



## Disability Commissioner Consultation MS Society Scotland Response

### **1. Which of the following best expresses your view of the proposed Bill? Please note, this is a compulsory question**

**\*FULLY SUPPORTIVE\***

We fully support the principle behind the bill and believe the office of a Disability Commissioner could improve the lives of disabled people.

### **2. 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\***

We agree that there is a need for a specific dedicated commissioner focusing solely on disabled people.

The cost of living with a disability such as MS is higher than that for the general population. Pre pandemic and cost of living crisis we estimated from detailed consultations that people with MS face additional costs of £200 per week. On average a disabled adults extra costs are equivalent to half their income. We believe that the current financial climate has exacerbated these discrepancies.

We also know from calls to our helpline and testimony from members of our community that people with MS struggle to access all of their rights from blue badges to other social security payments due to the often fluctuating and hidden nature of the condition.

Our community needs every advocate it can get, including a dedicated disability commissioner.

### **3. Do you think legislation is required, or are there other ways in which this Bill's aims could be achieved more effectively? Please explain the reasons in your response.**

There may be other ways to achieve the Bill's aims but we consider that legislation is the best way to achieve them as it allows for scrutiny from both parliament and government, and input from the disabled people and their organisations.

We wouldn't want to see any duplication in the remit of the Disability Commissioner with existing regulators or public bodies.

### **4. Which of the following best expresses your view of the Disability Commissioner role covering all disabilities; physical, mental, hidden and fluctuating conditions?**

**\*FULLY SUPPORTIVE\***

MS is a neurological condition causing symptoms which can be physical, mental, hidden and fluctuating. It does not fit nicely into any one box of a particular "disability". Many other neurological and non-neurological conditions are similarly varied in their symptoms. We are supportive of a single Disability Commissioner with the remit to defend the rights and interests of all disabled people.

Provided that it is properly resourced, appropriately structured and led strongly we do not foresee the wide range of disabilities the post will cover as a problem.



**5. 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\***

The commissioner must be empowered to review existing and proposed devolved legislation which has a particular impact on disabled people. It should be within their remit to not only highlight areas of concern but to report on any required changes to ensure disabled people are able to access all of their rights.

Whilst the Commissioner will report to the Scottish Parliament we note that some legislation impacting disabled people particularly in relation to social security remains devolved to the UK Parliament. We believe the Commissioner should hold the power to review and raise concerns on reserved legislation, even if they will not have any statutory powers over it.

**6. 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?**

**\*NEUTRAL\***

We do not oppose the Commissioner promoting best practice and learning among stakeholders and the sector provided it is not the posts key role. We believe the time of the office could be better spent on policy and advocacy work.

**7. 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\***

The Commissioner should be mandated to call upon the expertise of disabled people and organisations working with them from the third sector, as well as DPOs in their investigations and during policy scrutiny.

**8. Who should the Disability Commissioner be allowed to investigate?**

**\*ALL SERVICE PROVIDERS\***

It is important the Disability Commissioner is empowered with the ability to investigate the complaints of or issues that arise for disabled people and we would hope a Commissioner would be able to investigate public bodies.

We are not opposed to the principle of the Disability Commissioner having the remit to investigate all service providers in the interests of disabled people however we are aware this could lead to duplication of work. Depending on the care provider the CARE Inspectorate or a respective health professional's council will be a more appropriate investigatory body and in those cases the Commissioner should refer to them.

Financial implications



**9. 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?**

The short term costs of establishing and resourcing the Disability Commissioner's office could be outweighed by potential long term savings. We believe these savings could come from disabled people accessing health and social care services less, with the Disability Commissioner helping to ensure their rights are respected and that they are able to access appropriate support promptly.

Equalities

**10. 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.**

The commissioner will have to be cognisant that disability is not the only protected characteristic of many disabled people. In cases involving these people the commissioner's office will have to work closely with ECHR and others to ensure complaints are investigated properly.

**11. 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?**

We believe the proposal could help to create a just society for future generations as well as a more sustainable economy.

While some disabled people are unable to work, many do not work but could work if they were supported to do so. Barriers created by a society set up to serve non-disabled people prevent this and as such disabled people are underrepresented in the workplace. This is not only economically damaging but it can also be devastating for individual disabled people. A Disability Commissioner empowered to scrutinise legislation and tackle the structural issues which prevent disabled people from fulfilling their full potential could make a difference in this area.

In their investigatory and advocacy roles the Commissioner could build a more just society by assisting disabled people in promptly accessing home adaptations and blue badges.

General

**12. 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)?**

We are grateful to the member for bringing forward this consultation and beginning this discussion. We note the consultation is at points deliberately vague to allow for as wide a variety of



contributions as possible and we look forward to reading a more detailed proposition in any forthcoming bill. We believe this is an important proposal and one in principle we are pleased to offer our support.