

# **Consultation on the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**

## **Analysis of Responses**

November 2016



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# Executive Summary

## Introduction - the consultation and who responded

This report presents the analysis from the Scottish Government Consultation on its Draft Delivery Plan 2016-2020 on the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD). The consultation, which was open between 8 September 2015 and 18 January 2016, was available in various formats. Funding was provided to Disabled People's Organisations (DPOs) to support engagement with disabled people across Scotland as part of the consultation and the Independent Living in Scotland (ILiS) project produced a resources pack to support this process.

There were 91 responses to the consultation. Of these, two-thirds (61) were received from groups/organisations and one third (30) were received from individuals. The largest category of respondent was third sector/equality groups who submitted 38 of the responses (42%). Eighty-nine respondents gave permission for their responses to be published.

## Recurring themes emerging from the consultation

Certain themes kept emerging in relation to a number of questions, and key gaps in the delivery plan were also identified. These are summarised in Chapter 2 of the report, and are listed below.

The following recurring themes emerged:

- generally supportive of the delivery plan and its aims, but wanted it to go further
- engagement
- inclusive communication
- some commitments are too vague
- widen the plan out to cover all disabled people
- geographical inequalities
- not all barriers are physical, attitudes and stigma often described as the biggest barrier
- cross cutting nature of the commitments
- person-centred services
- disability and equality training for staff across a range of services
- disabled people are not a homogeneous group, issues of intersectionality
- human rights
- model of disability used
- implementation of the delivery plan

- monitoring and evaluation
- dissatisfaction with the current situation for disabled people

Key gaps were identified in the following areas:

- mental health
- children and young people, and the early years
- education
- social care
- transitions
- the right to a personal and social and family life, and the need to take steps to reduce social isolation and promote social inclusion.
- civic and political life
- civil justice

## **The Four outcomes**

Section 2 of the delivery plan sets out four outcomes the Scottish Government and its partners are working towards.

These outcomes relate to equal and inclusive access to:

1. the physical and cultural environment, transport and suitable, affordable housing
2. healthcare provision and support for independent living, with control over the best use of resources, including support for disabled children
3. to education, paid employment and an appropriate income and support whether in or out of work
4. the justice system without fear of being unfairly judged or punished, and with protection of personal and private rights

Nearly three-quarters (73%) of respondents agreed that together these four outcomes cover the key areas of life the Scottish Government and its partners must focus on to achieve the rights of disabled people.

Amongst those who agreed, disagreed, or neither agreed nor disagreed, key gaps were identified, primarily around the lack of focus on mental health, children, or social care. For some consultees these gaps meant that they could not endorse the four outcomes.



## **Outcome 1 – Equal and inclusive access to the physical and cultural environment, transport and suitable, affordable housing**

Sixteen commitments were included under outcome 1. Consultees were asked if they felt that these commitments would help the Scottish Government make progress towards outcome 1. Over three quarters (77%) agreed that they would.

Commitments under Outcome 1 included transport; housing; tourism; culture; sport; and an awareness raising campaign highlighting the barriers that disabled people face. Commitment 1 (transport accessibility) and commitment 16 (One Scotland awareness raising campaign) received the most comments.

Links were made between the different commitments and accessing other rights. Transport was recognised as important for accessing other services, and adequate housing was seen as a prerequisite for accessing other rights.

A lot of the comments received under Outcome 1 indicated that consultees were generally supportive of these commitments. Recurring themes mentioned included engagement, inclusive communication, and comments about the practicalities of implementing the commitments.

Access issues were mentioned in relation to transport, housing, sport and culture and tourism. The role of attitudinal barriers, among service providers and members of the public, were emphasised, in addition to physical barriers. In relation to accessible design it was stated that access was about more than wheelchair access and that it should also cater for other unseen disabilities.

The need for training around disability and equality was mentioned for a range of service providers, such as those who plan and design buildings, bus drivers, taxi drivers, and people working in sport, culture and tourism.

The limited nature of commitments was noted. In relation to an award for accessible design (commitment 3), for example, it was commented that an award alone would not be sufficient to improve accessibility, whilst funding for a para-sport facility in Inverclyde as part of improving disability inclusion in sport (commitment 13) was criticised for not benefiting disabled people from outwith the central belt.

Suggestions were also offered around various commitments, such as what guides might include (commitments 7 and 8), what the One Scotland awareness raising campaign could include (commitment 16) and how virtual access to historic sites could be explored (commitment 12).

## **Outcome 2 – Equal and inclusive access to healthcare provision and support for independent living, with control over the best use of resources and support for disabled children**

Nineteen commitments were included under Outcome 2. Consultees were asked if they agreed or disagreed that these commitments would help the Scottish Government make progress towards Outcome 2. Nearly three-quarters (73%) agreed that they would.

A recurring theme was a desire for the commitments to be widened out to include others beyond the scope of the commitment. For example, Commitments 17 and 18 (health inequalities data collection and advocacy) explicitly refer to people with learning disabilities. It was suggested that that they should apply to all disabled people.

It was also suggested that commitments 22, 23, and 24 (employment within the NHS) should be extended to all workforces

Commitment 26 relates to carrying out Child Rights and Wellbeing Impact Assessments on all policies relating to children, but it was argued that this should be extended to embrace policies not specifically aimed at children but which will affect children.

There were also calls for commitment 30 (Child Internet Safety stakeholder) to be expanded to include vulnerable adults, and for the scope of mental health legislation being reviewed in commitments 31 and 32 to be expanded.

Finally, it was suggested that commitment 35 (learning and development framework for foster carers) should be widened out to include all parents and kinship carers of disabled children.

Other recurring themes included comments relating to implementation, engagement and inclusive communication, and there were calls for more detail and clarity around some of the commitments (18, 27, 28, 30 and 32).

Questions were asked about why this outcome was the only one to specifically mention children, with the suggestion that either children are included specifically in the titles of all the outcomes, or a separate fifth outcome about children is included.

## **Outcome 3 – Equal and inclusive access to education, paid employment and an appropriate income whether in or out of work**

Thirteen commitments were included under Outcome 3. Consultees were asked if they agreed or disagreed that these commitments would help the Scottish Government make progress towards outcome 3. Seventy-one per cent agreed that they would.

Recurring themes emerging under the Outcome 3 commitments related to the implementation of the commitments and the need to engage with disabled people.

The importance of supporting post school transitions to help young people access work or further education was emphasised, and there was a call for person-centred services in connection with commitments 43 and 44 (Disability Employment Services in Scotland and support to help disabled people into work).

When commenting on commitment 46 (Disability Benefits Advocacy Support) and commitment 48 (establishing a social security system that treats people with dignity and respect), consultees reflected on their dissatisfaction with the current benefits system administered by the Department of Work and Pensions (DWP). They spoke of the negative impact of cuts to welfare and benefits and dissatisfaction with, and stress caused by Personal Independence Payments (PIP) and Employment Support Allowance (ESA) assessment procedures. There were calls for the Scottish Government to continue to mitigate against Westminster cuts to welfare spending.

Consultees provided numerous suggestions for how a future Scottish social security system could improve on the current system. Most suggestions were made by one consultee. Those which were suggested by more than one consultee were: the need to overhaul assessments (3); have a system that does not dis-incentivise finding work (3); and better co-ordination between benefits, social care, work and education (2).

#### **Outcome 4 – Equal and inclusive access to the justice system without fear of being unfairly judged or punished, and with protection of personal and private rights**

There were six commitments included under Outcome 4. Consultees were asked if they agreed or disagreed that these commitments would help the Scottish Government make progress towards Outcome 4. Eighty per cent agreed that they would.

Commitment 50 (encouraging the reporting of hate crime against disabled people) received the most comments. There was a belief that education and awareness-raising around hate crime, what it is, its impacts, and how to report it, was required. It was believed that disabled people, the general public, children and professionals who deal with hate crime, could all benefit from education and awareness-raising. It was also believed that disabled people needed more support to report hate crime.

The need for engagement and inclusive communication were recurring themes.

There was also a belief that some of the commitments should be expanded. In relation to commitment 51 (accessible information), for example, consultees suggested that the kind of information made available in accessible formats should be widened and for the range of formats to be increased.

Similarly, with commitment 52 (accessibility of sites and services) consultees wanted this to be widened out to go beyond wheelchair access and consider a wider range of potential barriers.

Commitment 54 refers to violence against disabled women and girls, but some consultees pointed out that disabled men and boys may also face violence, and that violence against any disabled person needs to be addressed.

## **The three cross-cutting themes**

The delivery plan outlines three cross-cutting themes, which it identifies as ways of working, which will underpin all that is done to deliver each of the outcomes. The themes identified are:

- disabled people are empowered to participate fully
- communication is accessible and inclusive of all
- raising awareness - barriers facing disabled people are known, understood and addressed.

Consultees were asked if they agreed or disagreed that these were the most important themes that the Scottish Government needed to build in to the way it works across all activity to achieve the rights of disabled people. Three quarters (75%) agreed that they were.

Whilst most consultees were broadly supportive of these themes, there were suggestions for themes which should have been included, or given more focus. In particular, it was felt that human rights should have been more central to the delivery plan, and also that the rights of the child should have been given more prominence.

Other themes suggested were: free social care at point of delivery, in order to strengthen disabled people's empowerment and participation; combatting social isolation and promoting social inclusion; supporting people to lead independent healthy lives; intersectionality; and violence

## **Next steps and any further comments**

Consultees were asked for any comments they had about next steps. The most common theme related to the content, layout and structure of the plan and consultation. It was felt that both the plan and consultation could have been easier to read and more user friendly.

The implementation and evaluation of the plan was also commented on. Evaluating progress against the commitments was seen as very important.

Again, the importance of engaging with disabled people was highlighted. Some consultees mentioned the commitments that they would like to see added to the delivery plan. These included: specific commitments around mental health; and health and social care integration.

## **Conclusion**

On the whole consultees were generally supportive of the disability delivery plan and its aims, outcomes and themes. They did, however, want it to go further, and

also noted a number of key omissions. In particular, the lack of focus on mental health, on children and young people and on social care was seen as especially problematic. It was also stated that there should be a stronger focus on human rights within the delivery plan.

# 1. Introduction

## Background

This report presents the analysis from the Scottish Government Consultation on its Draft Delivery Plan 2016-2020 on the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The Scottish Government's ambition is that disabled people should have the same equality and human rights as non-disabled people. The UN Convention on the Rights of Persons with Disabilities (UNCRPD) is the framework they will use to deliver that change. The Scottish Government has presented 54 commitments in its delivery plan, which sets out the Scottish Government's approach to implementing UNCRPD in Scotland over the period 2016-20. The delivery plan is structured around four main outcomes that the Scottish Government and its partners aim to achieve, with a number of commitments outlined under each outcome. It also identifies three "cross-cutting" themes, which are ways of working needed in order to deliver the commitments.

## The Consultation Process

The consultation was open from 8 September 2015 to 4 January 2016. The deadline was then extended until 18 January to allow more time for consultees to respond. The consultation was available in a number of formats, including Easy Read, and consultees were invited to respond in a number of different ways, including online, via email and via post.

Funding was provided to Disabled People's Organisations (DPOs) to support them to engage with disabled people across Scotland as part of the consultation and the Independent Living in Scotland (ILiS) project produced a resources pack to support this process.

Some organisations provided information about the engagement they had undertaken in order to respond to the consultation. Examples include:

- Inclusion Scotland held a number of engagement events with a range of partners and groups of people and engaged with nearly 200 people at these events, and carried out an online survey which 38 people responded to.
- Sense Scotland ran "Our Voice" consultation groups
- Scottish Disability Equality Forum held three road shows, with 64 attendees, and conducted an online survey which received 57 responses

The consultation consisted of a number of closed questions, (indicating agreement or disagreement) and open questions inviting consultees to provide comments. An open question inviting comment was included for each of the 54 commitments in the delivery plan.

Analysis is based on those who responded to the consultation and is therefore not necessarily representative of the wider population.

Consultation responses were analysed and allocated to certain themes under each question. For any given question, the number of themes identified might be higher than the number of comments received as one comment could include a number of themes.

## Who Responded

There were 91 responses to the consultation. Of these two-thirds (61) were received from groups/organisations and one third (30) were received from individuals. The largest category of respondent was third sector/equality groups who submitted 38 of the responses (42%). 89 respondents gave permission for their responses to be published.

Table 1, below, shows the breakdown of responses, according to respondent category. Group/organisation respondents were asked to select what type of group/organisation they belonged to, where they did not supply an answer, this was input as part of the analysis process.

As a number of third sector organisations had engaged with their members prior to responding to the consultation, more people were engaged with and contributed to the consultation responses than the 91 responses which were received.

Table 1: Distribution of responses by category of respondent

Category	No. of respondents	% of all respondents
Academic/research	7	8
Local Government	5	5
Public Body, including Executive Agencies, NDPBs, NHS etc.	6	7
Representative Body for Professionals	4	4
Third Sector/ Equality Organisation	38	42
Other (Faith Based)	1	1
<b>Total Organisations</b>	<b>61</b>	<b>67</b>
Individuals	30	33
<b>Grand Total</b>	<b>91</b>	<b>100</b>



## 2. Recurring themes emerging from the consultation

The consultation analysis report pulls out the key themes from responses relating to each of the commitments and outcomes that were asked about in the consultation.

There were some recurring key themes and key issues relating to the delivery plan, outcomes or over-arching themes over all.

This chapter pulls together these themes and key issues, including identified gaps in the delivery plan. The points are referred to briefly here, and are covered in more detail throughout the main body of the report.

### Recurring themes

Consultees were generally supportive of the delivery plan and its aims, but wanted it to go further.

The need for meaningful, early, and on-going engagement with disabled people, disabled people's organisations (DPOs) and other expert stakeholders was highlighted repeatedly throughout the consultation responses. This engagement should be on-going from the start right through to the monitoring and evaluation stage. It was also seen as important to engage with the families and carers of disabled people. The Scottish Government itself, identified engagement as one of the cross-cutting themes required to underpin delivery of the outcomes, but consultees felt that more work was required in this area.

Inclusive communication was highlighted repeatedly as being very important, and includes, but needs to go beyond, British Sign Language (BSL), Braille and producing Easy Read information. It is about communicating with people on a level that they can understand, so that they can understand their rights and have their opinions heard.

Some commitments are too vague - consultees wanted firm targets and set deadlines by which to meet them.

The need to widen the plan out to cover all disabled people was highlighted. Certain commitments focus on specific disabilities, specific workforces, a particular age, or gender (including, for example, commitment 23 around a NHS Scotland Learning Disability Employment Programme, commitment 30 which refers to a Child Internet Safety stakeholder group, and commitment 54 about exploring violence against disabled women and girls). The belief that all disabled people should be covered by the actions in the plan was expressed.

Geographical inequalities were mentioned in relation to a number of commitments, such as a lack of transport in rural areas, and variation in service provision (for example Additional Support for Learning) in different areas. Commitment 13 (funding for a new para sport facility in Inverclyde), in particular, was widely



criticised for not meeting the needs of disabled people who live outwith the central belt of Scotland, and there were comments indicating that consultees would prefer local sporting facilities services to be improved and made more accessible.

Not all barriers are physical - attitudes and stigma were often described as the biggest barrier, but there is a belief that parts of the plan focus too much on physical access. Attitudinal barriers might be less tangible and harder to tackle than physical barriers, requiring long term strategies around education and awareness, but it is crucial that they are addressed. The Scottish Government recognises in its cross-cutting themes section that the barriers facing disabled people need to be known, understood and addressed.

The cross cutting nature of the commitments – it was noted that achieving the desired outcomes would mean groups across different areas of government working together, and different agencies communicating and working together. It was also noted that the links between different UN treaties and pieces of legislation had to be made. Many of the commitments are interdependent on others. It was highlighted that access to transport has an impact on access to other key areas such as education, health services, employment and sport and culture. Similarly, having adequate housing was seen as necessary in order to access other rights. It was also noted that basic needs had to be met through an appropriate social security system, in order to realise other rights.

There was a desire for person-centred services, which treat disabled people with dignity and respect, and meet their needs in a time and place which is suitable.

Disability and equality training for staff across a range of services including health; leisure; transport; justice; and education was called for, along with training and awareness-raising for employers so that they would be more confident and better able to employ disabled people and make necessary reasonable adjustments.

Disabled people are not a homogeneous group and have different needs and desires. In particular, intersectionality was mentioned. It is important to consider how various factors, such as sharing more than one protected characteristic, can intersect and lead to multiple disadvantage.

Human rights – Amongst those who were critical of the cross-cutting themes identified by the Scottish Government, there was a belief that human rights needed to be more central to the delivery plan. In particular, it was mentioned that the PANEL approach (participation, accountability, non-discrimination, empowerment and legality) to human rights should be used. It was stated that PANEL principles should be embedded throughout the delivery plan.

Model of disability used – The delivery plan states that it uses a social model of disability. Whilst there seemed to be a preference for the social model of disability as opposed to the medical model, it was commented that sometimes language in the delivery plan seemed more in line with the medical model rather than the social model. Some consultees wished to go beyond the social model of disability to a bio-psycho-social model, which includes elements of both the medical and social model

rather than seeing them as dichotomous, or to use an assets based model of disability which focuses on what people can do rather than what they cannot do, or to a human rights based model of disability, which recognises that legal, physical, attitudinal, social, cultural and communication barriers within the community are what exclude disabled people.

Implementation of the delivery plan – Numerous comments were received relating to how the plan could be put into practice, including the need for engagement with disabled people; adequate funding and resourcing; cross-cutting working; building on existing knowledge and sharing good practice; and the need for monitoring and evaluation.

Monitoring and evaluation – It was recognised that there was a need to monitor and evaluate the commitments, both to ensure that they were implemented and adhered to, and to assess whether or not they were having an impact on the lives of disabled people. It was seen as important to include disabled people and DPOs in this monitoring and evaluation process. It was also noted that commitments needed to be specific and include timescales.

Dissatisfaction with the current situation for disabled people permeated a number of responses from individuals and groups who represent disabled people. Dissatisfaction was expressed across a range of different areas, including, but not limited to: access to transport; access to sport and culture; access to work, including the recruitment process; the low numbers of disabled people taking up Modern Apprenticeships; assessments for disability-related benefits, current advocacy provision; the fact that people with learning disabilities or autistic spectrum disorders are subject to the Mental Health (Care and Treatment) (Scotland) Act 2003; the experience of accessing health and social care, gaps in information and support; and engagement processes which do not feel meaningful, or lead to change. There was a feeling that much needs to change, and that disabled people need to be involved in directing that change.

## **Gaps**

Some consultees highlighted areas which they felt were key gaps in the delivery plan.

The absence of a focus on mental health and commitments relating to mental health was a key area of concern. It was seen as essential to include an explicit focus on mental health if there was to be parity between those with physical disabilities and those with mental health conditions. It was also commented that there was a need for more focus on other “unseen” disabilities such as autism, and learning disabilities.

More focus is needed on children and young people, and the early years. This reflects both the specific vulnerabilities faced by young disabled people due to their age, which can make them more reliant on others, such as parents, in order to meet their needs, and also the crucial role that the early years can have on future outcomes. It was felt that in order to improve the future outcomes of young disabled people, there needed to be a specific focus on meeting their needs early on.

