



RNID is the largest charity in the UK representing deaf people and people with hearing loss and tinnitus. We help people confronting deafness, tinnitus, and hearing loss to live the life they choose, enabling them to take control of their lives and removing the barriers in their way. We provide information, advice, and support for people with hearing loss, we campaign for equality and better services, and we support research efforts to find new treatments and improve the management of hearing loss.

Up until November 2020 we were known as Action on Hearing Loss.

**1 . Which of the following best expresses your view of the proposed Bill?  
(Please note that this question is compulsory.)**

Fully supportive

RNID agrees with the case set out in the consultation document for the establishment of a Disability Commissioner for Scotland. The needs of Deaf and disabled people are often overlooked in the design and implementation of goods and services. We support the creation of a proactive commissioner who can work with disabled people to challenge policies that do not meet their needs, and then investigate individual complaints of bad practice.

**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?**

Partially supportive

Deaf and disabled people face an array of barriers in their daily lives and are often unable to participate fully in society. A dedicated Disability Commissioner can work with disabled people to visibly and actively challenge these barriers.

However, a dedicated Commissioner would need to work with the existing network of support – and not be considered a stand-alone entity. We would want to see the dedicated Disability Commissioner engage with the existing support services which provide support and redress for the whole population – improving the accessibility of such services and improving outcomes for disabled people.

The consultation document notes the need for Memorandums of Understanding with existing bodies and clearly states that the Commissioner would not ‘duplicate the work properly the function of another person’. This is an area where we believe further clarity could help prior to legislating and ensure that a dedicated Disability Commissioner would have added value amongst existing provision.

For example, it is not yet clear how the Disability Commissioner can undertake investigations into individual cases within Scottish public services without duplicating the work of the Scottish Public Services Ombudsman (SPSO). Having clarity on this point – and on the other similar overlaps with existing provision - is both important to ensure that the legislation meets its stated aims, but it will also be crucial that disabled people understand the roles or the various advocates and services when they are seeking redress or support.

**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.**

Our understanding is that for the Disability Commissioner to have the powers and resources set out in the consultation document requires legislation. We also believe that this would give the position a sense of permanence, which might not exist if the role is based on the initiative of a particular Minister.

**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

We agree with the case put forward for a broad and inclusive definition of disability creating a holistic remit for the Disability Commissioner. A substantive number of people are living with dual disabilities and a broad remit for the Commissioner allows for the complexity of multiple conditions to be included in their work.

However, as noted in the consultation document, there is a particular concern about the crossover with the Mental Welfare Commission for Scotland and the proposed Autism and Learning Disability Commissioner from the Scottish Government. We would want to see further information about how these roles compliment each other and how disabled people will understand how to engage with the duplication this provides. This work should happen before the legislation is introduced.

**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

As noted above, too often Deaf and disabled people are overlooked in the design and implementation of goods and services, with accessibility tacked onto an existing system. We would therefore ask the Commissioner to go further than reviewing laws and policies. We would want the Commissioner to be involved in the design and formulation of laws and policies – ensuring the needs of disabled people are built-in from the start and not included retrospectively through a review process.



We therefore hope that the Commissioner would consider part of their role as being to open-up policy making and to support the facilitation of genuine co-production between the Scottish Government and disabled people.

**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?**

Fully Supportive

We agree with this as one of the key functions of the Disability Commissioner. In particular we hope that the Commissioner's investigations role can be used to create a feedback loop which allows service providers to understand how they have failed disabled people and then learn from best practice.

We also hope that the Disability Commissioner can have an important role in collating and validating sources of best practice. There is currently an array of information available on best practice, but often organisations don't know where to access the information and support they need. The Commissioner should be a recognised source of support.

**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 support and consent of disabled people is vital for the Commissioner to effectively deliver its remit.

It will be particularly important that disabled people and DPOs are involved in the creation of the Commissioner and the recruitment to the position. Seeking their input into the role and agenda of the Commissioner is vital. It is vital that the Commissioner is proactive in seeking opportunities to engage with disabled people, rather than being reactive to the disabled people who approach them.

The Commissioner should also consider the needs of those least likely to engage with their work. For example, Ofcom have shown that nearly a third of deaf people live in a household with no internet connection. This group of people won't just be more difficult to engage, they will have substantively different needs from the digitally literate and have different experiences and face different barriers when accessing goods and services.

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

- **Both Scottish Public Bodies and service providers**

As noted in our response to Question 2 in this section, we believe that there is still a substantial amount of work to be done to define the remit of the Commissioner in

relation to existing bodies. In this instance the role of the SPOS, Equality and Human Rights Commission (EHRC) and Scottish Human Rights Commission (SHRC) should all be considered, and the Disability Commissioner should be clear where they add value to the existing support mechanisms.

Therefore, whilst we believe that in principle the Disability Commissioner should be open to investigate both public services and other service providers. However, the role of the SPOS would imply that there is a greater risk of duplication of remits in the public sector. We would therefore like to see further work on the potential agreement in a Memorandum of Understanding with the SPOS before the legislation provides details on the power of investigation.

**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?**

- no overall change in costs

Our understanding is that this law would not impose any new duties or requirements on any organisation, but would merely create a mechanism by which existing duties and responsibilities could be monitored and delivered – e.g. both the *reasonable adjustment* and *Public Sector Equality Duty* (including the specific Scottish Duties) of the Equality Act. We therefore do not believe that, aside from the spending required to establish and run the Commissioner, that there will be a substantive financial impact on other bodies.

**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?**

The very nature of this law is that it could have a positive equalities impact for disabled people.