

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.

.

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.)

Fully supportive

Please explain the reasons for your response.

This Bill will give better protection for people with disabilities, especially if they also fall into other protected categories.

People with disabilities have specific needs and need specific support - e.g. Housing and Medical Care.

Some of us are in more than one group with protected characteristics.

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

It is important that there is a specific designated person, such as a Disability Commissioner, who has specific knowledge and/or experience of Disability to be our representative in ALL matters relating to Disabilities. No-one who has no experience of disability can possibly understand the full implications of the needs of persons with Disabilities.

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.

Given the reluctance of many bodies to provide the necessary help or support in certain circumstances and other normal situations, ONLY a Bill such as this can reassure people with disabilities that they are protected by law and will have a particular Spokesperson to whom to address their problems or complaints.

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.

A Disability Commissioner role will carry the necessary clout or authority with other organisations or bodies. If the role is NOT made official within the purview of the Scottish judicial system (NOT English), other bodies or organisations might not take any notice of any recommendations put forward.

As said previously, ONLY a Bill such as this can reassure people with disabilities that they are protected by law and will have a particular Spokesperson to whom to address their problems or complaints. This is particularly important for people with mental conditions, hidden conditions and fluctuating conditions as they are largely "invisible" and too easily ignored.

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.

Only a Disability Commissioner will have the necessary authority to challenge any policies and laws which are likely to disadvantage people with disabilities. It is right for these to be challenged in advance of legislation if they are going to be detrimental to this section of society. Who else will have the necessary authority to challenge wrong thinking?

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?

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

Learning is a two-way process! It will be important for service providers, key stakeholders and third sector workers to learn ABOUT disability FROM the Disability Commissioner and from people with any and all disabilities.

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

It is hoped that this appointment will be of MUTUAL benefit to all sides. Each side can learn from the others and it is to be hoped that this will be a fully co-operative process. Disabled people particularly will feel more encouraged to take part in consultations and discussions if they know there is someone with the legal right to make the necessary challenges and or recommendations in law. It is important that Government in Scotland will benefit from the input of the DC, DPOs and Disabled People and will take notice of their recommendations! People in focus groups, internships and paid roles will ALL have something to offer. All will have some expertise and lived-in experience.

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

Both Scottish Public Bodies and service providers

Please explain the reasons for your response

I think Scottish Public Bodies and service providers will benefit greatly from having a final arbiter or person with the expertise of a Disability Commissioner. This role should not necessarily be proscriptive but rather advisory, a person of experience who can advise as to best practice.

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.

I think the increase in cost would only be incurred by having to provide a salary and an office for the Disability Commissioner. If this office is to be within the precincts of the Scottish Parliament, the Scottish Office or the Scottish Executive, then this will reduce the overall cost. The Scottish Parliament is already full-accessible to wheelchair-users so there would be no additional cost incurred. I am unaware of the facilities at the Scottish Executive or Scottish Office. Hopefully they are both already fully compliant and within the regulations of the Disability Discrimination Act.

The Disability Commissioner would need to be accessible to the general disabled public for the purposes of consultation.

If such an office cannot be provided, maybe there would be space within the buildings already used by the DPOs or Equality organisations.

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 all these characteristics of age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation will need to be embraced as being necessary to inform about their needs.

Many people have more than one of these characteristics and should therefore be considered. For example: – one person may have one or more disabilities, be of a different sexual orientation and religion or belief. All that person's needs will need to be taken into account. Some may, in fact, have all the above characteristics. This is what makes each one a whole person.

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 proposal should not impinge in any way or have any negative effect on any of these aims. All people with disabilities and/or characteristics are only too well aware of the need for sustainability. They are probably more aware than most of the general public.

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)?

My comments -

"Organ specific" in the list of relevant disease or conditions – should include Chronic Kidney Disease! This only gets worse and should be included in the "high risk" category.

The Committee concluded "merging the Disability Discrimination Act with the other protected characteristics in a single Equality Act had led to a loss of focus on disability discrimination and a sense of loss of rights among disabled people."

This is why there should be a separate Disability Commissioner - it would be specific to Disabilities. Whilst some people have more than one characteristic, Disability can sometimes become subsumed in all the others.

Please engage with any and all MSPs with ALL disabilities for first-hand information.

In the event of any further 'lockdowns' in the future, please ensure that all those who have disabilities AND chronic conditions are included on "the list" of people at high risk!!

I was omitted from this "list" and, consequently, was not given any priorities for shopping slots or any other service. I was severely disadvantaged because of this and even had to change my regular store for online shopping which I have used for ten years!