There were calls for more focus on education, for children and young people, but also further education for adults, including those for whom employment might not be an option due to their disability. Comments relating to education referred to the education that disabled children receive, with a preference for this to occur in mainstream schools, but also referred to the education of all children more widely, with a belief that more should be taught to children about disability and equality and tolerance from a young age. This was seen as a preventative strategy against stigma, discrimination and hate crime.

It was stated that there was not enough focus on social care in relation to health and social care integration, and the role that social care can play in supporting disabled people in their lives. There were concerns that within health and social care integration, the focus would be health-led, which does not acknowledge the key role that social care can play in supporting disabled people to lead independent lives, and has the potential to be preventative, and lessen their need to access health care. There were concerns that a health focus would be more concerned with intervention at crisis stage, rather than longer term investment in preventative social care support.

Transition periods, particularly between school and post-school and children to adult services are seen as a particularly vulnerable time, and can result in young disabled people losing valuable support services. It was felt that more attention needed to be paid to improving transitions, especially for the most vulnerable, such as disabled young people who have been in care.

It was believed that more emphasis should be given to the right to a personal and social and family life, and the need to take steps to reduce social isolation and promote social inclusion.

It was mentioned that access to civic and political life should have been included

It was mentioned that access to justice, should be applied in the widest sense, and include civil justice.

### 3. The Four Outcomes

Section 2 of the delivery plan set out four outcomes the Scottish Government and its partners are working towards.

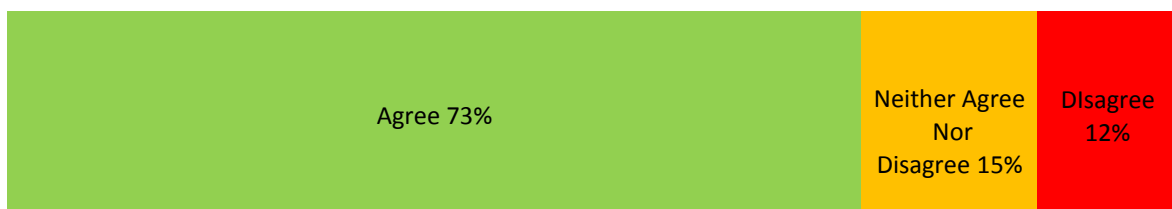
#### The four outcomes

1. Equal and inclusive access to the physical and cultural environment, transport and suitable, affordable housing.
2. Equal and inclusive access to healthcare provision and support for independent living, with control over the best use of resources, including support for disabled children.
3. Equal and inclusive access to education, paid employment and an appropriate income and support whether in or out of work.
4. Equal and inclusive access to the justice system without fear of being unfairly judged or punished, and with protection of personal and private rights.

**Q1 Do you agree or disagree that together these four outcomes cover the key areas of life the Scottish Government and its partners must focus on to achieve the rights of disabled people?**

Overall the majority of those who responded to this question agreed that these were the correct outcomes to focus on. Seventy-three consultees responded to this question. Nearly three-quarters (73%) agreed, whilst 12% disagreed and 15% said that they neither agreed nor disagreed.

**Q1: Do you agree or disagree that together these four outcomes cover the key areas of life the Scottish Government and its partners must focus on to achieve the rights of disabled people?**



**Q2: Please comment here on your response above, or if you have any other comments on the outcomes**

Sixty-four consultees responded to Q2. Most of those comments (43) came from consultees who said that they agreed with the outcomes. Table 2, below, shows the number of comments received, by response to Question 1 (agree/disagree with the outcomes).

Table 2: number of comments by response to Q1

Answer to Q1	No. selecting this response	No. of comments
Agree	53	43
Disagree	9	8
Neither Agree nor Disagree	11	10
Not answered	18	3
<b>Grand total</b>	<b>91</b>	<b>64</b>

### Those who agreed with the outcomes

Nearly three-quarters (73%) of consultees agreed that the four outcomes outlined by the Scottish Government were the right outcomes. However, even amongst those who agreed with these outcomes, there were a number of suggestions for things that could be added or given more priority in order to improve the outcomes. Table 3, below, shows the key themes identified by those who agreed with the outcomes.

Table 3: themes identified under Q2 for those who agreed with the outcomes

Theme identified	Number of comments relating to this theme
Generally supportive	9
Would also add/give more priority to the following areas	38
Implementation of plan, including monitoring and evaluation	27
Comments on wording of plan and consultation and process of responding	7
Dissatisfaction with current systems and services in place for disabled people	4

## Generally supportive

Some respondents commented that they were generally supportive of the four outcomes.

“Social Work Scotland is in agreement with the four outcomes and is committed to working with partners to create the optimal environment for supporting disabled people to participate fully in society and live their life with control, freedom, choice and dignity.”

**Representative body for professionals - Social Work Scotland Ltd**

## Would also add/give more priority to the following areas

The largest number of comments received related to things that consultees would like to see added to the outcomes or areas that they felt should be given more priority within the outcomes.

Some consultees felt that more priority needed to be given to the early years and to disabled children and young people. Disabled children are explicitly mentioned in outcome 2, but it was suggested that they should be referred to in all the outcomes or to have a separate outcome number 5 dedicated to them.

“We would also like to see more explicit reference to improved outcomes for disabled children and young people and the same breadth of policy consideration that has been applied to disabled adults within the plan.”

**Third sector / equality organisation - Capability Scotland**

“For disabled children and young people who require targeted support, getting this right in the early years is fundamental to securing their future. The plan is an opportunity to include commitments around increased access to early learning and childcare for disabled children, and improved standards in early years support.”

**Third sector / equality organisation - National Deaf Children's Society**

The importance of a highly skilled workforce working with children and young people was also highlighted.

A number of comments were received around Outcome 1 “Equal and inclusive access to the physical and cultural environment, transport and suitable, affordable housing”.

These included adding support for personal, social, family and spiritual life and reducing social isolation, and comments around enhancing the focus given to transport, housing and access to buildings.

Outcome 2 was “Equal and inclusive access to healthcare provision and support for independent living, with control over the best use of resources, including support for disabled children”. The majority of comments related to this outcome stated that there should be more focus on social care, and not just health care, given the importance of social care in helping disabled people to live independent lives.

“It was felt that, given the importance of social care services and the impacts of cuts to these services to disabled people in Scotland, social care should be given explicit prominence in the stated outcomes and not subsumed into ‘support for independent living’ in outcome 2.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

Outcome 3 was “Equal and inclusive access to education, paid employment and an appropriate income and support whether in or out of work.” Comments were made relating to education, employment and volunteering. It was suggested that for those with complex needs a reference to “purposeful and meaningful age appropriate activity” should be made, as for some, paid employment will not be an option.

Outcome 4 was “Equal and inclusive access to the justice system without fear of being unfairly judged or punished, and with protection of personal and private rights.” This outcome attracted fewer comments than the other outcomes, although there were suggestions that it should focus on justice in a wider sense, rather than just the justice system, and that more could be done to protect disabled people from becoming the victims of crime.

Comments were also made about access to property and financial matters and access to information.

**Implementation of plan, including monitoring and evaluation**

A number of comments were made about implementing the plan. The most common theme to emerge was the importance of meaningful engagement with disabled people and disabled people’s organisations, when designing and delivering policies and services which affect them.

“The failure by public authorities in Scotland to consult and involve disabled people at the earliest stages of development of services or infrastructure permeated many of the responses to the plan. ‘It is necessary to seek views of people most affected by these issues so that there are no unintended consequences due to lack of consultation’.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

Some consultees expressed concerns about how the plan would be implemented and if it would achieve its aims. It was mentioned that the plan needed to be “outcomes focused” rather than just a list of actions that the Scottish Government intends to take.

“ENABLE Scotland... believes that the Scottish Government’s UNCRPD Delivery Plan must go further than to list what the Scottish Government has done or will do but rather be outcome focused and judged on what it delivers for disabled people over the four year period it is intended to cover.”

**Third sector / equality organisation - Enable**

Linked to the mention of being outcomes focused were comments about the need for a robust monitoring and evaluation framework, so that progress could be

measured and reported on. Reporting progress to disabled people was seen as a key element of the monitoring process.

“Evaluation and monitoring was felt to be crucial in terms of accountability and developing trust with disabled people that the plan will lead to rights actually being realised.”

### **Third sector / equality organisation - Scottish Disability Equality Forum**

It was also noted that in order to be effective the plan would require adequate resourcing. The need for cross-cutting partnership working and building on existing strategies was also mentioned.

“Good partnership working was a key issue for a number of respondents – all agencies need to ‘sing the same song’ to achieve the outcomes. At present disabled people tell us that agencies such as health, social work and housing do not work well together to achieve positive outcomes for disabled people even when supportive legislation or policy is in place.”

### **Third sector / equality organisation - Scottish Disability Equality Forum**

Consultees highlighted a number of issues that they considered to be obstacles to successfully delivering the plan. These included attitudinal barriers, the gap between policy and practice, disabled people not having the mechanisms in place to use Human Rights to challenge their treatment and local delivery (although one consultee considered local delivery to be a positive).

“The experience of many disabled people who try to access services is that of a ‘post-code lottery’ dependent on practices, policies and procedures operated by their local authority. Respondents felt that the outcomes, whilst positive, were very open to interpretation, particularly when local government resources are being cut.”

### **Third sector / equality organisation - Scottish Disability Equality Forum**

Finally, it was noted that policies put into place to support disabled people also had the potential to benefit others in the community too.

## **Comments on wording of plan and consultation and process of responding**

There were some comments that the plan and consultation document could have been better worded and structured in order to make it more accessible. Some third sector/equality organisations outlined how they involved disabled people to inform their responses to the consultation (discussed in more detail in the introduction).

## **Dissatisfaction with current systems and services in place for disabled people**

A small minority of consultees took this opportunity to express their dissatisfaction with current services for disabled people.

## **Those who disagreed with the outcomes**

There were eight comments from those who disagreed with the outcomes. The most common reason for disagreeing was the belief that something fundamentally



important had been omitted: outcomes did not take enough account of mental health; the definition of health for Outcome 2 was not broad enough and should encapsulate both social care and living life in a healthy way; civic and political life should have been included; civil justice as well as criminal injustice should have been included; as should discrimination faced by those with learning disabilities when trying to access financial services.

“We do not agree that together these four outcomes cover the key areas of life the Scottish Government and its partners must focus on to achieve the rights of disabled people. This is because they don’t address the structural inequalities faced by people affected by mental health problems. Our principle concern is that people with mental health issues appear to have been omitted completely from the plan.”

**Third sector / equality organisation - Members of the Rights for Life Steering Group**

“Healthcare is not just about funding or access to health services, it is about living a life that contributes positively to your health and wellbeing. The document talks about citizenship and the social model of disability, but does not seem to cover the social model of health.”

**Public Body - NHS Forth Valley (Women and Children's Sexual Health)**

“Until the ratio of deaf or disabled representatives in the Scottish Parliament and local authorities across the country more closely reflects the ratios of one in five people who are disabled or the one in six people who are Deaf or have hearing loss in Scottish society, the delivery of equal access to full citizenship cannot be judged to be a success.”

**Third sector / equality organisation - Action on Hearing Loss Scotland**

Broader reasons for disagreeing included a belief that a proper analysis of gaps and how to meet them was required, disagreement with the definition of disability used and a belief that the focus of the plan was disproportionately on Article 19 of the UNCRPD, “living independently and being included in the community”, rather than focusing equally on all the articles.

“The disconformity between the definition of disability in section 1.3 of the consultation document and the definition of “persons with disabilities” in UN CRPD Article 1 risks causing inadvertent discrimination.”

**Representative body for professionals - The Law Society of Scotland**

## **Those who neither agreed nor disagreed with the outcomes**

There were ten comments from those who said that they neither agreed nor disagreed with the outcomes. Again, most of the comments related to gaps in the outcomes. There were also some concerns noted about the structure of the plan and how it would be delivered, as well as comments on some of the definitions used, and comments on the social model of disability used.

The most commented upon gap was children and young people. Again it was noted that children and young people were only explicitly referred to in Outcome 2, and it

was felt that they should be included throughout the entirety of the plan. It was noted that the needs of disabled children and young people can often be greater than the needs of disabled adults, and it is therefore very important that these needs are considered and their rights protected. More specific gaps around disabled children and young people were also flagged up, such as the needs of looked after disabled children and young people, and the need to address relationships and sexual health issues amongst disabled young people. It was also noted that there was a need to make more explicit links between the UN Convention on the Rights of the Child (UNCRC) and the UNCRPD.

“Even when they have the same impairments as adults, disabled children and young people face additional challenges. Extra measures are often required and particular attention given to ensure that they are protected, have access to services and are fully included in society. Moreover, by virtue of their age, they are usually more dependent on others. This means that States must take all appropriate measures to promote their independence and ensure that they are able to access services and achieve their full potential to allow them to participate fully in society.”

**Public Body - Children and Young People's Commissioner**

Again, civic and political life was flagged up as an omission in the plan. It was also noted again, that social care deserved higher prominence and should not be subsumed into health care. Again, the right to a personal and social life was seen as an omission. It was felt that not enough attention was paid to inclusive communication and communication support needs, or transitions in education.

It was also felt that certain groups were under-represented in the plan, such as those with mental health issues or those from minority ethnic groups. It was felt that the plan did not adequately address the intersectionality between different protected characteristics. In addition, it was noted that certain commitments related only to specific conditions, when they would of wider benefit.

“Inclusion Scotland have always advocated a focus on intersectionality, and action to address the specific barriers that arise for certain groups of disabled people, particularly those with additional protected characteristics. Some commitments only narrowly refer to one particular impairment group when they address topics of great importance to many others (e.g. commitment 2.18 on advocacy).”

**Third sector / equality organisation - Inclusion Scotland**

Concerns were noted about the structure of the plan, with commitments not necessarily being seen as being arranged in the most logical and coherent order. Concerns were also raised about whether or not the plan would achieve what it set out to do. It was noted that further engagement with disabled people was required.

“Whilst we are pleased with the overall direction of travel in identifying outcomes that mostly tally with priority areas set by disabled people, it is very unclear whether some of the commitments can meet these outcomes. Of particular concern are those that are vague, have no timescale, and do not provide requisite detail for disabled people to understand how a particular commitment will be delivered.”

**Third sector / equality organisation - Inclusion Scotland**

Some comments were made about disagreements with certain definitions, for example it was pointed out that D/deaf people should not automatically be classed as disabled, but preferred to be considered as minority language users, whilst another response expressed displeasure at learning disabilities being classed as a mental disorder under Scottish law.

Comments were made supporting the use of a social model of disability, although one response pointed out that the language used within the plan sometimes reverted back towards the medical model rather than being consistent with the social model throughout.

A comment was made by a respondent who did not answer Q1 to say whether or not they agreed with the outcomes, to point out the conflict between human rights and the rights of the unborn child in relation to pre-natal screening for foetal abnormalities.

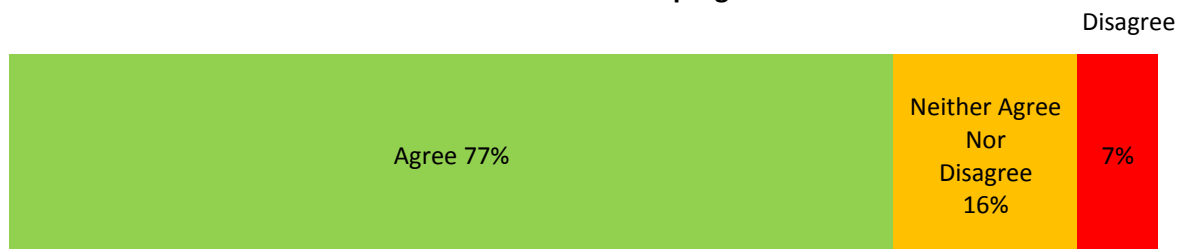
## 4. Outcome 1 – Equal and inclusive access to the physical and cultural environment, transport and suitable, affordable housing

Sixteen commitments were included under outcome 1. Consultees were asked if they felt that these commitments would help the Scottish Government make progress towards Outcome 1.

**Q3: Do you agree or disagree that the commitments (1-16) described at Section 2.1 will help the Scottish Government make progress towards outcome 1?**

Sixty-nine consultees responded to this question. The majority of consultees who responded agreed that these commitments would help the Scottish Government make progress towards Outcome 1. Over three quarters (77%) agreed, 7% disagreed and 16% said that they neither agreed nor disagreed.

**Q3. Do you agree or disagree that the commitments (1-16) described at Section 2.1 will help the Scottish Government make progress towards outcome 1?**



**Q4: If you would like to make specific comments on any of the commitments intended to contribute to achieving outcome 1, please do so here. If not please skip to next question.**

As table 4, below, shows, commitment 1 (transport accessibility) and commitment 16 (One Scotland awareness raising campaign) received the most comments (35 and 29 respectively).

Table 4: Number of comments for each of the Outcome 1 commitments

Commitment (Outcome 1)	No. of comments received
1. Transport accessibility	35
2. Design for Ageing	21
3. Raising awareness of accessible design	25
4. Homes which are more accessible	20
5. Accessible housing	25
6. A new help guide aimed at boosting accessible design	22
7. A new help guide to assist tourism businesses	19
8. A new help guide setting out key accessibility hints and tips	20
9. Access statement online tool builder	11
10. Widening access and increasing opportunities for disabled people to engage in culture, heritage and the arts	22
11. Recording and reporting of workforce diversity information	17
12. Improving access to the historic environment and collections relating to the historic environment	20
13. Disability Inclusion in Sport	23
14. Action plan to promote disabled people's participation in sport and physical activity	19
15. Sportscotland investments	17
16. One Scotland awareness raising campaign	29

## Transport

### Commitment 1 Transport accessibility

**1. Transport Accessibility – Transport Scotland has been engaging with Disabled People’s Organisations, policy colleagues, transport providers and local government to discuss issues raised by disabled people on the accessibility of door to door journeys in Scotland. The issues will be taken forward in a Plan for Accessible Travel as agreed between all the above mentioned parties.**

**The engagement will continue and a steering group has been set up to agree, manage and monitor the plan. Setting up such a group which involves disabled people, was one of the key priorities for disabled people. (2016 on going)**

Consultees commented on a range of themes relating to commitment 1, as can be seen in table 5, below. The most commonly mentioned theme was accessibility, which related not only to physical access, but also to other factors such as the cost of transport, and the need for inclusive communication. A large number of comments were also received relating to individual modes of transport, especially buses. Attitudinal barriers, both in terms of the attitudes of staff and members of the public, and the individual’s confidence was another frequently commented on theme.

Table 5: themes identified for commitment 1

Theme/sub theme identified	Number of comments relating to this theme
Generally supportive	7
Importance of transport	6
Accessibility	44
Specific types of transport mentioned	46
Attitudinal barriers	22
Comments on the commitment and its implementation	18
Engagement	8
Children and young people	3
Other	2

## Importance of transport

A number of consultees took the opportunity to reiterate the importance of transport to disabled people, and to stress that good access to transport is necessary for realising a number of rights and outcomes, such as accessing personal and social networks and accessing health and social care.

