condition, and good knowledge of other conditions.

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.**

The DC must be fully resourced with staff who can review, analyse and advise upon the various 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?

which are topical and need improving.  
Convincing other MSP's of the importance of actions is another requirement as the success of having a DC needs political support too.

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?**

For true consultation to be achieved, all the above 'opinions' will need to be listened to.

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**

Totally agree, particularly if these organisations have research material or technical/medical knowledge (sapiential) who can guide people with lived experience of their disabilities to outcomes which favour and satisfy the needs of people with disabilities.

The architect is in the position of having a very significant effect on buildings and streetscapes through inclusive design, yet less than 20% take this module. We need 100% of architects to understand the built environment for people with disabilities to ensure that the best possible outcomes are achieved in the functionality of their design. Unfortunately many buildings and streets have more to do with the cosmetic looks than how they harmonise with the broader needs of society.

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**

Local authorities are generally very large organisation who carry out vital services for society, but they are only one organisation. The Commissioner should have the authority to investigate any public body or organisation where improvements are required.

## 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.**

To be fair, one would hope that there will be retrospective actions to buildings, streetscapes and procedures, and costs may be significant. If projects were right first time, then finances would probably not be severely impacted as it is 'business as usual'.

## 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.

If an action is carefully considered, then there should also be mitigating circumstances, or "reasonable adjustments" also put in place.

## 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?

Work or change has to protect an inclusive society, and that will mean enforcement and fines for those breaking it!

## 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)?

Adapted housing (Lifetime homes), public transport, access to toilets and active travel are current areas where the needs and actions of people with disabilities are not thoroughly considered.