

# 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".)

Professional with experience in a relevant subject

**Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation.**

Occupational Therapist with 30 years experience working with, and improving the lives of, people with disabilities of all types

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).

Christina Poole

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.**

It is a great idea and overdue, so that people with disabilities experiencing discrimination or inequality in daily life have somewhere to turn to - a person with the power to change things for the better and help our society become more inclusive

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**

Lots of people and organisations fight their corner in isolation, and bad habits persist in society (like marking disabled people in hospital not for resuscitation without consultation with their relevant others, or themselves). The focus on disability discrimination has become diluted, yet due to the number of disabled people it likely affects a larger part of society than any other type of discrimination (though this is just my guess, I don't have figures to back this up)

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.

For it to have teeth, legislation is required. Otherwise it's just hot air.

## 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.**

I can see that you probably have to do it that way in order to not discriminate, but I would like to caution that this may in itself result in dilution of the office holders time and capabilities, and that it might also mean that some sections of the disabled population are more represented than others (for example, people with 'hidden' disabilities, or sensory impairments are often quite capable of articulating their opinions, whereas people with learning disabilities or profound multiple disabilities cannot communicate their needs without significant support, and someone needs to make the effort to seek them out. The degree to which people experience discrimination or exclusion from society also differs, based on the severity of their disability, the availability of support organisations and the degree to which these organisations can influence individual's exclusion

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.**

It takes someone with an understanding of the lived experience of disability to assess and comprehend the impact of laws & policies on the lives of disabled people (e.g. pandemic shutdown disproportionately affected family carers of people with disabilities, and disabled people themselves)

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?**

This is essential, since a lot of this expertise already exists and it would be more efficient to make use of it. I think specific disability organisations (including carer support organisations like VOCAL) should be contacted for their best practice guidelines/models, and for specific information on issues affecting their clientele

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**

This is also essential. In my experience, a top down approach around disability is never successful, because the further the decision maker is removed from what goes on 'on the ground', the less effective the decision making is- ie not recognising relevant issues which remain unaddressed or which are addressed in ineffective ways

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

Both Scottish Public Bodies and service providers

**Please explain the reasons for your response**

Perhaps the investigations should be done where relevant in conjunction with or via referral to the care commission, who has extensive processes in place for this kind of thing

## 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?

**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.**

no idea

## 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 think it would be a help rather than a hindrance

## 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?

no idea

## 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)?

It would be helpful to tie in with other initiatives that aim to address inequality, such as the proposed Scottish Postural Care Strategy (which recently finished consultation) <https://www.nes.scot.nhs.uk/nes-current/launch-of-the-postural-care-strategy-for-scotland-your-posture-matters/>  
If the Disability Commissioner could for example check and enforce compliance with the Strategy that would really help [the Strategy is for all strata of society, but it's impact is particularly profound for people with the greatest disabilities who are currently, due to inequality in service provision, still at risk of premature death and severe health complications that can be avoided]