“Transport accessibility continues to be crucial to disabled people to achieve their rights to independent living. During our engagement events its importance was cited in terms of access to a social and family life, to education, work and/or even simply to leave the house. Without access to transport and travel, disabled people can be effectively imprisoned in their own homes (including residential care settings).”

**Third sector / equality organisation - Inclusion Scotland**

## Accessibility

Accessibility of transport was a major area of concern, including physical access and wheelchair access to public transport and inclusive communication. Suggestions around inclusive communication included adopting universal signage, audio visual announcements, using British Sign Language (BSL) and or/text information for D/deaf people, bus drivers announcing stops for blind people and better use of hearing induction loop systems in railway stations.

The cost of transport was also mentioned as something which could impede access to transport, and there were calls to increase concessionary travel schemes to include rail services and to extend the re-imbursment of concessionary travel fares to community transport providers.

Some consultees complained about the current requirement to book assistance for rail travel in advance as that denies them the ability to be spontaneous. It was noted that London Transport had removed this requirement. Improved access to information about transport was also raised.

“Improved transport accessibility is fundamental to improving opportunities for independent living, equality of access to services and all aspects of life for those with a disability and their carers.”

**Local government - Stirling Council**

## Availability

Linked to access was the concept of availability - transport going where people want to go at a time when they want to go. In particular a lack of services in rural areas was mentioned, and some consultees commented on the punctuality of public transport.

“Recent research conducted by Scottish Accessible Transport Alliance (SATA) with its members in 2013 found that the main issues affecting disabled transport users in Scotland are availability and accessibility of public transport. Lack of consistency and poor attitudes (from taxi drivers and bus drivers) were also expressed, and

differences in provision in rural and urban areas were noted as being a big problem for those living in rural areas.”

### **Third sector / equality organisation - Inclusion Scotland**

#### **Specific types of transport mentioned**

A large number of comments related to specific types of transport. Buses were the most commented on method of transport. Some consultees felt that although buses were meant to be disabled-friendly they often weren't accessible enough and cited poor attitudes of drivers and other passengers, as well as a lack of space for wheelchairs, and the fact that sometimes the wheelchair space is also the buggy space, which was seen as an uncomfortable trade off. One consultee, however did single out Lothian Buses buses as a positive example in terms of bus design and driver training.

“In our experience, the bus network provides one of the most commonly used forms of public transport, but is not always fully accessible for disabled people. Despite many buses being designed to be accessible, disabled people still report problems with driver attitudes or occupied wheelchair spaces which prevent them from accessing buses.”

### **Third sector / equality organisation - Leonard Cheshire Disability**

“Buses are now fitted out better for wheelchairs however, this seems to have to the detriment of children in buggies being able to access buses, due to a lack of space. There has to be better proposals put forward in order to allow more people who can't walk (including babies) to access buses. It will not have improved attitudes towards those with a disability by allowing this trade-off.”

### **Third sector / equality organisation - Saving Down syndrome**

There were calls to make taxis more accessible, both physically accessible and in terms of contacting them, for example ensure that they can be contacted by text as well as by phone.

It was suggested that more blue badge parking spaces should be made available and that these should be enforced. In addition it was suggested that blue badge charges were removed for people in poverty in order to be more accessible.

The pedestrian environment was also mentioned, with the need to improve the conditions of pavements and provide safe pedestrian crossings. Concerns were also raised about shared space initiatives, feeling that they posed a particular danger for disabled pedestrians.

“Shared spaces, where vehicles and pedestrians are mixed, are particularly dangerous for disabled pedestrians. There is a perception that drivers speed up once they become used to the new layout (ILiS Interim Report).”

### **Third sector / equality organisation - Inclusion Scotland**

Conditions at train stations, bus stations and bus stops were also mentioned as being in need of improvement. Specific comments included the need for adequate



seating and lighting, the provision of accessible toilets, text displays of information, the use of hearing induction loops, lack of disabled parking and vehicle access around stations and the difficulty of physically getting around stations.

There was one mention of the Edinburgh trams - as an example of good physically accessible transport by a visually impaired person.

### **Attitudinal barriers**

Negative attitudes and lack of training of bus and taxi drivers was mentioned, as was the poor attitude of some other passengers to disabled passengers. It was noted that bus drivers were sometimes unwilling to put down ramps, or allow disabled people extra time to get seated, whilst passengers were not always willing to give up seats for disabled people who needed them. Suggestions were made about the need for equality training for drivers, and that this could maybe be a requirement for getting public sector contracts. In addition, comments were made around disabled people's confidence in using public transport and the need to provide travel training, and also the issue of disabled people not feeling safe on public transport due concerns about hate crime.

“Respondents also felt that one of the main barriers to disabled people using transport services is attitudes; not only from staff and drivers, but from passengers as well.”

### **Third sector / equality organisation - Scottish Disability Equality Forum**

#### **Comments on the commitment and its implementation**

It was commented that there needed to be more detail about the commitment. The importance of monitoring and evaluation and reporting on progress was also mentioned, and it was felt that disabled people should be involved in this evaluation process.

It was felt that the Scottish Government should endorse and build on existing transport plans, such as the one by the Scottish Accessible Transport Alliance (SATA).

It was suggested that the Scottish Government needed to work closely with private companies that provide public transport. It was also felt that any travel plan would need to be adequately resourced, and that this would require investment, particularly in rural areas.

It was commented that the Scottish Government's travel plan should be wider than just “accessibility” and should also include “mobility” and other barriers, and that it needed to include accessibility planning, and how far people are from services and facilities. One consultee described “mobility” as being the chain that needs to be in place for people to make a trip. It consists of information, confidence, getting to transport, getting on and off transport, affordability and going where people want it to go when they want it to go.

“Accessibility describes the ease with which a trip can be made but is only part of the equation for disabled people who wish to get around. Mobility is a wider issue

and describes the making of a trip. There is a chain of passenger transport accessibility... People are mobile when all the links in the chain of accessibility are in place.”

**Third sector / equality organisation - Community Transport Association**

### **Engagement**

A recurring theme throughout responses to the consultation is the need for early and meaningful engagement with disabled people and disabled people’s organisations (DPOs) around proposed activities. A number of consultees were supportive of the idea of having a steering group which included disabled people. It was noted that the steering group should be as representative as possible, should engage with disabled people early on before any planned decisions were made, and that disabled people’s role should continue throughout the process including monitoring and evaluation.

“The majority of respondents support the commitment to create a Plan for Accessible Travel and wish to see long-term engagement with disabled people in monitoring of the plan. Respondents felt that all too often transport providers do not effectively consult with disabled people at the earliest stages when commissioning services or infrastructure and this is the root of many access problems.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

### **Children and young people**

A small number of comments referred to the specific needs of children and young people in relation to transport, these included a fear of bullying on public transport, and the suggestion of travel training for disabled young people to make them more confident using public transport. As with adults, it was mentioned that transport is often necessary for in order for children to access activities and social networks. It was also pointed out that due to their age, travel choices may be more limited for young people and that often they are dependent on their parents to transport them.

“This is an important area for disabled children and young people as transport accessibility opens up a world of opportunities. Disabled children and young people’s fulfilment of rights and opportunities are often limited due to the localities they live in. The physical environment of the local community can also be a barrier for those with mobility issues. Many young disabled people also rely on their parents when transport is an issue, which can be restrictive as it will depend on their availability and willingness to get involved... A lack of suitable transport provision can lead to isolation for disabled children and young people.”

**Public Body - Children and Young People's Commissioner**

## Planning and Architecture

### Commitment 2 Design for Ageing

**2. Design for Ageing – the Scottish Government will consider the scope for research into the impact of demographic change and an ageing population on design and planning and how this may also potentially positively affect disabled people. (2016)**

A number of comments around commitment 2 said that consultees were generally supportive of the commitment. Some consultees commented on the specific needs of the elderly, whilst others urged inclusive planning which takes into account the needs of both disabled people and the elderly. Some consultees provided ideas for what the research might include, whilst others stressed the need for action. Table 6, below, shows the key themes arising from commitment 2.

Table 6: themes identified for commitment 2

Theme identified	Number of comments relating to this theme
Generally supportive	9
The research and following on from it	11
Needs of the elderly	10
The need for inclusive planning covering disability and aging	8
Inclusive communication	3
Dissatisfaction with current situation	2
Other	1

#### The research and following on from it

A number of consultees made comments relating to the research, including emphasising the need to engage with stakeholders including disabled people and DPOs. Some consultees made specific suggestions about what the research could include, such as: an audit of the immediate needs of current service users; cost implications; extending the scope to those under 65 who have degenerative conditions; inclusion of the needs of a wide range of equality groups; and taking a broader view than just accessibility which would include “prevention of isolation and loneliness, access to transport links, health and social care services, and the specific needs of people who have dementia and mental health problems” (Third sector/ equality organisation - Inclusion Scotland). The need for action following on from the research was also stressed, and it was felt that the commitment should include information on how the research recommendations would be taken forward, including the timescales for doing so.

## Needs of the elderly

Some consultees made specific comments about the needs of the elderly, including sheltered accommodation; downsizing to smaller accommodation; specific adaptations; not being segregated from friends and family, but to be accommodated within their community; and the specific requirements of those with dementia. In addition the need to “future proof” Scotland’s housing stock was also mentioned.

## The need for inclusive planning covering disability and aging

A number of consultees highlighted the need for inclusive planning, which would cover the housing needs of both the elderly and disabled people of any age. However one consultee stressed that the needs of disabled people should not be subsumed within plans for the elderly, and that a specific commitment was required around the housing needs of the disabled.

“We agree with this approach which emphasises a focus on prevention in public service delivery. We thought it might be worth considering reframing this commitment to be more about “Design for Life” rather than limiting it to the factors of “ageing”. It would then embrace all potential changes/transitions throughout the lifespan and support early intervention and prevention.”

**Public Body - Social Work, Dundee City Council**

“However SDEF are keen to stress that the under-supply of housing suitable for disabled people with mobility impairments must be specifically addressed by the Scottish Government and not subsumed into the housing for an aging population agenda. Given the human rights implications for disabled people unable to access suitable housing in Scotland we need further commitments within the disability delivery plan on specific action to address the shortfall in accessible housing.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## Inclusive communication

The need for inclusive communication was mentioned by a few consultees. This included housing to meet the needs of hearing impaired and D/deaf people, (for example flashing light alerts), and also to support those with specific communication needs.

## Dissatisfaction with current situation

A couple of consultees voiced their dissatisfaction with the current situation, and said that they did not believe that current housing was being built to meet the needs of the elderly and disabled.

## Other

One other comment focused on the benefits of individualisation and stated that a “one size fits all” approach does not work.

## Commitment 3 Raising awareness of accessible design

**3. Raising Awareness of Accessible Design – the Scottish Government runs the Scottish Awards for Quality in planning each year. The awards are in six categories and for the 2016 Awards, the judging criteria will be amended to promote good practice in accessible design in both buildings and the public realm. (2016)**

A number of consultees were supportive of commitment 3, although some mentioned the limited value of an award. The need to engage with disabled people was mentioned, as was the need to address unseen disabilities and not just wheelchair access. The importance of knowledge, research and training was also highlighted. Table 7, below, shows the key themes identified.

Table 7: themes identified under commitment 3

Theme identified	Number of comments relating to this theme
Generally supportive	8
Engagement	7
Knowledge, research and training	7
The award - limitations and practical considerations	7
Address unseen disabilities, not just wheelchair access	6
Dissatisfaction with current design and planning situation	1
Other	11

### Engagement

It was commented that there should be meaningful engagement with disabled people in establishing the award, including involving disabled people in setting the criteria for the award and judging it. In addition it was commented that more disabled people should be encouraged to consider entering architecture as a profession. This would help to ensure that accessibility issues were considered at the start of projects.

### Knowledge, research and training

The importance of knowledge, research and training was highlighted, including the sharing of good practice in accessible design. The Scottish Disability Equality Forum shared information about work they are undertaking on a new inclusive design website which “aims to improve awareness and implementation of best practice in accessible design for planners, architects, and other building professionals.” In addition there were calls for accessible design and inclusion training to be included as part of the training of architects, designers and planners.

## **The award – limitations and practical considerations**

Whilst consultees were generally supportive of the idea of a design award, some also noted its limitations, feeling that an award alone would not be enough to help disabled people realise their rights. It was suggested that enforcement was required rather than an award. Another suggestion was that projects be required to meet certain accessibility standards if they were awarded public sector funding.

“Whilst many respondents agree that the award is a good idea, they are concerned that one award is insufficient to mainstream approaches to accessible design. ‘This is not enough. Accessibility does not require awards just common sense, planning and legislation.’”

**Third sector / equality organisation - Scottish Disability Equality Forum**

Some practical considerations around the award were raised, including the need to promote the award widely amongst both professionals and disabled people, and the need for inclusive communication.

## **Address unseen disabilities, not just wheelchair access**

Consultees felt that it was important that the award did not just focus on issues of physical access for wheelchair users, but that it was wider and considered those with hearing loss, communication needs and mental health problems, amongst others.

“Respondents were keen to point out that accessible design is not all about ‘lifts and ramps’ but should include a holistic approach to access for all disabled people, including those with mental health problems: ‘accessibility can be due to sensory issues associated with autism and mental health and not just physical disabilities.’”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## **Dissatisfaction with current design and planning situation**

Concerns were raised about the current design and planning situation, and it was noted that it would take more than an award to rectify the situation.

“Some respondents also paint a picture of an unsupportive and bureaucratic planning system that does not take the access needs of disabled people into account and have suggested that it will take more than an award to tackle these issues.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## Building Standards

### Commitment 4 Homes which are more accessible

**4. Homes which are more accessible – through engagement with house builders and local authority building standards verifiers, concessions for sites where development has become protracted will cease, and homes will be built to more recent standards and will be more accessible. (until 2016-17)**

Whilst some consultees were broadly supportive of this commitment, there were some who were critical of it. A number of accessibility considerations to take into account were mentioned. Again the importance of engaging with expert stakeholders including disabled people was highlighted. Table 8, below, shows the key themes identified under commitment 4.

Table 8: themes identified under commitment 4

Theme identified	Number of comments relating to this theme
Generally supportive	4
Accessible Housing Needs	33
Engagement	4
Critical comments	6
Other	1

### Accessible housing needs

Some consultees highlighted that there is a demand for many more accessible homes in Scotland

“In total an additional 230,000 adapted homes are needed. Research by Capability Scotland concluded that this lack of accessible housing was ‘restricting disabled people’s lives; having an impact on quality of life; and potentially leading to isolation, health problems and a lack of confidence/self-esteem’.”

#### **Third sector / equality organisation - Inclusion Scotland**

It was emphasised that accessibility is wider than wheelchair access and includes meeting other needs, such as those of people with hearing or sight impairments, or those who require extra space and storage for specialist equipment. The importance of housing as part of the independent living agenda was also highlighted, as was the need to develop accessible housing in places where disabled people want to live, and where they can retain their connection to their communities.



A number of consultees mentioned the importance of building homes to “Lifetime Home Standards”, where a home can meet a person’s need throughout their life, requiring minimum adaptations to do so.

“To meet the universal design principle, building standards and planning consents should seek to ensure that new and refurbished housing should be designed to be accessible or require minimum possible adaptation, to meet current or future needs of disabled people. This is consistent with a lifetime homes approach.”

**Third sector / equality organisation - Inclusion Scotland**

It was suggested that there was a need for targets around making new homes accessible.

## **Engagement**

Engagement with disabled people and disabled people’s organisations (DPOs) was seen as crucial, including early engagement. There were calls for the establishment of an expert stakeholder group including disabled people.

“Sense Scotland’s experience of working in partnership with housing providers is that a design approach which includes the provider and the disabled person results in more successful outcomes for supported people. The most suitable accommodation has involved tenants being part of the selection of design features, and having prospective landlords and architects who were open to adjusting designs in light of their input... Many design features do not need to cost more, if they are included at the outset.”

**Third sector / equality organisation - Sense Scotland**

## **Critical comments**

Concerns were raised about the need to improve standards in order to make it simpler to make adaptations. In addition there were concerns about proposals to modify building standards in new builds, as it was believed that this would make new build homes less accessible. In particular, concerns were raised around: reductions in space for the provision of a future shower or bath; reductions in space which would be incompatible with the use of larger powered wheelchairs; and reductions in the minimum locations for robust wall constructions for the fitting of grab rails.

“Capability Scotland receive up to one hundred enquiries to our advice service where disabled people are struggling to get the adaptation they require to live well in their own home and cannot move house because of a range of barriers. We therefore believe suitable building standards for new build housing as critical to creating the kind of housing stock that will meet the demographic challenges Scotland will face in the future. The suite of standards around accessibility therefore needs to be built upon and improved in order to future proof our housing stock.”

**Third sector / equality organisation - Capability Scotland**



Some comments were made about the commitment itself. One consultee felt that commitment was unclear and required further clarification. Another suggested that the commitment should go further and do more to address the issue and impact of a lack of accessible housing. A third consultee did not think that the commitment would have much impact on developers in cases where development had become protracted.

“In light of the evidence that was presented by DPOs during the Scottish Government policy seminars, we are disappointed that these commitments are not stronger. In particular we are disappointed that there is no commitment to take action that will guarantee that new housing stock is accessible, that disabled people’s housing needs will be properly assessed and that housing can be easily adapted when people become disabled.”

Third sector / equality organisation - Equality Human Rights Commission and **Scottish Human Rights Commission**

## **Housing and Independent Living**

### **Commitment 5 Accessible housing**

**5. Accessible Housing – the Scottish Government will consider in greater depth the issues raised by DPOs about the availability of accessible housing for disabled people within the existing planning system, and consider what further actions may be necessary. We will discuss with local authorities, social landlords, third sector organisations and other policy areas of the Scottish Government. (2016 ongoing)**

Consultees highlighted the importance of accessible housing and how this linked with being able to realise other rights. The prevalent view, however, was that current housing did not meet disabled people’s needs and that more needed to be done to address this housing shortage. Table 9, below, shows the key themes.

Table 9: themes identified under commitment 5

Theme identified	Number of comments relating to this theme
Generally supportive	7
Links between having/not having an accessible home and accessing other rights	9
Housing shortage/current housing supply not meeting disabled people's needs	23
Planning, regulations and new builds	10
Implementation	8
Adaptations	7
What is meant by accessibility	5
Other	8

### Links between having/not having an accessible home and accessing other rights

It was noted that not having access to accessible housing could constrain disabled people’s rights and negatively impact on their ability to participate in education, employment, social and recreational pursuits, and engage with health and social care. A lack of accessible housing could also result in delayed discharge from hospital.

“Without a user-friendly accessible house, access to employment, education or even social and recreational opportunities is made even more difficult for disabled people.”

#### Third sector / equality organisation - Scottish Disability Equality Forum

In addition the importance of providing accessible housing to disabled people within their community where they can continue to have access to informal social networks was emphasised, and that disabled people should not be expected to leave their community in order to find accessible housing. Local amenities, such as access to transport links and shops, should be considered when building accessible homes.

