



Consultation on the Proposed Disability Commissioner (Scotland) Bill

About you

Q1. Responding as: **on behalf of an organisation**

Q2B. **Third sector**

Carers Scotland is a carer-led organisation working with an on behalf of unpaid carers. There are an estimated 800,000 unpaid carers in Scotland who save the Scottish economy £10.8 billion every year¹. Carers provide support to family and friends who have disabilities, long term conditions or frailty associated with older age to enable them to live independently in their own homes and communities.

Q3. **I am content for this response to be published and attributed to me or my organisation**

Q4. Organisation Name: **Carers Scotland**

Q5. Data protection declaration: **I confirm that I have read and understood the Privacy Notice**

Your views on the proposal

Aim and approach

Q1. Which of the following best expresses your view of the proposed Bill?

Fully supportive

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?

Partially supportive

Whilst we are fully supportive of the proposal for a Disability Commissioner and agree that the primary focus is and should be disabled people, we believe the Commissioner should have a supplementary remit in relation to unpaid carers.

¹ Scotland's carers: update release, Scottish Government 2022 <https://www.gov.scot/publications/scotlands-carers-update-release-2/>

The lives of disabled people and unpaid carers are often closely linked and decisions made by public bodies and/or service providers on a range of issues that affect disabled people can often have a direct impact on the lives of carers.

Carers face poverty and significant impacts on their physical and mental health, ability to work and participate in their communities simply because they support someone. For example:

- Even before the current cost of living crisis, more than half (52%) of unpaid carers in research published in February 2022 said they were unable to manage their monthly expenses and two thirds had already cut back on heating.²
- Research published during Carers Week 2022 found that more care is being provided by unpaid carers than ever before – even more than during the height of the pandemic³. The number of people providing over 50 hours per week across the UK has risen by 30%.
- One in five (17%) of all working carers said they needed affordable and accessible care otherwise they would be at risk of reducing their working hours or giving up altogether. Three quarters (74%) of carers had also given up opportunities at work because of their caring responsibilities.⁴
- People providing high levels of care are twice as likely to report being in poor health than non-carers. Analysis of the last Census shows that carers are also more likely to have a long-term condition or illness than non-carers. 41% of carers said that they had a long-term condition or illness and this rose in line with care hours provided. 22% of younger carers (aged under 25) had a long-term condition or disability. This is twice the rate for non-carers (11%)⁵

Section 13 of the Equality Act covers discrimination by association. This provision is important, but the law is not clearly written and understandable. Carers tell us that they feel invisible, overlooked, and discriminated against. For example:

- despite often positive legislation related to carers (and/or social care), care and support from social care and the NHS often does not involve carers, consider carers' need for advice, or for services to be provided or delivered in a particular way - not only to support their caring role but their wider lives and participation in society. Indeed, in the face of lack of services or service inflexibility, carers often have little choice but to provide care or to set the scope of care they are willing and able to provide.
- decisions to reduce or remove services during the pandemic did not adequately consider the impact and harm the lack of services would have on carers, including on their ability to maintain employment, health or financially.
- even before the pandemic, decisions to limit services such as eligibility criteria rarely adequately consider the impact on carers who often having to take on a more intensive caring role with resulting impacts on physical and mental health, on incomes and on ability to participate in society more widely.
- although not within devolved competency, in the workplace carers also face additional challenges and there is no direct requirement even for simple reasonable adjustments for carers.

² Under Pressure: Carers and the Cost of Living Crisis in Scotland, Carers Scotland, February 2022

³ YouGov Plc.

⁴ 'Supporting carers at work: opportunity and imperative', Carers UK, November 2021

⁵ Scotland's Carers, Scottish Government, 2015

Q3. Do you think legislation is required, or are there other ways in which this Bill's aims could be achieved more effectively?

We agree that legislation is required to establish the Commissioner, set out their remit and to ensure alignment with other commissions/commissioners.

Scope of the Disability Commissioner Role 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

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

As noted earlier, we believe that this should include reviewing laws and policies that might impact on unpaid carers.

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

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

Disabled people (and we would suggest unpaid carers) should be fully involved. There are a range of ways this could be undertaken and will not be a one size fits all approach. However, it must be adequately resourced to ensure that individuals have the training and support to participate, including from groups who traditionally have been "seldom heard". Individuals should be recompensed for involvement. Our view is that it would be best practice that the Disability Commissioner should be a disabled person.

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

Both Scottish Public Bodies and service providers

A Disability Commissioner must have a remit that gives the ability to investigate and to effect change at both a strategic/policy level and on an individual level.

Financial implications

Q9. What financial impact do you think this proposal could have if it became law?

Some increase in costs

If the role seeks to improve the delivery of rights of people with disabilities, then this seeks to tackle some of the issues that currently restrict lives. This includes, for example, limitations of social care service or inaccessible homes and communities. For example, improving social care will have costs associated with improving decisions and the scope and delivery of services but these should be balanced against current costs that restrict lives and opportunities and widen inequality.

There are opportunities to align work to establish and deliver the Disability Commissioner, for example, with legislation to deliver a national care service.

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?

Carers Scotland believes that this has the potential to have a beneficial impact on the lives of disabled people but there is a need to ensure that the work of the Commissioner from the outset considers wider equality impact e.g. disabled women, BAME disabled people etc.

We reiterate our earlier comments on the potential for the role of the Commissioner in addressing inequality faced by unpaid carers, who are often discriminated by association to a disabled 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?

Yes, in supporting in the foundations for a strong, health and just society for future generations of people with disabilities and for individuals who provide unpaid care.