

# 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'm both a professional with many years experience of working in disabilities, equality, long term conditions fields AND a person with long term lived experience of disability. I'm far from unusual in this respect!

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 would be fully supportive of a Commissioner if they 1) fully and adequately represented the broad range of disabilities, including those related to long term health conditions and neurodivergency. 2) Had sufficient enforcement powers to make a real difference. The barriers disabled people face are multifaceted and complex. Workplace discrimination is rife, health and care services are inadequate (bordering on negligent) for many disabled people - and worsening. The benefits system is damaging and dehumanising rather than enabling. Disabled individuals and disability communities increasingly claim the right to speak for themselves. A Commissioner would need to genuinely engage with multiple disability communities, be able to speak truth to power about failing policies and systems, and be empowered to push through changes to make real impact.

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**

Disability is the underdog of the equalities world. Ableist attitudes and language are still rife in society and institutions. Disabilities and experiences of disabilities are also very diverse - a strong breadth of lived experiences input is required to make a real input. All of this points to a need for a disability focused role. Many services and policy decisions at all levels focus on young or elderly disabled people, neglecting working age disabled adults, who are a substantial proportion of the disabled population and whose interests are little represented.

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.

Yes because I can't see how the Commissioner role could have any power of enforcement without legislation being enacted.

## 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.**

They would have to, otherwise they would risk creating an unhelpful hierarchy of disabilities. To some extent, this exists already in different contexts but would significantly exacerbated if the Commissioner role failed to represent all. The Commissioner would need to carry out extensive consultation with

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representative bodies and individual advocates. They would need to engage with key professionals but ensure that lived experience voices were adequately represented too, especially where there may be conflicting views or interests between non-lived experience professional actors and lived experience actors e.g. where service provision factors were raised as a cause of concern. Setting-up an advisory representative body with carefully thought through membership would be helpful (lived experience representatives should be remunerated for their time, as professionals would be). This should be coupled with wider consultation on specific topics / 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?

Fully supportive

**Please explain the reasons for your response.**

This is a huge role and the Equality Act is having little impact in practice for disabled people.

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?

Partially supportive

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

Certainly this is important. My concern would be that there would be strong differences of opinion about what actually represented good practice. I've come across many controversies regarding service provision held up by professionals as best practice (enhancing access to funding) while people with lived experience have felt 'gaslighted' when trying to raise serious, evidenced concerns.

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**

The role would be meaningless without their active, influential involvement.

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

Both Scottish Public Bodies and service providers

**Please explain the reasons for your response**

There are substantial issues with both and public bodies have a key role in resourcing, regulating, setting policy directives and guidelines that shape service provision. However, service provision requires scrutiny to ensure quality standards are upheld and safeguard rights.

## 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.**

There are of course upfront costs. Longer term, potentially there could be cost savings through timely actions and enabled greater net contributions of thriving disabled individuals e.g. through being able to work and fully engage in society. E.g. improved, appropriate and timely health and social care input increasing independence reducing higher cost late emergency input.

## 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.

Disability intersects with all protected characteristics so, at a fundamental level, benefits all. For example, many women like me have never had the opportunity to consider pregnancy or maternity as an option due to lack of health support with disabilities.

## 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?

This legislation could potentially positively impact on achieving a sustainable economy and strong, health and just society e.g. through enabling skilled disabled people to participate fully in society and the workforce.

## 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)?

Key areas such as transport, housing and employment should be covered - disabled peoples options are substantially limited by non-inclusive failings in all of these.