“Social Work Scotland supports the intention to focus on the design of accessible housing- both in terms of increasing the availability of suitable accommodation for people with disabilities and also to avoid the situation where people have to move from communities where they live (and may receive informal support) following a deterioration in their physical abilities.”

#### Representative body for professionals - Social Work Scotland Ltd

## **Housing shortage/current housing supply not meeting disabled people's needs**

One of the most commonly mentioned concerns related to the current shortage of accessible housing and housing supply not currently meeting the needs of many disabled people. Third sector/equality organisations provided examples of difficulties that they were aware of their members experiencing. There were calls for this housing shortage to be addressed. It was suggested that the Scottish Government require local authorities to carry out an audit of current and prospective tenants and the housing available, in order to establish exactly what the shortfall is.

“Our most recent 1 in 4 Poll of over 500 disabled people showed that 75% of respondents felt that disabled people do not have equal access to suitable housing in Scotland, with the main barrier to accessing housing perceived as not enough new-build accessible housing. Other barriers included lack of specialist housing advice, not enough low cost housing, lack of private accessible rented property and disabled people finding it difficult to get help to adapt their home.”

**Third sector / equality organisation - Capability Scotland**

“The Scottish Housing Conditions Survey showed that 62,000 households in Scotland require specially adapted baths or showers but do not have them. 8,000 households require, but lack, ramp access - 17,042 wheelchair users in Scotland lack appropriate accommodation.”

**Third sector / equality organisation - Inclusion Scotland**

It was mentioned that disabled people do not have equal access to appropriate housing, and that accessible housing is required across all sectors. Disabled people may have fewer options available to buy or rent privately, nor is there enough suitable accommodation available in the social rented sector.

“Disabled people want to have the same rights as anyone else to choose where they live, including choice of tenure. However this is often constrained by the unavailability of suitably adapted housing. This can require disabled people to move outwith the community they wish to live in, or to seek social rented housing as there are no other options available – e.g. owner occupation.”

**Third sector / equality organisation - Inclusion Scotland**

## **Planning, regulations and new builds**

There was some discussion around new builds, with some consultees commenting that all new build homes should be built to an accessible standard, to avoid the need for costly adaptations later on. Others believed that there should be quotas or targets for the number of accessible new builds.

## **Implementation**

A number of commitments were concerned with how to take this commitment forward. Engagement with disabled people and DPOs was highlighted as was the necessity for a national strategy. A couple of consultees highlighted concrete

actions that they would like to see the Scottish Government take forward, including: cross-tenure grants to incentivise the building of houses with sufficient space for future adaptations; a pilot project around the development of wheelchair accessible housing; conducting a review of Housing to Varying Needs, around wheelchair size and technology used; support such as help to buy to improve disabled people's access to housing across tenures; and reviewing the new Housing Needs and Demand Assessment process, and comparing this to Local Authority future development plans to see if the needs of older and disabled people are being met. (Third sector / equality organisation – Scottish Disability Equality Forum and Capability Scotland)

Another consultee mentioned commitments that they would like to add under this heading, including a review of care homes and a review of support for families who care for a disabled person.

### **Adaptations**

The importance of being able to adapt a home in order to stay in it was emphasised. It was noted that timely referral to an occupational therapist played an important role in this. In addition, the point was made that if a home which has previously been adapted becomes available it should be given to a disabled person, rather than those adaptations being removed and it being offered to someone else.

### **What is meant by accessibility**

It was commented that accessibility can mean different things to different people and therefore needs to be defined. Some consultees mentioned that accessibility was about more than just wheelchair access, and the needs of hearing impaired and D/deaf people, and the support needs of people with learning disabilities in particular were highlighted by some consultees.

### **Other**

Other comments referred to the lack of advice around housing, and the continuing need for the Scottish Government to mitigate the effects of the “bedroom tax”, and its implications for disabled people who may need an extra room for a personal assistant to stay overnight or for storing equipment.

## Tourism and Business

### Commitment 6 A new help guide aimed at boosting accessible design

**6. A new help guide aimed at boosting accessible design will be published creating a legacy for the 2016 Year of Innovation, Architecture & Design. Working in partnership with VisitScotland and architectural bodies, the guide will help architects design accessible buildings which fully meet the needs of disabled people.**

Consultees were generally supportive of a new guide aimed at boosting accessible design, and some provided suggestions for what the guide should include. Others thought that something stronger than a guide was needed and called for enforcement. Engagement with relevant stakeholders and the need for more training around accessible design were also highlighted. Table 10, below, shows the key themes identified.

Table 10: themes identified under commitment 6

Theme identified	Number of comments relating to this theme
Generally supportive	10
Monitoring, accountability and enforcement	7
Engagement	6
What the guide should include	10
More training for professionals around inclusive design	4
Build on existing guides and resources	3
Critical comments	1
Other	2

#### What the guide should include

Some consultees provided suggestions for what the guide should include and how it should be communicated. It was suggested that both BSL and inclusive communication should be taken into account when developing and disseminating the guide. There was also a suggestion that the guide take cross-cutting issues such as transport into consideration, as well as a call for it to look into how historic buildings could be made more accessible, as well as new builds.

“It is important to consider travel and transport links with regard to accessible design. It would be of little use to disabled people if a museum or gallery was fully accessible if there were no ways of getting to it that were accessible and affordable, as well as decent accessible parking spaces.”

**Third sector / equality organisation - Inclusion Scotland**

### **Monitoring, accountability and enforcement**

Whilst a guide was generally seen as a step in the right direction, a number of consultees felt that this commitment should go further and introduce mandatory enforceable guidance around accessibility. It was stated that planners needed to be held accountable. It was also noted that it was unclear how uptake of this guidance would be monitored.

“Our respondents are supportive of this commitment but are concerned that a guide will not be enough to improve access. It was felt that mandatory guidance on accessible design needs to be made available to builders and architects when they are undergoing initial professional training and that disabled people need to be involved in the creation of this guidance.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

### **Engagement**

It was regarded as important to engage with a wide range of relevant stakeholders, including disabled people, professionals and children and young people.

### **More training for professionals around inclusive design**

There was a call for more training for professionals around inclusive design, including considering acoustics in public buildings for those who are D/deaf or hard of hearing. It was commented that the Design Council in England and Wales were conducting research on and were soon going to launch an e-module in inclusive design, and that it would be good for something similar to happen in Scotland.

“East Ayrshire Council would encourage Scottish Government to follow the lead from the legacy works since London 2012. There is a Built Environment Professional Education Board (BEPE) which is working to encourage professional organisations and universities to educate individuals in the specialism which is inclusive design.”

**Local government - East Ayrshire Council**

### **Build on existing guides and resources**

It was noted that examples of good practice existed and that these should be built on. “Euan’s Guide”, a web based guide used by disabled people and the London 2012 Legacy work was mentioned.

### **Critical comment**

One consultee questioned why such a guide was needed as architects already had enough guidance, and that the real issue was how to ensure that such guidance was acted upon.

## Other

Other comments included a call for more detail on this commitment, and a comment around the importance of making day trips and holidays accessible for disabled people and their carers.

## Commitment 7 A new help guide to assist tourism businesses

**7. A new help guide to assist tourism businesses – to create more innovative and accessible websites will be provided, celebrating the 2016 Year of Innovation, Architecture and Design, helping businesses showcase their offer to disabled visitors.**

Whilst consultees were generally supportive of the idea of a guide to assist tourism businesses to create more innovative and accessible websites, this also opened up discussion around disabled people's access to the internet more widely. The recurring themes of the need for inclusive communication and engaging with disabled people were raised. Table 11, below, shows the key themes identified.

Table 11: themes identified under commitment 7

Theme identified	Number of comments relating to this theme
Generally supportive	10
Scope of guide	5
Inclusive communication	3
Engagement	2
Access to internet	2
Other	4

### Scope of guide

There was some discussion around the scope of the guide, including suggestions that it should be made mandatory in order to be effective. It was also commented that the guide's focus should be wider than just about physical access, whilst another consultee emphasised the importance of disabled changing places in order to allow disabled people full access.

“We were pleased to note the content around tourism and the encouragement that people with disability have rights to live a life the same as any other. It is hoped that this work will reflect more than just physical accessibility and encourage an awareness of people with a range of disabilities as potential valuable and valued customers.”

**Public Body - Social Work, Dundee City Council**



## **Inclusive communication**

The importance of inclusive communication was mentioned, including providing accessible guides and information in BSL, as well as accessible websites. “Euan’s Guide” and Ireland’s Tourist Information website were presented as being good examples of best practice.

“In terms of current online information provision Euan’s Guide and Ireland’s Tourist Information websites were considered to be best practice examples. One respondent stated that the guide would be particularly useful as a lot of Tourist Information and Travel Agent Websites are beginning to become extremely difficult for disabled people to use (particularly for Screen Reader Users).”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## **Engagement**

It was mentioned that disabled people should be involved in helping to develop the guidance.

## **Access to internet**

It was highlighted that not all disabled people have access to, or are able to use the internet, and that more should be done to increase disabled people’s access to the internet more generally. The need for off-line information for disabled people without internet access was also highlighted.

“Disabled people are generally supportive of making tourism websites as accessible as possible. It was agreed that some online information is broadly quite accessible, where disabled people have access to the internet in the first place - remembering that a significant proportion of disabled people do not have internet access due to various barriers.”

**Third sector / equality organisation - Inclusion Scotland**

## **Other**

Other comments included information from a Local Authority about what they are doing to make tourism more accessible, and a call for the guidance to recognise the role of disabled people as potential providers of tourism services, as well as consumers.



## Commitment 8 A new help guide setting out key accessibility hints and tips

**8. A new help guide setting out key accessibility hints and tips to meet the needs of disabled people attending events in 2015 and beyond will be provided to celebrate the 2015 Year of Food and Drink. The guide will focus on tourism businesses and visitor attractions. (2016)**

Most of the comments around commitment 8 provided suggestions as to what the new help guide could usefully include. There were suggestions that the guide should be mandatory, and the importance of engaging with disabled people and DPOs was emphasised. Table 12, below, shows key themes identified.

Table 12: themes identified under commitment 8

Theme identified	Number of comments relating to this theme
Generally supportive	9
What the guide should include	16
Engagement	5

### What the guide should include

The most common suggestions for what the guide should include were: support for those with sensory impairments and learning disabilities, including the provision of information in BSL, and the need for accessible toilets and accessible changing places. There was also a suggestion relating to support for holding communication inclusive events. There were also comments that the guide should be made mandatory.

“Leonard Cheshire Disability would like to emphasise that such a guide should include the accessibility requirements of people with sensory impairments and learning disabilities. For example: colour coding areas of public buildings would allow people with sight loss to better identify which area of a building they are in, and travel more easily as a result.”

**Third sector / equality organisation - Leonard Cheshire Disability**

### Engagement

Once again, it was felt that disabled people themselves and DPOs were best placed to inform this work, and should be involved. Inclusion Scotland mentioned an Accessible Engagement Handbook which they were in the process of developing and which they would be happy for Visit Scotland to draw upon.

## Commitment 9 Access statement online tool builder

**9. Access Statement online Tool Builder – a refresh of the current tool will be undertaken to re-design a more IT-based version that enables tourism businesses to build online and maximise the use of modern technology. This will support both the consumer and the tourism/events industries and boost the 2016 Year of innovation, Architecture & Design as part of the wider Accessible Tourism project.**

There were relatively few comments around commitment 9. Most consultees indicated that they were broadly supportive of this commitment, and some comments provided suggestions around the design, implementation and monitoring of the access statement online tool builder. Table 13, below, shows the key themes identified.

Table 13: themes identified under commitment 9

Theme identified	Number of comments relating to this theme
Generally supportive	8
Design, implementation and monitoring	6
Other	1

### Design, implementation and monitoring

Comments around design, implementation and monitoring, included comments about the need for inclusive communication, including providing information in BSL, and the need to monitor implementation.

## Culture

### Commitment 10 Widening access and increasing opportunities for disabled people to engage in culture, heritage and the arts

**10. Widening access and increasing opportunities for disabled people to engage in culture and heritage and the arts – Creative Scotland is undertaking a wide ranging review of equalities, diversity and inclusion in the arts, screen and creative industries. The findings of this review will be used to inform all areas of Creative Scotland’s work. It complements significant programmes which are helping more people, including disabled people take part in the arts, as professional artists and performers, participants or audience members. (2016)**

There was a wide range of comments under commitment 10, and the importance of inclusive communication and engagement was emphasised. Table 14, below, shows the key themes identified.

Table 14: themes identified under commitment 10

Theme identified	Number of comments relating to this theme
Generally supportive	10
Inclusive communication	6
The disability arts scene and disability in mainstream culture	5
Accessible facilities needed	5
Engagement	4
Other	11

#### Generally supportive

Consultees were generally supportive of this commitment, and felt that increased access to culture, heritage and the arts could enhance the lives of disabled people.

“This commitment is greatly welcomed by respondents as the following response shows: ‘In Scotland we have come a long way in the recent past in making venues and events more accessible, although some venues are still a nightmare to negotiate. As a person who loves music, film, theatre, art galleries and museums, disabled people should be encouraged to become involved in the arts as it enriches their lives.’”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## **Inclusive communication**

Inclusive communication was seen as essential and there was a call for an audit of the “communication inclusion” of cultural opportunities against “Good Communication Support Principles” or Principles of Inclusive Communication. It was also mentioned that D/deaf professionals should be involved in giving guided tours and talks in BSL, and that there should be increased use of braille - for example in relation to CD music lists.

## **The disability arts scene and disability in mainstream culture**

It was noted that a disability arts scene exists in Scotland and that more should be done to promote it. It was also mentioned that mainstream culture does not adequately take disability into account. There was a call for more disabled role models, for example, in films and on TV. There were also concerns expressed that where disability is mainstreamed disabled people need to maintain control over how disability is portrayed in order to avoid tokenism, or non-disabled people playing disabled parts. It was felt that Creative Scotland needed to hold outreach events which are accessible and inclusive for disabled people. Further, it was suggested that Creative Scotland could support outreach projects whereby disabled performances / actors go into schools to help reduce stigma and promote disability rights amongst young people.

“There is also a need to promote and support the vibrant disability arts scene that exists in Scotland. On International day of Disabled People (3rd December) in 2015, we were pleased to see Creative Scotland’s website feature an article about Disability Arts in Scotland; we agree that increased publicity of this pride in our arts scene should be a prominent feature included in the review.”

### **Third sector / equality organisation - Inclusion Scotland**

“We should also be talking about seizing such an opportunity to create inspirational role models for disabled children and young people. Children growing up today will see many more disabled people in key roles e.g. TV. films etc. This has to be seen as a positive in terms of increasing inclusion.”

### **Public Body - Children and Young People's Commissioner**

## **Accessible facilities and staff training**

The need for improved access to facilities was highlighted, as was the need to train staff around accessibility.

“Respondents felt that accessibility requirements need to increase, for example, the need for more accessible parking, more wheelchair transfer seats and the provision of accessible transport to get to venues.”

### **Third sector / equality organisation - Scottish Disability Equality Forum**

## **Engagement**

The need for appropriate engagement was highlighted. It was thought that in addition to engaging with disabled people, engagement with children and young people was also required, as was engagement with specialist groups in order to

facilitate access for those who may be the most excluded, such as those with profound and multiple learning disabilities (PMLD). One local authority highlighted the work that it had done in partnership with disabled people to widen access to culture.

“In Aberdeen, the Lemon Tree and Arts Centre work positively proactively with people from the protected characteristics groups and are inclusive in their approach. His Majesty’s Theatre (HMT) has a sign language interpreter, providing access for people with hearing impairments. Disabled people have also been involved in the refurbishment of Aberdeen Art Gallery and Music Hall and the Maritime Museum is currently working with the Equalities Team and community groups so that projects/ events/ exhibitions are more inclusive.”

**Local government - Aberdeen City Council (2 Equalities Team)**

“This requires working with specialist organisations in order to ensure that the most excluded people within society – e.g. people with profound and multiple learning disabilities (PMLD) are also able to access and engage in their culture, heritage and the arts. It is possible but takes expertise and planning and education of staff and the communities. Consideration also has [to] ensure that accessibility is available at a cognitive, sensory as well as physical level.”

**Academic or Research Institute - PAMIS**

**Other**

Other comments made included the need for transport links to facilitate access to culture and the fact that cost can be a barrier to participation.

**Commitment 11 Recording and reporting of workforce diversity information**

**11. Recording and reporting of workforce diversity information – a project is being undertaken to improve the recording and reporting of workforce diversity information to improve the evidence base and measure the success of policies. A new Non Departmental Public Body called Historic Environment Scotland (HES) will take over the responsibilities of Historic Scotland and the Royal Commission on Ancient and Historic Monuments of Scotland on 1 October 2015. (2017)**

Whilst consultees were generally supportive of this commitment, there were calls to widen it out to include other workforces, not just culture. A number of comments revolved around the practicalities of collecting this information. Table 15, below, shows the key themes identified.

Table 15: themes identified under commitment 11

Theme identified	Number of comments relating to this theme
Generally supportive	9
Who should be included	8
The practicalities of collecting this information	7
Critical comments	1
Other	3

### Who should be included

There was some discussion around who should be included in such statistics, with calls for volunteers and interns to be included. In addition a number of consultees strongly believed that this commitment should be extended to the wider workforce in Scotland, and not just be restricted to culture.

“We would welcome data recording to improve evidence collected and to measure the successes of policies. However we would call on the Scottish Government to extend this to ensure similar efforts are afforded to the wider workforce in Scotland.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

### The practicalities of collecting this information

Some questions were raised around collecting this data, in particular who would collect it and what it would be used for. It was thought that reporting should tie in with existing mechanisms used, and that employers would benefit from training and awareness raising around collecting this information. The importance of using this information to learn and improve was also noted.

“Respondents called for clarity around how this information would be used and why it is of importance in terms of shaping services and the impacts on funding.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

### Critical comment

Whilst supportive of the commitment, one consultee did say that they were sceptical that this information would be thoroughly and honestly recorded.

### Other

Other comments included suggestions for how to encourage more disabled people to work in culture, such as stating in job adverts that applications from disabled people are welcomed, and opportunities for D/deaf people to provide sign language tours for D/deaf visitors.

## Commitment 12 Improving access to the historic environment and collections relating to the historic environment

**12. Improving access to the historic environment and collections relating to the historic environment – including improving access to HES buildings and monuments and improving online access to its collections, services and outreach and community engagement programmes. (2016-19)**

Consultees were generally supportive of this commitment. There was an acknowledgement that making historical buildings accessible is not a cheap or easy process, and in some cases may not be possible. Therefore there was support to explore alternative ways of making them accessible, such as the use of virtual access tours of building. Table 16, below, shows the key themes identified.

Table 16: themes identified under commitment 12

Theme identified	Number of comments relating to this theme
Generally supportive	10
Explore alternative, e.g. virtual access to buildings which can't be altered	6
Engagement	4
Build on current good practice	3
Implementation	2
Other	8

### Explore alternative, e.g. virtual access to buildings which can't be altered

Consultees appreciated the challenges of adapting historic buildings to make them accessible and acknowledged that this might not always be possible. As such, the use of innovation and technology to improve access, such as through virtual tours, or online access to collections were suggested as appropriate alternatives. One consultee, however, did emphasise the need to try and improve physical access and said that online access should not become a substitute for physical access. Other positive examples of making the historic environment more accessible included: descriptive hand-held guides in galleries and museums; tactile paintings; visual cues; captioning and BSL guides.

“This commitment is very much welcomed by respondents. There was recognition from online respondents and road show participants that historic sites and old and/or listed buildings cannot always be made fully accessible to disabled people... Virtual reality tours were found to be particularly effective in these cases.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“On-line access to collections would help, but it is important that the on-line world doesn’t become an alternative to physical access, and this includes being made to feel welcome.”

### **Third sector / equality organisation - Sense Scotland**

#### **Engagement**

The importance of consulting with disabled people and utilising the expertise of specialist organisations was highlighted.

#### **Build on current good practice**

Consultees noted current good practice that already existed to help make the historical environment more accessible. It was seen as important to review and share that good practice. It was also mentioned that it would be helpful to publish case studies of properties which had been adapted but kept their character.

“Disabled people we consulted noted some good practice, such as descriptive hand-held guides in many galleries and museums, and availability of tactile paintings (available from the Living Paintings Trust); visual cues, captioning and BSL guides. We therefore advocate a review of current and international good practice with recommendations for promoting further roll-out, widening access and mainstreaming such practices.”

### **Third sector / equality organisation - Inclusion Scotland**

#### **Implementation**

The importance of sufficient funding and improving the use of inclusive communication was also noted by consultees.

#### **Other**

Other comments included emphasising that cost can be a barrier in accessing the historical environment, and the importance of transport to access the historical environment. A couple of consultees also took this opportunity to express their dissatisfaction with current access to historical buildings.



## Sport and Physical Activity

### Commitment 13 Disability Inclusion in Sport

**13. Disability Inclusion in Sport – disabled people will have greater opportunities to participate in sport as funding of £6 million has been committed towards a new parasport facility in Inverclyde. (opens in 2016)**

Whilst there was support for this commitment, there were also a number of criticisms, including that a new para sport facility in Inverclyde would not benefit the majority of disabled people in Scotland, and that investment throughout Scotland was needed, including making local facilities more accessible. Table 17, below, shows the key themes identified.

Table 17: themes identified under commitment 13

Theme identified	Number of comments relating to this theme
Generally supportive	9
Critical comments - Geographical disadvantage	8
Physical access needs and training and attitude of sporting workforce	6
Support disabled people to access sporting facilities and participate	4
Engagement	2
Inclusive communication	2
Other	10

#### Critical comments - Geographical disadvantage

Central to this commitment was the development of a new para sport facility in Inverclyde. It was stated that one centre in the central belt of Scotland was not sufficient and would not benefit the many disabled people in Scotland who wanted to participate in sport. Instead, investment was wanted in sports centres throughout Scotland to benefit more people, including making existing local sports centres more accessible to disabled people. It was also suggested that an outreach programme was required to allow people from outwith the area to benefit from the new para sport facility.

“The location of the Centre will not be suitable to some potential users, and development of smaller - scale local facilities must follow in the wake of this development in order to provide a wide range of opportunities.”

#### Individual

“The development of opportunities to participate in sport will benefit the health and wellbeing of people we support. While parasport centres will be beneficial, it is

important that staff and facilities in local sports centres and clubs are welcoming and accessible. Disabled people should be able to access the same sports locations as their non-disabled friends and family members.”

**Third sector / equality organization - Sense Scotland**

“The provision of one Parasport Centre in Inverclyde was felt to be woefully inadequate in improve disability inclusion in sport in Scotland. ‘It will not support those in the Grampian areas and north of Scotland. Much of these sporting provisions are found within the central belt already. There needs to be a wider program and access opportunities throughout Scotland’.”

**Third sector / equality organization - Scottish Disability Equality Forum**

### **Physical access needs and training and attitude of sporting workforce**

There was a call for local sports centres to be made more accessible. Specific access needs mentioned the need for accessible toilets and changing facilities and the need for more adaptive equipment within the centres.

“Even where sport and leisure venues are accessible respondents suggested a need for more adaptive equipment so that disabled people could better engage with facilities and activities once they are through the door.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

As well as physical access needs, there was a call for staff who work in sport to have better training and awareness around disability, and for them to be friendly and welcoming.

### **Support disabled people to access sporting facilities and participate**

It was commented that participating in sport is not just about accessible facilities, but also providing support for disabled people to help them access those facilities. In particular, it was mentioned that young disabled people might require extra support to access sports as they are often reliant on their parents to take them, but that participation in sport might not be given high priority. It was also mentioned that people with learning disabilities might require additional support to access sporting facilities.

“Disabled children and young people tell us that they are often reliant on their parents to get them to venues, but that because of costs associated with bringing up a disabled child, sport is given lower priority and is often seen as luxury. Disabled children and young people still continue to experience difficulty accessing mainstream social and recreational’ sport opportunities.”

**Public Body - Children and Young People's Commissioner**

### **Engagement**

It was commented that there needed to be engagement with a wide range of stakeholders, including DPOs, Health Boards and Local Authorities.

## Inclusive communication

Inclusive communication and the need to provide communication and language support to help disabled people participate in sport were mentioned.

## Other

Amongst the other comments received, a couple of consultees felt that there should be more funding for D/deaf athletes to participate in sporting competitions, and the importance of transport links for accessing sporting facilities was mentioned. There was a call to widely publicise any programme to include disabled people in sport in order to boost uptake.

## Commitment 14 Action plan to promote disabled people's participation in sport and physical activity

**14. An Action Plan for disabled people – In our commitment to equality, the Scottish Government and Sportscotland will work with disabled people to develop an action plan on existing initiatives to promote disabled people's participation at all levels of sport and physical activity. (2016-19)**

Consultees were generally supportive of this commitment, although they also outlined current barriers to and dissatisfaction with disabled people's access to sport. The need for engagement and inclusive communication was highlighted. Table 18, below, lists the key themes identified.

Table 18: themes identified under commitment 14

Theme identified	Number of comments relating to this theme
Generally supportive	13
Barriers to, and current dissatisfaction with disabled people's access to sport	13
Positive examples	4
Engagement	3
Inclusive communication	1
Those who were critical	3
Other	5

## Generally supportive

A number of consultees commented that they were supportive of this commitment as access to sport was seen as important for disabled people, both in terms of the impact it would have on them personally, but also in terms of inclusion within society.

“This commitment is welcomed by respondents, sport was felt to be very important to disabled people as it ‘encourages team work, confidence building and provides exercise for people who may be very sedentary, which in turn will increase health and well-being’.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“Promoting disabled people’s participation in sport and physical is an essential action point to ensure that disabled people are not excluded within an important cultural element of Scottish society.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

### **Barriers to, and current dissatisfaction with, disabled people's access to sport**

A number of consultees mentioned barriers that exist which make it harder for disabled people to access sport, and some reflected on their dissatisfaction with current facilities.

Amongst the barriers raised was a need for increased funding and support to make sport inclusive for all, and in particular it was noted that D/deaf sports people are disadvantaged at both mainstream and para events, “neither of which accommodate their communication needs” (Third sector / equality group – Inclusion Scotland). It was also noted that people with certain disabilities, such as profound multiple learning disabilities (PMLD) may require more support than others, whilst another consultee felt that adequate support for those with autism was not currently being provided.

Other barriers mentioned included: the cost of participating in sport or accessing sporting facilities; the times that such facilities are available; and a lack of suitable changing facilities. In addition, it was noted that more could be done to make mainstream facilities more accessible, such as support or technology to help visually impaired people use gym equipment unaided. The ban on people with HIV participating in certain sports, such as boxing, was also noted as a barrier. The need for adequate numbers of staff, who are well trained was also noted.

“The availability of high quality training opportunities for sports coaches is key to ensuring these activities are inclusive and NDCS recommends the Scottish Government reference a commitment to ensuring teachers and coaches have access to training on the specific needs of disabled children and young people.”

**Third sector / equality organisation - National Deaf Children's Society**

### **Positive examples**

A number of consultees provided positive examples, and hoped that lessons could be learned from them. These included the activity of a local authority with a Legacy Plan which “contains specific actions in relation to promotion and development of disability sport” (Local government – East Ayrshire Council), the Me2 initiative with the National Children’s Deaf Society, the Try Rugby programme with the Scottish Rugby Union and the Glasgow 2012 Commonwealth Games.

“NDCS has worked with a range of sports clubs and organisations as part of the NDCS Me2 initiative. The Me2 pledge is about making clubs and organisations activities deaf friendly and fully accessible to deaf children. The vision is for young deaf people to be able to participate on equal terms with their hearing peers across a wide range of activities.”

**Third sector / equality organisation - National Deaf Children's Society**

“Road show participants were keen to stress that the Glasgow Commonwealth Games provided a great example of disability inclusion which in turn promoted a positive public message about disability so important to challenging negative attitudes and stereotyping.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

### **Engagement**

The need for engagement was highlighted, and it was suggested that in addition to engaging with disabled people more generally, children and young people should also be involved in the process.

### **Critical comments**

Those consultees who were critical of the commitment mentioned that it would only benefit a minority of disabled people. There were also concerns that disability inclusion in sports is not already being promoted, and a belief that whilst promotion was a positive step, more needed to be done in terms of investing resources to support disabled people to participate.

### **Other**

Amongst other comments made, was a call for more detail on the commitment, along with a question on why it was limited to existing activity. It was also noted that this commitment was cross-cutting and should link in with other policy initiatives including the National Conversation on a Healthier Scotland, and again the importance of transport links to access sport was highlighted.

## Commitment 15 Sportscotland investments

**15. sportscotland – the national agency for Sport will ensure that the needs of disabled people and athletes are addressed through investment to Scottish Disability Sport, Active Schools Network, the 2016 Rio Olympic Games, the 2018 Pyeongchang Winter Olympics and Gold Coast Commonwealth Games.**

Consultees were generally supportive of this commitment, and a number of comments were made about what would be required in order to make it work in practice. Table 19, below, outlines the key themes identified.

Table 19: themes identified under commitment 15

Theme identified	Number of comments relating to this theme
Generally supportive	6
Implementation	8
Critical comments	4
Other	2

### Implementation

A number of suggestions were made about what would be required in order for this commitment to work in practice. These included the need for local level access to sport; cooperation between different bodies, such as local authorities and health boards; the necessity of inclusive communication; improved funding for disabled sport; and the need to train the sporting workforce.

The importance of addressing access to sport at all levels, not just elite, was also mentioned. It was observed that more investment was required in sport for disabled children to increase their participation beyond the two hours a week PE provided at school. It was also noted that disabled people needed access to view and participate in sports in order to feel more “invested” in Commonwealth and Olympic Games.

“More investment needs to be made into local level accessible sports and fitness activities that include access to Paralympic sports. As mentioned above, if disabled people cannot get access to sports (viewing and participating) they are less likely to be themselves invested in these games. With that in mind, investment in coaching, as well as accessible travel and transport, would improve Scottish para teams’ chances of winning medals and promoting para-sports, and we therefore support this initiative”

**Third sector / equality organisation - Inclusion Scotland**

## Critical comments

Some commented that the commitment was too vague, whilst others believed that it was more important to invest money in other areas to improve disabled people's lives before focusing on sport. Another consultee believed that such support should already be in place.

"While we acknowledge that there is real benefit in Sports we feel that an appropriate income and equal life chances overall are critical to promoting equality and are a necessary precursor to sport developments for people with a disability."

**Public Body - Social Work, Dundee City Council**

## Other

Amongst the other comments one council outlined how they are currently using Sportscotland funding to improve inclusion in sport.

"The Council utilises sportscotland funding to support local delivery of national programmes such as Active Schools and Community Sports Hubs. This is utilised in inclusive provision and in particular within Active Schools we have a specific coordinator to support the development of disability activities within our special schools and support unit."

**Local government - East Ayrshire Council**

## Awareness-raising campaign

### Commitment 16 One Scotland awareness raising campaign

**16. A future phase of the One Scotland Campaign will focus on raising awareness of the barriers that disabled people face in society (2017).**

Consultees were generally supportive of this commitment, but there were also comments that barriers needed to be tackled, not just raised, and that education and training would be a better approach than an awareness campaign. Most comments contained suggestions about what the campaign could include and how it could be delivered. Table 20, below, highlights the key themes identified.



Table 20: themes identified under commitment 16

Theme identified	Number of comments relating to this theme
Generally supportive	10
What the campaign could include and how it could be delivered	20
Engagement	8
Need to deal with the barriers as well as raise awareness of them	7
Education and training better than awareness raising campaign	5
More clarity required on commitment	3

### Generally Supportive

Amongst consultees who were supportive of this commitment, the importance of attitudes towards disability and the existence of attitudinal barriers for disabled people were highlighted.

“We undertook a consultation with 1000 disabled people to determine what barriers still existed for those we support. Almost 40% of respondents saw that attitudinal barriers are their greatest concern. Capability Scotland would therefore welcome potential involvement in a national campaign similar to the ‘See Me’ campaign to tackle these barriers and promote disability equality.”

#### Third sector / equality organisation - Capability Scotland

“Environmental change is critical but insufficient without fundamental cultural and attitudinal shift and therefore we also strongly support commitment 16. We hope this will not just be a short term public awareness campaign; rather we believe this should be a long term programme of education built into all educational curricula from pre-school to higher education including professional training for those working across health, education, sports, building, planning, culture and tourism etc.”

#### Third sector / equality organisation - Independent Living Fund Scotland

### What the campaign could include and how it could be delivered

A number of consultees highlighted the importance of the campaign covering a wide range of disabilities, especially those which are “unseen” or might not immediately be obvious, such as mental health conditions, autism, learning disabilities, sensory impairments and communication support needs.

“Disability is a complex subject particularly for those who look 'normal' but may have sensory and mental issues.....these are the people whom our modern society don't make allowances”.

#### Individual



It was felt that there was a specific need to target employers and raise awareness about removing barriers to allow disabled people better access to employment.

“It was suggested that, rather than just awareness raising, the Government could also start a campaign that would inform other organisations, businesses and other employers about what they can do to break down the barriers disabled face accessing work. ‘Please, whilst showing barriers, also show how easy it can be to remove these barriers and what a great difference removal of barriers can make to disabled people’s lives.’”

### **Third sector / equality organisation - Scottish Disability Equality Forum**

It was also suggested that the campaign should promote positive messages about disabled people and their contribution to society and aim to end stigma and hate crime directed towards disabled people. There were also suggestions around very specific issues such as the impact of honour crime and forced marriage on disabled people.

“They also asked for an awareness raising campaign to highlight disabled people’s positive contribution to Scottish society; this would be wholeheartedly supported. This is because disabled people’s experience of discrimination has been rising in response to the UK government’s negative welfare cuts campaign work; and the mainstream media’s consistently negative stories about so-called benefit ‘cheats’ and ‘scroungers’. Quote: “I’ve been spat on, shouted at, pushed, bullied.” There is a plethora of evidence on the impacts and rise of disability hate crime which do not require to be reiterated here and a real sense of fear amongst disabled people that we consulted.”

### **Third sector / equality organisation - Inclusion Scotland**

In terms of how the campaign is delivered, it was suggested that schools should be involved and that mixed media be used to reach the widest possible audience. It was also suggested that the campaign should be connected with national days, such as Human Rights Day or the International Day of Disabled People to raise the profile of the campaign.

## **Engagement**

The need for engagement was highlighted, and it was stated that disabled people, DPOs and children and young people should be involved in co-producing the campaign from the start.

“We welcome the One Scotland campaign to draw awareness of the barriers disabled people face in society. In the future phase of the campaign that is referenced, disabled people should have meaningful opportunities to participate and shape the direction of the campaign. Disabled people have direct experience of these barriers and steps must be taken to ensure that it is their experiences which shape and inform the campaign.”

### **Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

### **Need to deal with the barriers as well as raise awareness of them**

Whilst awareness-raising was recognised as being a good thing, action to tackle the barriers would be even better.

“This campaign not only needs to raise awareness of the barriers but must create an expectation that people across Scotland need to work together to remove the barriers.”

**Public Body - Social Work, Dundee City Council**

### **Education and training better than awareness raising campaign**

Some respondents believed that longer term education and training opportunities would be more effective than an awareness raising campaign, and emphasised that such education should start with young children and be on-going.

“Inclusion Scotland has long been asking for disability awareness and equality to be taught as part of the mainstream curriculum, as a preventative measure to educating young non-disabled people and children not to use words related to disability in disparaging ways to bully others, and who may even grow up to commit hate crimes against members of their community. Disabled people contributing to the ILiS Interim Report of Scotland’s Disabled People’s Summit 2015 echoed these views.”

**Third sector / equality organization - Inclusion Scotland**

### **More clarity required on commitment**

It was commented that the commitment was a little vague and that more information was required, including more clarity around how it would be taken forward.

**Q5: Are there any additional commitments and/or ways that you would strengthen the Outcome 1 commitments that you have not already mentioned in any comments above?**

Forty-two consultees responded to this question. Where a comment related to a specific commitment, it was themed as part of the response to that commitment, rather than as part of question 5.

A range of comments were received in response to question 5. These included general comments about the commitments, as well as specific additions that consultees would like to see covered by the Outcome 1 commitments. Table 21, below, shows the key themes identified at question 5.

Table 21: themes identified under question 5

Theme identified	Number of comments relating to this theme
Supportive of this outcome	2
General comments	9
Commitments to add/areas to focus more on	17
Engagement	3
Models of disability	2
Other	6

### General comments

A range of general comments were made, including the need for the commitments to be firm with specific targets to be achieved by set dates, and for these commitments to constitute legal rights. There was a comment that housing and transport were key, and should be tackled before sport and culture, as appropriate housing and access to transport are prerequisites to participation in sport and culture. It was also commented that the commitments did not go sufficiently far to help disabled people realise their rights under the UNCRPD. It was stated that various UN conventions on human rights, such as the UN Convention on the Rights of the Child (UNCRC) and the UNCRPD, should not be considered and implemented in isolation, but as part of a cohesive whole. There was also a suggestion about how to better organise commitments in relation to the UNCRDP.

“The UN treaties should not be viewed in silos but rather in a way which reflects that the UNCRPD recognises the specific vulnerabilities of and difficulties facing disabled children and young people, and offers added protections in addition to their rights as enshrined in the UNCRC.”

**Third sector / equality organization - Together (Scottish Alliance for Children's Rights)**

“Identifying the issues that are preventing disabled people from enjoying their rights under each UNCRPD article and then identifying the commitments to address these issues under each article would, in our view, provide a clearer demonstration of how the Government is implementing the UNCRPD.”

**Third sector / equality organization - Equality Human Rights Commission and Scottish Human Rights Commission**

### Commitments to add/areas to focus more on

Consultees also made suggestions for general themes or specific commitments that they would like to see added under commitment one.

It was stated that there was not sufficient focus on children and young people or on early year’s policies.

“In order to strengthen the outcome 1 commitments for disabled children and young people, a Child Rights and Wellbeing Impact Assessment (CRWIA) should be used to predict, monitor, strengthen or if necessary, avoid, the impact of each commitment on disabled children and young people. This would help to identify where further commitments are necessary, or existing commitments should be amended, in order to fulfil the government’s obligations under the UNCRPD for disabled children and young people.”

**Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

“The final point I wish to make is the need to improve and transform our approach to children in their earliest years – from pre-birth through to their entry into formal education. This is a priority for my office, yet there is little mention of the early years in the document as a whole, and one which cuts across all four outcomes.”

**Public Body - Children and Young People's Commissioner**

It was believed that insufficient attention was given to mental health, learning disabilities and dementia.

“As per our response to Q2, we are disappointed by the lack of any detailed commitments with regard to mental health, learning disability and dementia. In particular, we would like to see clear commitments to ensuring that the rights in Article 19 to living independently in the community are protected in relation to learning disability and dementia. We are concerned that funding pressures in social care will result in greater use of institutional care, and the advances in independent living seen for some in the last 20 years will be undermined.”

**Public Body - Mental Welfare Commission for Scotland**

The College of Occupational Therapists suggested the inclusion of a specific commitment, “improve access to occupational therapy assessment to facilitate timely adaptations” as adaptations to a house can help older or disabled people to continue to live independently in their own homes, however the waiting lists for occupational therapy assessments to facilitate this vary across Scotland and can be lengthy.

There was a call for additional commitments for public service providers, including all public sector bodies, to require them to assess the accessibility needs of all groups of disabled people, and for public sector staff to be trained on disability and how they can help remove barriers for disabled people.

“A commitment should also be made to train all public sector staff on disability and how they can contribute to removing barriers to inclusion and participation (highlighting different issues which may arise for different types of disability).”

**Academic or Research Institute - Centre for Mental Health and Incapacity Law, Rights and Policy - Edinburgh Napier University**

Other more general suggestions included: capacity building for disabled people, including children and young people; providing more detail around affordable

housing; including the term “leisure” with culture and sport; the importance of supporting social interaction and friendships, especially in people with learning disabilities; the importance of disabled people’s right to privacy; the importance of disabled people knowing their rights and having access to information; and legislating for accessible changing places.

## **Engagement**

The need to engage with disabled people and their carers and families was emphasised, in order to take into account their experience and knowledge.

“Look at the knowledge, experience and value of disabled groups and access panels and use their strengths in areas which involve disability related decisions.”

### **Individual**

“We can only keep stressing that if the desired outcomes are to benefit those who have disabilities then it has to be guaranteed that those people will be part of the process at all levels.”

### **Third sector / equality organisation - Saving Down syndrome**

## **Models of disability**

A couple of comments were made relating to the way disability was portrayed, or the model of disability which was used. Whilst one consultee commented that they supported the social model of disability used, another commented that they would have preferred a more assets-based definition, which focuses on what people can do, rather than what they cannot.

“We are particularly supportive of a social model of disability that prioritizes environmental changes to ensure disabled people are able to be active citizens in their own community.”

### **Third sector / equality organisation - Independent Living Fund Scotland**

“There needs to be recognition that we are all different and have differing abilities. As a society we tend to focus on a person’s disability rather than their ability. I believe we need to shift the focus and emphasis – ability and not disability.”

### **Individual**

## **Other**

Additional comments included: examples from local authorities about what they were currently doing to work towards Outcome 1, with one local authority highlighting the work it was doing to include disabled people from ethnic minorities, including refugees; and a comment about the conflict between human rights, including the right of the unborn child and pre-natal screening for foetal abnormalities.

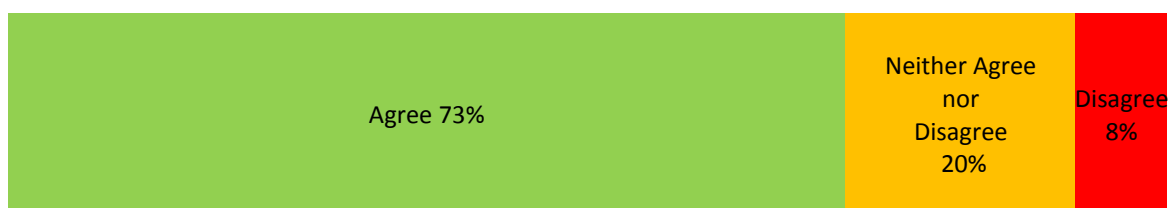
## 5. Outcome 2 – Equal and inclusive access to healthcare provision and support for independent living, with control over the best use of resources and support for disabled children

Nineteen commitments were included under Outcome 2. Consultees were asked if they agreed or disagreed that these commitments would help the Scottish Government make progress towards Outcome 2.

**Q6: Do you agree or disagree that the commitments (17-35) described at Section 2.2 will help the Scottish Government make progress towards outcome 2?**

Sixty-six consultees responded to this question. Overall the majority of those who responded agreed that these commitments would help the Scottish Government make progress towards Outcome 2. Nearly three-quarters (73%) of those who responded agreed, 8% disagreed, whilst one-fifth (20%) said that they neither agreed nor disagreed.

**Q6: Do you agree or disagree that the commitments (17-35) described at Section 2.2 will help the Scottish Government make progress towards outcome 2?**



**Q7: If you would like to make specific comments on any of the commitments intended to contribute to achieving outcome 2, please do so here. If not please skip to next question.**

Question 7 asked consultees for specific comments about any of the nineteen commitments included under outcome 2. Commitment 17 (Health Inequalities of people with learning disabilities data collection) and commitment 20 (Routes to Inclusion – ‘Engaging disabled people and their organisations’) received the most

comments, each receiving 27 comments, while commitment 22 (NHS - 2 year internship for disabled graduates in partnership with NHS Scotland and Glasgow Centre for Inclusive Living Equality Academy) received the fewest comments (12).

Table 22: Number of comments for each of the outcome 2 commitments

Commitment (Outcome 1)	No. of comments received
17. Health Inequalities of people with learning disabilities data collection	27
18. Advocacy	26
19. The New framework for Hearing the Citizen Voice	21
20. Routes to Inclusion – ‘Engaging disabled people and their organisations’	27
21. Allied Health Professionals and Independent Living – delivery plan	22
22. NHS - 2 year internship for disabled graduates in partnership with NHSScotland and Glasgow Centre for Inclusive Living Equality Academy	12
23. NHS Scotland Learning Disability Employment Programme	17
24. Disability Inclusion Promotional Campaign	19
25. Measure compliance of NHS Boards on embracing equality diversity and human rights in the NHS in Scotland	21
26. Child Rights and Wellbeing Impact Assessment (CRWIA) for all policy development affecting children	22
27. Fund for projects to support disabled children and their families	20
28. Information Hub	21
29. Transitions Test of Change Project	17
30. Child Internet Safety stakeholder group	13
31. Review of inclusion of people with learning disabilities or autistic spectrum disorders under the Mental Health (Care and Treatment) (Scotland) Act 2003.	20
32. Consult on Scottish Law Commission’s review of the Adults with Incapacity Act and thereafter carry out a scoping exercise in relation to a wider review of the Adults with Incapacity legislation.	21
33. Review of policies on guardianship and consider circumstances in which supported decision making can be promoted	18

34. An integrated children's rights and equalities impact assessment for the Scottish Children's Reporter Administration	14
35. Enhanced learning and development framework for foster carers	16

## Health: Care, Support and Rights

### Commitment 17. Health Inequalities of people with learning disabilities data collection

**17. Health Inequalities of people with learning disabilities data collection – research has indicated that people with learning disabilities die younger and this can be avoided. The Scottish Government will work with partners to support the use of the data in the development of NHS action plans to improve health services. These plans will help NHS Boards to identify what people with learning disabilities need and address the health inequalities to reduce early mortality. (2016-17)**

Consultees were generally supportive of this commitment, but there were calls for it to be extended to cover all disabilities. There were also calls to address the causes of health inequalities. Table 23, below, outlines the key themes identified for commitment 17.

Table 23: themes identified under commitment 17

Theme identified	Number of comments relating to this theme
Generally supportive	14
Widen scope of commitment	12
Gathering the data	9
Addressing the cause of health inequalities	4
Engagement	1
Other	4

#### Widen scope of commitment

Whilst being generally supportive of the commitment, there were calls for it to be extended beyond those with learning disabilities and to include people with all disabilities, as people with disabilities other than learning disabilities also suffer from health inequalities. Specific groups mentioned included: people with HIV; people with mental health problems; people with cerebral palsy; and people who are D/deaf.



“We agree that this is a worthwhile area of work, however we do not agree that this should be limited towards those with a learning disability. Improved data collection and sharing of information is critical to deliver more effective services for all disabled people.”

**Third sector / equality organisation - National Deaf Children's Society**

There were also calls for the data collection to extend beyond health boards and include Health and Social Care Partnerships.

### **Gathering the data**

Some consultees commented on the practicalities of collecting the data, or had specific requests, such as identifying gaps around people with complex needs, or requesting more detailed information, such as inclusion of data on communication support needs. Other consultees commented on the need to link data, for example data linkage from different data sets and linking in to commitments in the Mental Health (Scotland) Act. Some consultees referenced the Keys to Life Strategy. One consultee commented that this data might be biased towards those who are in receipt of formal support services, rather than those who have no or few support needs and may not be known by local authorities. Wider sources of data collection, therefore, might be required.

“The keys to life learning disability strategy prioritises this data collection and data linkage between different data sets. This is an important example of the need for Scottish Government departments to work together to implement this strategy.”

**Third sector / equality organisation - Scottish Commission for Learning Disability**

“Capability Scotland would strongly support this commitment. It should be recognised that the data in this regard is biased towards those with learning disabilities who require formal support services and away from those who have no, or few, support needs and who therefore may not be known to local authorities... It may be increasingly necessary to collect data from sources other than local authorities, such as directly from colleges, day centres and supported employment agencies.”

**Third sector / equality organisation - Capability Scotland**

### **Addressing the cause of health inequalities**

There was a belief that the causes of health inequalities needed to be addressed in addition to gathering data on them.

“Over 70% of online respondents felt that better data collection and subsequent research could help tackle health inequalities amongst people with learning difficulties. However, respondents also felt that a lack of resources, specialist staff and insufficient staff training within the NHS was contributing to health inequalities for people with learning difficulties and that these issues should be addressed directly rather than a sole commitment to improving data quality in this area.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## Engagement

Engagement with relevant stakeholders was also mentioned.

## Other

Other comments related to learning disabilities in a wider sense, rather than in relation to data collection and included the need to ensure that NHS staff have a better understanding of learning disabilities. There was also a comment that not all inequalities experienced by people with learning disabilities are health inequalities and that better support to interact in their communities would benefit people with learning disabilities and reduce social inequalities.

## Commitment 18. Advocacy

**18. Advocacy – the Scottish Government will work in partnership with advocacy partners to ensure the voice of people with learning disabilities is heard. (2016-17)**

Whilst most who commented were broadly supportive of this commitment, there was a belief that advocacy should be extended beyond people with learning disabilities to other disabilities. Table 24, below, shows the key themes identified for commitment 18.

Table 24: themes identified under commitment 18

Theme identified	Number of comments relating to this theme
Generally supportive	19
Widen out advocacy to other groups	15
Implementation	13
Dissatisfaction with current advocacy arrangements	3
Building awareness of advocacy	2
Critical comments	5

### Generally supportive

There was a general feeling that advocacy for people with learning disabilities was a good thing and could help to empower them.

“Advocacy can help to ensure that people with learning disabilities have the information they need to make decisions about all aspects of their lives, including the care and support they receive.”

**Third sector / equality organisation - Scottish Learning Disabilities Observatory**

## Widen out advocacy to other groups

Whilst there was support for advocacy for people with learning disabilities, there were questions about why this commitment was limited to advocacy for those with learning disabilities and calls for advocacy to be extended to other groups. It was commented that people with any disability should have access to advocacy, and a number of consultees stressed the importance of advocacy for children and young people. There was a suggestion that advocacy provision should include family and carers. The importance of advocacy at different stages, including transition points for disabled young people, was noted and should be made available across all health interventions, including for those who are in-patients and out-patients.

“The vagueness of this commitment and its narrow focus on people with learning disabilities was a source of great concern, and even fear, for a number of disabled people we consulted. There was felt to be a danger that this commitment has potential to narrow down the scope of who gets advocacy for what. While in no way denying the importance of advocacy for people with learning disabilities, it is crucial that advocacy is available to all disabled people who need it. This point was made forcibly by young disabled people and by LGBT disabled people, and was also mentioned at other events we held. It was felt that, ‘disabled people are not listened to – this is why we need independent advocacy’ (young disabled person at Glasgow event) and that, ‘the right to independent advocacy should be enshrined for all disabled people.’ (LGBT disabled people’s event).”

### **Third sector / equality organisation - Inclusion Scotland**

“All children and young people have the right to have their views, wishes and feelings taken into account when decisions are made about their lives (article 12, UNCRD). This is particularly important for disabled children and young people and the importance of high quality independent advocacy cannot be stressed enough. The advocacy process itself can improve a child or young person’s confidence and self esteem and enhance their independence. This is particularly important for children and young people with communication needs or severe learning disabilities, where assumptions are often made that the child is lacking capacity and is unable to express a view or contribute to complex decision making. There is much evidence to show that this is not the case, but rather the contrary if they are supported and enabled to do so through advocacy.”

### **Public Body - Children and Young People's Commissioner**

## Implementation

A number of consultees commented on the funding and delivering of advocacy services, and emphasised the importance of adequately resourcing them. The establishment of a national advocacy service was called for, and the importance of advocacy being independent was also emphasised. It was also suggested that advocacy should be made more accessible, and that adherence to advocacy duty should be monitored.

“I write as a Trustee of an Advocacy Charity. The importance of such resources in achieving a proper balance and securing a voice in what can be a complex, bureaucratic and legalistic process cannot be overstated.”

## **Individual**

“There was a call for a National Disability Advocacy Service for all disabled people to support or replace often patchy provision provided by local groups who often rely on volunteers. The need for communication support and interpretation to be provided and funded as part of advocacy provision was also discussed by respondents at the road shows.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

### **Dissatisfaction with current advocacy provision**

Some consultees took the opportunity to voice their dissatisfaction with current advocacy provision. It was commented that disabled people’s voices were not being heard and that they were not being listened to in relation to decisions affecting them, particularly those with mental health conditions or learning disabilities. It was stated that advocacy services could be hard to find, or hard to access, and some dissatisfaction was expressed with the quality of some advocacy provision.

“The consequences of not having access to advocacy include the loss of voice, choice and control (as necessary for independent living) when it comes to important decisions affecting disabled people’s lives. There were numerous examples given of disabled people’s voices not being heard: “Everyone else seems to decide what’s best for me”. Professional people, including people working for care agencies, could be intimidating and “Medics don’t talk to me, they talk to my parents” (disabled young people).”

**Third sector / equality organisation - Inclusion Scotland**

### **Building awareness of advocacy**

It was believed that there should be a greater awareness around the role of advocacy both amongst disabled people and health and social care professionals.

### **Critical comments**

There were a few comments which were critical of the proposal, including the belief that the commitment was too vague and too narrow. Some consultees also preferred professionals to communicate directly with the disabled person or their family without the need for an advocate.

## Commitment 19. The New framework for Hearing the Citizen Voice

**19. The New framework for Hearing the Citizen Voice – the Scottish Government will implement this new framework which will operate across health and social care. Tests of Change, Citizen Voice Hub, Gathering Stories and a Citizens Panel will add value at individual, local and national level, supporting improvement and empowering people to be equal partners in their care. By the end of 2017 we will have systems and processes at local and national level for involving people in improving services and evidence to support this citizen participation. (2016-17)**

Consultees were generally supportive of this commitment, and provided comments about how it should work in practice. Engaging with disabled people and inclusive communication were particularly highlighted. Table 25, below, shows the key themes identified for commitment 19.

Table 25: themes identified under commitment 19

Theme identified	Number of comments relating to this theme
Generally supportive	10
Implementation	18
Critical comments	2
Other	1

### Generally supportive

A number of consultees were generally supportive of this commitment.

“We support the principle of citizen participation and believe this approach has the potential to contribute to the evidence base for service improvement. We believe this approach will help to increase awareness of the reasonable adjustments that are necessary to underpin effective action to address the inequalities experienced by different groups.”

**Third sector / equality organisation - Scottish Learning Disabilities Observatory**

### Implementation

Some consultees commented on how hearing the Citizen Voice should work in practice. It was believed that the system needed to be “joined up”, and that engagement was required with relevant stakeholders, including disabled people. It was noted that people with learning disabilities and complex needs should be included in the process. Some suggested that families and carers should also be included. The importance of inclusive communication was highlighted. It was stated that such a framework needed to value disabled people’s knowledge and experience and that it was important that action was taken as a result of what

people said. It was also suggested that social care should be included in addition to health care and that the right to informed choice should be included. The framework would need to be well promoted and advertised to disabled people and DPOs.

“We are broadly supportive of any commitment to involve disabled people in improving health and social care services, particularly given the opportunities and challenges presented by the integration of these services. Capability Scotland is concerned that this framework may not include those we support. We call on the Scottish Government to ensure that systems and processes concerned with citizen participation support active involvement by disabled people with complex needs.”

**Third sector / equality organisation - Capability Scotland**

“What disabled people want is coordinated action between policy and decision makers in co-production with them.”

**Third sector / equality organisation - Lothian Centre for Inclusive Living (LCiL)**

### **Critical comments**

Those who were critical of this commitment did not believe that it would make a difference, In addition there were concerns that only those who “shout the loudest” would be listened to.

### **Other**

One consultee expressed the opinion that listening to the Citizen’s Voice should be an over-arching theme throughout the delivery plan, rather than a specific outcome.

## **Integration of Health and Social Care**

### **Commitment 20. Routes to Inclusion – ‘Engaging disabled people and their organisations’**

**20. Routes to Inclusion – ‘Engaging disabled people and their organisations’ is funded by the Scottish Government for engagement between disabled people, their organisations, Third Sector Interfaces and Integration Partnerships. It will show through evidence how disabled people can fully participate in locality and strategic planning groups. (2016)**

Consultees were generally supportive of this commitment and a number of comments focused on the engagement process, as well as highlighting the need to make the process accessible and inclusive. The need to build on existing work and share learning was also emphasised. Table 26, below, shows the key themes identified.

Table 26: themes identified under commitment 20

Theme identified	Number of comments relating to this theme
Generally supportive	8
Implementation	13
Engagement	9
Critical comments	4
Other	7

### Implementation

In taking this commitment forward it was noted that it was important to build on existing work in local areas, and to share learning widely so as to avoid duplication of effort.

The importance of making the process accessible and inclusive was emphasised. Meetings should be physically accessible and inclusive communication should be used.

Some commented on funding arrangements. It was commented that the third sector would require adequate funding in order to facilitate and support disabled people’s engagement. There was also a belief that longer term funding was required in order to build capacity and make the process meaningful.

“Capacity building for this activity requires significant and sustained resources - these are increasingly under threat due to on-going budget restrictions across the public sector.”

**Local government - Stirling Council**

### Engagement

A number of comments related to the importance of engaging with disabled people and DPOs, and it was emphasised that people with learning disabilities should be included in the process. The importance of early engagement was highlighted. One consultee suggested that it would be valuable to train and support disabled people to take part in locality and strategic planning groups. It was commented that the Scottish Government should work more closely with disability organisations.

“Capability Scotland would encourage the Scottish Government to broaden its approach to purposefully include working alongside disability organisations, such as those within the DAS alliance. These organisations provide considerable insight into the lived experiences of disabled people, their carers, as well as wider insight into the policy impacts and the role of the third and public sectors in removing barriers to independent living for disabled people.”

**Third sector / equality organisation - Capability Scotland**



## Critical comments

A number of critical comments were made including: not believing that the commitment would make a difference; not believing that disabled people would be adequately involved; not believing that it would lead to concrete action; and a belief that third sector interfaces are not effective, but add another layer of bureaucracy between the disabled person and the decision maker.

## Other

Other comments focused on the need for a clear strategy and a consistent process. It was also noted that more needed to be done to encourage disabled people to participate. It was also noted that the process (so far) had been health-led (as opposed to equally integrating social care). Another commented that it was disappointing that this was the only commitment in the plan under the heading of “Integration of Health and Social Care”.

## Allied Health Professionals and Independent Living

### Commitment 21. Allied Health Professionals and Independent Living – delivery plan

**21. A two-year Active and Independent Living Improvement Programme will include an updated delivery plan for Allied Health Professionals (AHPs). It aims to find new and innovative ways to help people with illness, disability or injury to lead healthy lives and stay in their own homes. Three improvement advisors will be appointed to ensure best practice is adopted throughout Scotland. The Scottish Government will hold engagement events – which will include the national conversation – throughout Scotland with NHS Health Board AHP Directors and the public, social care, justice, housing and the third sector. (2017-20)**

The majority of consultees were supportive of this proposal, but there were others who were critical. Table 27, below, shows the key themes identified for commitment 21.



Table 27: themes identified under commitment 21

Theme identified	Number of comments relating to this theme
Generally supportive	11
Critical comments	4
Dissatisfaction with current experiences with Allied Health Professionals (AHPs) and geographical variation	4
Training	4
The role of Allied Health Professionals (AHPs)	3
Inclusive communication	2
Engagement	1
Other	4

### Generally supportive

A number of consultees were generally supportive of this commitment.

“Capability Scotland welcomes this commitment and is supportive of the shift in focus towards a self-supported management model for children and young people.... We hope the findings from our research on access to allied health provision for adults with cerebral palsy due for publication in the coming months will inform action on this commitment. We have found that 87% of adults have never been spoken to by a health professional about self-management. 71% of these adults reported that they would be interested in someone talking to them about this. Furthermore, almost 50% of AHP’s reported that they have not received training in self-management, but that this is something they would like to happen.”

**Third sector / equality organisation - Capability Scotland**

### Critical comments

A range of views came from those who were critical of this commitment, including a preference for a “bottom-up” approach rather than a “top down” approach to care plans; doubt that anything would actually come from this commitment; and a concern that the appointment of advisors might divert funding away from AHP services.

“We would be concerned that the funding for advisors diverts funding from under-resourced Allied Health roles. There are currently issues around elderly people who can’t get out of hospital due to a lack of support services.”

**Third sector / equality organisation - Saving Down syndrome**

## **Dissatisfaction with current experiences with Allied Health Professionals (AHPs) and geographical variation**

Some consultees expressed their dissatisfaction with current experience of AHPs. It was felt that it is important to learn from people's negative experiences. Geographical variation of service provision was also mentioned, and it was noted that service provision is limited or non-existent in certain areas.

“The range of comments we received on the commitment suggested that disabled people may have very negative experiences of accessing the services of Allied Health Professionals (AHPs), particularly OT provision and wheelchair and seating services. SDEF feels that these experiences need to be investigated in greater depth given the importance of these services to independent living. Lessons learnt from these experiences, particularly those that relate to the importance of successful communication with disabled people, should be incorporated into the delivery plan or codes of practice for AHPs. One respondent felt that the Delivery Plan might have less impact in some areas where service provision is limited or non-existent- ‘there are no Learning Disability Nurses in Orkney – so this plan will have less impact there.’”

**Third sector / equality organisation - Scottish Disability Equality Forum**

### **Training**

The importance of training was mentioned. It was suggested that AHPs should be given disability awareness training, and that they should learn from people's negative experiences. Another consultee noted the need for non-health professionals within organisations to receive basic healthcare training.

“We see this as a very important area in promoting independent living, and hope that integration of health and social care will result in better provision of healthcare training to non-healthcare staff in provider organisations.”

**Third sector / equality organisation - Sense Scotland**

### **The role of Allied Health Professionals (AHPs)**

The role of AHPs was discussed by some consultees. It was mentioned that AHPs needed to be engaged with the self-management process. It was felt that there should be collaboration between professions and that the experience of AHPs should be drawn upon throughout the delivery programme.

### **Inclusive communication**

The importance of inclusive communication, including the use of BSL was highlighted.

### **Engagement**

Engagement with appropriate stakeholders was seen as important.

“Ensure that the improvement advisors are supported to engage with appropriate stakeholders. Partnership projects and approaches will support innovative and creative solutions.”

**Academic or Research Institute - PAMIS**

**Other**

Other comments included a call for more information around this commitment and that the commitment would require adequate funding. Comments were also made relating to the importance of supporting child to adult transitions and providing people with enough specialist equipment to meet their daily needs.

**NHS Disabled Graduates**

**Commitment 22. NHS - 2 year internship for disabled graduates in partnership with NHSScotland and Glasgow Centre for Inclusive Living Equality Academy**

**22. The Scottish Government will introduce a two-year internship for disabled graduates in partnership with the NHSScotland and Glasgow Centre for Inclusive Living Equality Academy. (2016-18)**

Consultees were generally supportive of this commitment, but there were also calls to extend this opportunity to other workforces outside the NHS. Table 28, below, shows the key themes identified.

Table 28: themes identified under commitment 22

Theme identified	Number of comments relating to this theme
Generally supportive	11
Broaden this opportunity out across other workforces	6
Other	4

**Generally supportive**

Consultees were broadly supportive of a two year internship for disabled graduates within the NHS.

“Leonard Cheshire Disability strongly supports paid internship schemes for disabled people. Although disabled young people have similar aspirations to their non-disabled peers, there is clear evidence that they often find it more difficult to make the transition from education into work with disabled people nearly four times more likely to be unemployed at age 26 than their non-disabled peers.”

**Third sector / equality organisation - Leonard Cheshire Disability**

## **Broaden this opportunity out across other workforces**

Despite being generally supportive of the commitment there were calls for it to go further, and for internships to be extended to other workforces too.

“We agree that these actions are appropriate but in addition to this there needs to be a focus that does more to increase employment of people with disabilities across Scotland’s workforce.”

**Public Body - Social Work, Dundee City Council**

### **Other**

Other comments included a hope that this would be a longer term investment rather than a one-off programme. There was also a suggestion to introduce internships for non-graduate disabled people. It was also noted that such schemes had the potential not only to benefit the individual disabled graduate but also to raise awareness of disability more widely amongst those working with the intern.

“It is to be hoped that this will not just be a one-off scheme but the start of an on-going programme. Through Inclusion Scotland’s experience of placing and supporting interns in political settings and with third sector organisations, it has been demonstrated that this can be a very effective means, not just of enhancing their employability but of promoting lasting positive change to attitudes and practices. We believe there is great scope to place interns in a range of settings, including in the field of health and social care, in order to increase understanding of the barriers disabled people face and how to remove them, and so that interacting with disabled people as fellow colleagues becomes a normal familiar, everyday occurrence.”

**Third sector / equality organisation - Inclusion Scotland**

“Research shows that the level of highest qualification held by disabled young people is generally lower than that of young people without a disability. In addition to internships for disabled graduates, Leonard Cheshire Disability believes that an increase in internships and apprenticeships for disabled people who have qualifications lower than degree level would be beneficial in progressing the outcomes of this action plan.”

**Third sector / equality organisation - Leonard Cheshire Disability**

## **Learning Disability Employment Programme**

### **Commitment 23. NHS Scotland Learning Disability Employment Programme**

**23. The Scottish Government will take forward plans to develop a NHSScotland Learning Disability Employment Programme with tools and guidance to support Health Boards to increase the number of people with learning disabilities employed with them. (2016)**

Consultees were generally supportive of this commitment, although it was felt that it could be extended to other workforces too. Once again the need for engagement was highlighted. Table 29, below, shows the key themes identified.

Table 29: themes identified under commitment 23

Theme identified	Number of comments relating to this theme
Generally supportive	9
Broaden this opportunity out across other workforces	7
Engagement	6
Implementation	2
Critical comments	2
Other	1

### **Broaden this opportunity out across other workforces**

Whilst increasing employment opportunities for those with learning disabilities in the NHS was seen as a positive step, there was a feeling that this should be extended to other workforces too.

“75% of online respondents were supportive of this commitment. It was felt that the programme could provide useful information for the employment of people with learning disabilities more generally: ‘Could lessons learned and materials used be adapted for business more generally? It is not necessarily the case that people with learning disabilities would choose the NHS as an employer and I feel that more choice would be beneficial.’ Respondents felt that such programmes should not be solely the domain of the NHS as many other organisations and businesses would benefit from this programme.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

### **Engagement**

The importance of engagement with disabled people, specialist third sector organisations and employers was highlighted. It was stated that disabled people should be involved in the development of tools and guidance.

“All tools and guidance should be developed in full consultation and with the participation of those with disabilities.”

**Third sector / equality organisation - Saving Down syndrome**

“We know from our experience of supporting disabled people into work that effective employment support for disabled people should include engagement with employers. The NHS is one of the biggest employers in Scotland and therefore we

support the principle of the Scottish Government developing tools and guidance to help increase the number of disabled people in the NHS workforce.”

**Third sector / equality organisation - Leonard Cheshire Disability**

**Implementation**

The necessity for inclusive communication and the need for sustained funding over a period of time were emphasised.

**Critical comments**

Scepticism was expressed that this commitment would have any impact, and another comment stated that a more holistic approach was required through legislation.

**Disability Inclusion Promotional Campaign**

**Commitment 24. Disability Inclusion Promotional Campaign**

**24. We will raise awareness through a promotional campaign to NHSScotland Human Resource leads, service managers and staff on the range of organisations and expertise available to provide advice and good practice on disability inclusion. The Business Disability Forum will be an example of where awareness will be promoted. (2016)**

There was some support for this commitment, although it was thought that it should be extended to other workforces. There was some criticism around this commitment, with a feeling that it was too narrow and that a promotional campaign within NHS Scotland was not necessarily the most appropriate approach. Table 30, below, shows the key themes.

Table 30: themes identified under commitment 24

Theme identified	Number of comments relating to this theme
Generally supportive	7
Broaden this opportunity out across other workforces	5
Engagement	3
What should be included in the campaign	2
Inclusive communication	1
Critical comments	8

**Broaden out to employers more widely**

It was commented that this commitment should be extended to employers more widely, rather than just the NHS.

“This could include specific reference to local authorities and other public bodies as well as NHS Scotland.”

#### **Local government - East Ayrshire Council**

##### **Engagement**

It was emphasised that it was important to engage with disabled people, specialist third sector organisations and employers.

##### **What should be included in the campaign**

A couple of comments referred to the types of disability which should be included as part of this awareness raising campaign. Autism was specifically mentioned, as was deafness. It was also emphasised that deafness inclusion needs to be dealt with in a different way from disability inclusion more generally.

“We welcome this. We feel it would not work if Deaf is part of disability inclusion. There is a real difference between disability inclusion and Deaf inclusion, mainly because of language, culture and communication issues. BDA Scotland is happy to work with NHS Scotland to provide advice and good practice on Deaf inclusion.”

#### **Third sector / equality organisation - British Deaf Association**

##### **Inclusive communication**

The importance of inclusive communication was mentioned.

##### **Critical comments**

Those who were critical tended to criticise the narrowness of the campaign, and thought that a much wider campaign aimed at the general public was needed. Others believed that any sort of awareness-raising campaign was insufficient and that what was required were longer term strategies including education from nursery and school age as well as challenging media and social media perceptions of disability. It was also felt that much more detail was required about this commitment.

“Inclusion needs to be addressed at a community level as well as nationally. We need more activity than a single campaign to help people understand diversity and prevent negative stereotyping attitudes. Anti-stigma campaigns need to be more joined up rather than single focus e.g. See Me, Stick your labels etc. Media and social media portrayals of disability need addressed. Images of disability need to be challenged and also public education is required about ‘invisible’ disability.”

#### **Public Body - Social Work, Dundee City Council**

## Equality and Human Rights in NHSScotland

### Commitment 25. Measure compliance of NHS Boards on embracing equality diversity and human rights in the NHS in Scotland

**25. The Scottish Government will measure the compliance of NHS Boards on embracing equality diversity and human rights in the NHS in Scotland, linking it to Scotland's National Action Plan for Human Rights (SNAP). (2016)**

Whilst there was support for this commitment, it was felt that more details were required on how compliance would be measured and enforced. It was also mentioned that compliance around human rights needs to be wider than just the NHS. Table 31, below, shows the key themes identified.

Table 31: themes identified under commitment 25

Theme identified	Number of comments relating to this theme
Generally supportive	8
More detail needed on how compliance will be measured and enforced	6
Compliance needs to be measured wider than just NHS	5
Dissatisfaction with the way NHS currently deals with equality and human rights	5
Inclusive communication	2
Engagement	1
Critical comments	2
Other	6



## **More detail needed on how compliance will be measured and enforced**

Whilst there was support for this commitment, it was believed that more detail was required around how compliance would be measured and enforced. It was commented that it would be helpful if compliance and consideration of rights could be integrated into current inspection processes. One suggestion was that a wide range of evidence be gathered, including from disabled staff, patients and visitors. Some consultees asked about the processes involved and what sanctions, if any, there would be for non-compliance.

“It is vital to measure the compliance of human rights within the health care system. This should be promoted as an opportunity to reaffirm the commitment of the NHS in upholding patients human rights at all times. However, there is no detail within the action plan of how such compliance will be measured. We urge the Scottish Government to integrate rights compliance into current inspection and scrutiny processes for public services, as well as integrating considerations of rights into tendering processes.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

## **Compliance needs to be measured wider than just NHS**

It was noted that compliance should be measured across all public bodies, not just the NHS. Social care in particular was mentioned, given the closer integration between health and social care, and the role that social care can play in the lives of disabled people.

“The ‘where we want to be’ statement refers to a joined up health and support system that has independent living at its core. As such given the establishment of Health and Social Care Partnerships and the obligations placed upon local authorities in relation to self-directed support to focus on Health Boards does not take account of the whole system of health and social care.”

**Local government - East Ayrshire Council**

## **Dissatisfaction with the way NHS currently deals with equality and human rights**

Some consultees expressed their dissatisfaction with the way that the NHS currently deals with human rights and some provided specific examples of experiences where they felt that their human rights had not been taken into account. These examples included: issues in relation to mental health legislation, diagnosis, and the length of time before receiving treatment; not receiving required specialist equipment; lack of access in hospital wards; lack of specialist staff in certain geographical areas; difficulty accessing services such as GP appointments; and not being listened to.

“The extent to which current NHS Scotland practice fails to enact disabled people’s human rights and equality was starkly illustrated by many of the disabled people we engaged with. For example: “Very long waiting times for mental health treatment – not referred to specialists” (disabled asylum seeker/refugee woman)...“I use a

tracking hoist and wheelchair. My hoist gets more attention than I do!” (young disabled person at Glasgow event);”

### **Third sector / equality organisation - Inclusion Scotland**

#### **Inclusive communication**

The need for inclusive communication, including BSL was highlighted.

#### **Engagement**

Engagement with expert stakeholders was mentioned.

#### **Critical comments**

Those who were critical of this commitment noted that the NHS should already be complying with human rights. There was also scepticism around whether or not this commitment would actually do anything to stop discrimination.

#### **Other**

Concerns were expressed about the process of pre-birth screening for foetal abnormalities, and the conflict between this and human rights, including the rights of the unborn child. A comment was also made about monitoring the recommendations of the report on Human Rights in Mental Health Care. Another comment expressed the desire for disabled people to enjoy the same rights as non-disabled people.

“We are concerned that present attitudes and practices around prenatal screening can foster the assumption that those with Down syndrome and other conditions have no inherent worth (or not enough to be worth protecting by the State). DS organisations, families and people with DS can testify to how worthwhile and precious their lives are. Human rights are made arbitrary by treating those with specific disabilities as unworthy of life. The purpose of prenatal screening is to do just this.”

### **Third sector / equality organisation - Society for the Protection of Unborn Children (SPUC) Scotland**

“We would also wish to see action to implement and monitor the recommendations of the report on Human Rights in Mental Health Care, produced by MWC and the Scottish Human Rights Commission in implementation of Commitment 5 of the Government’s Mental Health Strategy for 2012-15.”

### **Public Body - Mental Welfare Commission for Scotland**

“We would want to see people’s rights to the full range of interventions that non-disabled people are offered being acted on, and no assumptions being made about a person’s ability to comply with post-op therapies without first discussing these with the person and / or their paid / unpaid carers.”

### **Third sector / equality organisation - Sense Scotland**

## Children’s Rights and Wellbeing

### Commitment 26. Child Rights and Wellbeing Impact Assessment (CRWIA) for all policy development affecting children

**26. The Children and Young People (Scotland) Act 2014 requires Scottish Ministers to consider what they are doing to comply with the UN Convention on the Rights of the Child (UNCRC). This is a significant milestone for children’s rights in Scotland. From June 2015 the Scottish Government is using the Child Rights and Wellbeing Impact Assessment (CRWIA) in the development of all policies and services that affect children. CRWIA supports improved participation and engagement with children and young people including those who are disabled, so that their views and experiences can inform policies.**

Consultees were generally supportive of this commitment. The importance of engaging with disabled children and young people, their families and carers and organisations was emphasised. Comments were made about the practical implications of taking this commitment forward and there were suggestions that Child Rights and Wellbeing Impact Assessments (CRWIAs) should be conducted more widely as many policies will impact on children. Table 32, below, shows the key themes identified.

Table 32: themes identified under commitment 26

Theme identified	Number of comments relating to this theme
Generally supportive	12
Engagement	7
Implementation	6
Needs widening out, lots of policies will have impacts on children	4
Other	4

#### Engagement

Engagement with disabled and non-disabled young people, their families and carers as well as a wide range of third sector organisations and professionals was seen as crucial.

“It is important that children’s’, both from disabled and non-disabled, views and suggestions are actually listened to and more importantly included within the policies and services that affect them.”

#### Individual

“Please consider family carer involvement in order to support children with PMLD [profound multiple learning disabilities]... No one profession or group has the

answers for these children. It requires a collective approach, valuing all contributions.”

#### **Academic or Research Institute - PAMIS**

“We welcome this. However, we are still unclear how this will effectively works for Deaf children and young people. We ask for Deaf professionals to be part of this process, ensuring that Deaf children and young people have their views and experiences properly heard in order to inform policies.”

#### **Third sector / equality organisation - British Deaf Association**

### **Implementation**

A number of comments related to the practicalities of taking this commitment forward and carrying out CRWIAs. There were calls for further information, including the skill set of the staff carrying out CRWIAs, how children and stakeholders would be involved, and how it would link with Getting It Right for Every Child (GIRFEC), and Equality Impact Assessments (EQIAs). The need for inclusive communication and responding to speech and communication needs was emphasised, as was a suggestion for regularly reviewing the impact of carrying out CRWIAs. The necessity of developing practical guidance on conducting CRWIAs was also mentioned, with one organisation, Capability Scotland, referring to work it had undertaken on “Empowered and Effective Decision Making by Disabled Children and Young People”, and suggesting that findings from that could be incorporated into the development of any such guidance.

“It is positive that the framework for completing CRWIAs includes questions around disabled children and requires consideration of the impact of the policy on groups of children. We would welcome further information on how it will be assured that those completing CRWIAs have the appropriate skills and knowledge to take full account of the needs of disabled children in their assessments. Consultation and liaison with third sector organisations, parents/carers and disabled children and young people themselves would be important here.”

#### **Third sector / equality organisation - National Deaf Children's Society**

### **Other**

It was suggested that commitments relating to children’s rights and wellbeing should form a separate outcome - Outcome 5.

## Commitment 27. Fund for projects to support disabled children and their families

**27. Funding for projects to support disabled children and their families – applications are being made as part of a new children and families early intervention fund for 2017-20. The Disabled Children and Young People Advisory Group (DCYPAG) will continue to advise Ministers on policies relating to disabled children and their families, with a particular focus on the implementation of the Children and Young People (Scotland) Act 2014.**

Consultees were generally supportive of this commitment, although it was thought that more information was required. A number of comments concerned the practicalities of implementing this fund. Table 33, below, shows the key themes identified.

Table 33: themes identified under commitment 27

Theme identified	Number of comments relating to this theme
Generally supportive	8
Implementation	8
More information required about this commitment and how it will work	6
Engagement	3
Critical comments	2
Other	4

### Implementation

Comments were received around how this fund could be implemented. Some consultees commented that the short term nature of the funding might lead to sustainability issues. There were calls to monitor and evaluate the fund, and it was felt that successful projects should be duplicated. Partnership working across sectors was also mentioned. The need to take into account speech, language and communication difficulties was highlighted.

“We would hope that such funds cover sufficient periods to enable sound planning and real long-term evaluation of impacts to take place.”

**Third sector / equality organisation - Sense Scotland**

“It would be useful to coordinate funding so that partnership working across sectors is maximized. More involvement of a range of partners will support broader creativity and innovation and better use of resources.”

**Academic or Research Institute - PAMIS**

## **More information required about this commitment and how it will work**

It was thought that more information about this commitment was required, including eligibility criteria and how families could find out about and apply for funding. It was also thought that there was a lack of clarity about its aims and how it would benefit disabled children. Some confusion was expressed about the reference to the Advisory Group in the commitment and how this related to the fund.

“Again, without the detail on the kinds of projects that commitment 27 might support, it was difficult to consult disabled children and young people and their families on this commitment. Who is this funding open to? What are its aims, and how will it benefit disabled children and young people?... We are also unsure how the second part of this commitment, details about the Disabled Children and Young People’s Advisory Group (DCYPAG), relates to the top line. We suggest that this is replaced within its own commitment.”

### **Third sector / equality organisation - Inclusion Scotland**

#### **Engagement**

The necessity of engaging with disabled children and young people and key stakeholders was emphasised. One consultee had consulted with disabled people, including children and young people, prior to responding to the consultation, and had included questions in their survey about what projects such funding could be used for. It was suggested that information such as this was taken on board when developing the fund.

“Inclusion Scotland has consulted disabled young people about what they need in terms of additional support. We also included some ideas in our survey for disabled people on the [Disability Delivery Plan] DDP of what such funding might be used for... In a question in the survey we asked disabled people which three ideas for projects are more important to them. The top three ideas rated were: availability of local respite services; information about advocacy and carer support for parents; have more children involved in projects to inform the development of law and improve available services.”

### **Third sector / equality organisation - Inclusion Scotland**

#### **Critical comments**

Two objections were expressed. The first was that a distinction should not be made between disabled and non-disabled people, and the second was that support should not come from special short-term funded projects, but should be delivered through the local community.

#### **Other**

Comments included wanting the Advisory Group to extend its remit beyond the Children and Young People (Scotland) Act, and current dissatisfaction with the services in place for disabled children and their families.

“Capability Scotland would encourage the Disabled Children and Young People Advisory Group (DCYPAG) to expand its focus beyond the implementation of the



Children and Young People (Scotland) Act 2014 to ensure disabled children and young people’s empowered and effective engagement to the group, developing national policy, services and legislation.”

**Third sector / equality organisation - Capability Scotland**

“LCiL would be very interested to hear more about this initiative. Currently funded by Scottish Government to work with parents of disabled children we are hearing harrowing stories of parents let down by the system, without support, struggling to keep their families together and left with no information about their rights or entitlements.”

**Third sector / equality organisation - Lothian Centre for Inclusive Living (LCiL)**

**Commitment 28. Information Hub**

**28. Information Hub – parents and carers of disabled children and young people often struggle to find the information that they need about their rights, support services, health and benefits. The Scottish Government will start to develop better information by finding out what the information needs of disabled children and their families are and presenting proposals for implementation 2016 onwards. (2016 ongoing)**

Consultees were generally supportive of this commitment. The importance of providing accessible information for disabled children and young people and their families, and the importance of having information in one place were emphasised by consultees. The need for engagement and inclusive communication were also highlighted. Table 34, below, shows the key themes identified.

Table 34: themes identified under commitment 28

Theme identified	Number of comments relating to this theme
Generally supportive	8
Inclusive communication	8
Engagement	7
Local element	3
Scope of hub	3
More details required	2

**Generally supportive**

Consultees were generally supportive of this commitment. It was thought that there was a definite need for this, as parents and carers can struggle to find the information they need. Consultees highlighted the importance for families of disabled children and young people to have easy access to appropriate information.

The establishment of a hub that would act as a single source of information was also welcomed. It was commented that information provided should cover the widest possible age range, from pre-birth (where conditions are diagnosed pre-birth) through to childhood to adult transitions.

“Capability Scotland welcomes this commitment. Increased visibility of, and signposting to, information and resources already available should lead to more informed families... Capability Scotland was a partner in a research project with the ‘Centre for Research on Families and Relationships’ and ‘Parenting Across Scotland’. “About families: gathering evidence, informing action” found that a lack of suitable information for families of disabled children impacted greatly on their use of services and their experience of parenting. For example, a recent evaluation of play@home resources designed to support parents of children under 5 across Scotland to play with their children at home found low use of the resources amongst ‘vulnerable’ families and concluded that the information needs of parents of disabled children were not met by play@home.”

### **Third sector / equality organisation - Capability Scotland**

“I agree that parents and carers of disabled children and young people often struggle to find the information that they need about their rights, support services, health and benefits. My participation and education team recently met with parents of very young disabled children, to talk about work with the 0-2s that we will shortly be commencing. This provided valuable information about access to services and barriers faced by these parents. ‘Sometimes it is really difficult to be the parent of a new-born baby with disabilities. It might be completely new to you, and you don’t know who to ask, or where to go, for advice and support. It can leave you feeling lonely and isolated.’... ‘When I know my child isn’t getting the help and support they really need to develop. I feel helpless and useless. I travel miles to get care and services in a different local authority that are actually available close to me but he doesn’t qualify for them. (i.e. hydrotherapy, physiotherapy)’ When asked ‘What isn’t available that should be? - the answers included.... ‘Knowing what support groups that are in the local area specific to the needs of you and your baby’... ‘Information about what is already out there to be available to us’”

### **Public Body - Children and Young People's Commissioner**

#### **Inclusive communication**

The importance of inclusive communication was commented upon. It was stated that information should be available in a wide range of formats and languages in order to be accessible. Information should be available off-line as well as on-line, be available in BSL, and also be aimed at children and young people themselves in a format which is accessible to them. It was also emphasised that how information was communicated, and the support that went with it, was as important as the information being communicated.

“The information hub should make information available in the various accessible formats (including for those who need offline information) and in different languages. There must also be an information hub / area within this resource that is aimed at disabled children and young people themselves, for different ages and



stages, and with different topics covered, e.g. rights (in the UNCRPD and the UNCRC), support and advice on learning, work, independent living, money, relationships, social life, sports, culture, environment, etc. Organisations working with disabled children and young would welcome opportunities for them to co-produce information, in the form of blogs, vines, etc.”

**Third sector / equality organisation - Inclusion Scotland**

“This is welcomed by the majority of respondents who stressed the needs for accessible information in alternative formats in on and off-line form. One respondent felt that at present parents of disabled children find information ‘so hard to obtain and it is so scattered.’”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“Let’s work together across sector to contribute to one hub. It is often not the information, it is the support to understand it and implement/use it that is required.”

**Academic or Research Institute - PAMIS**

**Engagement**

Engagement was a prominent theme. It was regarded as vital that disabled children and young people and their families and carers were consulted about what they required and that this should form the basis of developing the information hub. Partnership working across sectors and engaging with third sector organisations in order to learn about information needs and how to fill them was also seen as important.

“Gaps in information provision should be identified through direct engagement with families of a disabled child allowing the development of accessible resources and information to better meet their needs.”

**Third sector / equality organisation - Capability Scotland**

**Local element**

Some consultees hoped that the information hub would have a “local dimension” and would provide local information and links to local websites. However another consultee was concerned about local authority delivery of national policies such as this, due to a “disconnect” between Scottish Government and local authorities.

**Scope of hub**

There were some comments around the scope of the hub and the information that it would provide. It was suggested that the scope should be extended to include information for all disabled people, and those who might be vulnerable to specific types of culturally-based violence or abuse. It was also stated that it would be helpful if the hub provided information related to all the four outcomes, rather than being specifically focused around rights and wellbeing.

“We welcome the commitment to developing improved information but this must be extended to include information for all disabled people. For disabled people to fully

realise and access their rights, they must have accessible information and guidance.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

“We believe that some attention should be given as to whether such hub could actually gather information about the four outcomes and not only rights and wellbeing needs.”

**Third sector / equality organisation - Downs Syndrome Scotland**

**More details required**

There was a belief that more information should be provided, in particular around how the Scottish Government intended to find out what the information needs of families with disabled children are.

“The commitment is an important one, but it is lacking in detail. How does the government intend to develop better information and find out the information needs of disabled children and their families?”

**Public Body - Children and Young People's Commissioner**

**Commitment 29. Transitions Test of Change Project**

**29. Transitions Test of Change Project – a small-scale test of change will be developed to evaluate the benefit of extending the GIRFEC principles, including the ‘named person’ service into adult services. This will particularly help with transitions from child to adult services. (2016 ongoing)**

Consultees were generally supportive of this commitment. A number of comments highlighted how difficult the transition from child to adult services can be. Comments were also made around the principle of Getting It Right for Every Child (GIRFEC). Table 35, below, shows the main themes to emerge.

Table 35: themes identified under commitment 29

Theme identified	Number of comments relating to this theme
Generally supportive	11
Transitions	13
Getting It Right for Every Child (GIRFEC)	8
Engagement	1
Other	3

## Generally supportive

Consultees were generally supportive of this commitment.

“Inclusion Scotland also supports the Transitions Test of Change Project. Along with other organisations, we argued that provision for a named person and GIRFEC in the Children and Young People’s (Scotland) Bill should be extended to the age of 25 when we responded to consultations on it.”

### **Third sector / equality organisation – Inclusion Scotland**

#### **Transitions**

It was noted that the transition from child to adult services can be a very difficult time, and that some children have negative experiences, losing the support that they had as a child and it not being replaced by adequate support as an adult. It was noted that transitions may be particularly hard for certain groups, such as those with profound multiple learning disabilities (PMLD), or those who have been looked after in the care system. There were suggestions for flexibility around the age at which people transition from child to adult services. It was also noted that transition planning needs to start earlier and there needs to be good inter-agency co-operation

“Disabled young people had been telling us in strong terms that support they had received at school age had simply vanished when they left school or college. As a participant at our Dundee event commented, “there can be a big gap between child and adult services”. A young person at our Glasgow event said: “I got more help when I was at school and got help more quickly. Now I’m in a desert land of service, benefits and other things I don’t have. I don’t know what I need or what I can get to help me live the life I want. I don’t even know what that life could be. Right now it’s not much”. This has had a hugely negative effect on young disabled people’s ability to live independently, to maintain friendships or to establish new relationships, to access places where other young people go.”

### **Third sector / equality organisation – Inclusion Scotland**

“Should the appropriate age for transition into some adult services be reconsidered? Our observation is that people with Learning Disability, are later developers and may benefit from staying in the same system for longer than normal”

### **Third sector / equality organisation - Saving Down syndrome**

“There are also major issues for children transitioning to adulthood (\*and not just with regard to health). Disabled young people continue to experience unsatisfactory transitions from children's to adult services or to independent living. In the Commissioners’ report I highlighted particular Scottish issues with regard to health e.g. children are waiting too long for appropriate packages of care to be put into place; those whose life expectancy is expanding due to medical advances are finding that there is a lack of service provision for them... These issues are often exacerbated for those in the looked after system. IRISS refers to a lack of planning, inadequate information and consultation with young people, and restricted housing and employment options and poor support after leaving care are cited (Rabiee et al,

2001). The point is also made that services for disabled care leavers are not always co-ordinated and planned with mainstream leaving care services. Key to this is better interagency planning to ensure continuity and improve monitoring of looked after disabled children as they reach their teenage years so that planning starts and continues early.”

**Public Body - Children and Young People's Commissioner**

### **Getting It Right for Every Child (GIRFEC)**

Some consultees commented on the Getting It Right for Every Child (GIRFEC) approach to services. Some were very supportive of it and thought that it should be extended into adult services, as it linked well with the “personalisation” agenda. It was also commented that a “named person” might be beneficial for older people who are discharged from hospital back into the community. It was stated that the GIRFEC approach would require more investment and one consultee wanted assurances that having a named person would actually result in access to the required support. Others were more critical of GIRFEC, including an expression of dissatisfaction with how it was implemented in practice and concerns that the provision of a named person interfered with the role of the parent of disabled children.

“The personalization agenda is based on the same principles as GIRFEC. ‘Named person’ discussion would be beneficial especially in relation to Health and Social Care Integration and developing the role of a key or lead worker.”

**Local government - Perth and Kinross Council**

“As an organisation, we have already adopted the GIRFEC principles across planning for all support we provide – whether to children or adults. We make particular use of the My World triangle, which only required minimal adaptation of language to make it suit all ages. Continuity of the principles across all ages recognises that support should be person-centred, and not be based on assumptions linked to age.”

**Third sector / equality organisation - Sense Scotland**

### **Engagement**

One consultee in particular was clear that children and young people need to be consulted and listened to during the transition process.

“Children and young people also report that their voices are not being listened to, nor are they being asked for their views. The transition process in particular is often not explained to them in an accessible way and the jump to adult services is often too steep... The main focus of transition planning should be listening to the wishes and feelings of disabled young people and seeking to fulfil their aspirations.”

**Public Body - Children and Young People's Commissioner**

### **Other**

Other comments included: the need for on-going monitoring and evaluation of this commitment, and a suggestion that this commitment should be reworded to make it

more neutral as the current wording implies that extending GIRFEC will be beneficial, which has not yet been shown to be the case.

“The Transition Test of Change Project is to be welcomed as the transition of an individual from children’s to adult services can be challenging for a range of reasons. However the wording of the proposal (i.e. This will particularly help with transitions from child to adult services) implies that the outcome of the evaluation of the benefits of extending GIRFEC principles including named person has been assumed as being affirmative. The paragraph should be reworded so that it does not pre-empt the outcome.”

**Local government - East Ayrshire Council**

### **Commitment 30. Child Internet Safety stakeholder group**

#### **30. Child Internet Safety Stakeholder Group – will consider disabled children’s perspectives (2016 and ongoing)**

Consultees who responded to this question, were generally supportive of this commitment. The need for engagement was highlighted, as was the need to consider specific groups, such as those with communication support needs, or vulnerable adults. It was felt that more detail was required around this commitment. Table 36, below, shows the key themes identified.

Table 36: themes identified under commitment 30

Theme identified	Number of comments relating to this theme
Generally supportive	8
Engagement	4
Outcome needs to be more detailed	3
Consider the specific needs of children and young people with communication support needs	3
Extend to Vulnerable adults	2
Other	6

### **Engagement**

It was emphasised that it was essential to engage with disabled children and young people about this, including hearing the views of those with communication support needs, learning disabilities or social and behavioural problems.

“Inclusion Scotland supports the existence of this group and views its commitment to consider the perspectives of disabled children as not only desirable but essential, in view of the particular issues internet safety can pose for them, as well as the opportunities it can provide. In order to properly pursue the interests of children,

efforts must be made to incorporate the perspectives of all children across all protected characteristic groups, including disability.”

**Third sector / equality organisation – Inclusion Scotland**

### **Outcome needs to be more detailed**

There were calls for more information and detail around this commitment.

“We regret that, once again, the lack of detail contained in this commitment means that neither we nor the disabled people we have consulted are able to judge its adequacy. We would like to see more information about how disabled children and young people are informing the work of the Group. For example, what methods will be used to consult them and how will the resultant evidence be used?”

**Third sector / equality organisation – Inclusion Scotland**

### **Consider the specific needs of children and young people with communication support needs**

It was believed that specific consideration should be given to children and young people with communication support needs, as they were felt to be at greater risk of harm than other disabled people. It was noted in particular that they might have difficulty in understanding what had happened, recognising harmful behaviour and in reporting it.

### **Extend to Vulnerable adults**

It was also thought that this commitment should be extended to vulnerable adults.

### **Other**

Other comments noted that whilst the internet and social media can have benefits for disabled young people, it can also be a place where they may experience hate crime. It was important, therefore, that they know how to stay safe and report negative experiences. Given the positive role that the internet can play, it was suggested that more needed to be done to increase access to the internet, including training and information for parents as well as children. It was also suggested that guidance should be provided for professionals (for example around becoming a Facebook friend in order to check who might have befriended a vulnerable person).

“Our consultation with disabled children and young people suggests that, as for most young people, the internet/social media can be a valuable space for connecting with others and getting information. This access can be of particular value as a route to social inclusion to disabled children and young people with certain impairments. However this is also a space in which disabled children experience hate crime. This is of course a threat to their safety, no less so because the anonymity afforded by the internet can embolden attackers. Disabled children therefore need safe spaces online; and - alongside their peers, parents and

educators – to understand the internet environment, how to stay safe, and how to report negative experiences.”

**Third sector / equality organisation – Inclusion Scotland**

## **Mental Health Legislation**

### **Commitment 31. Review of inclusion of people with learning disabilities or autistic spectrum disorders under the Mental Health (Care and Treatment) (Scotland) Act 2003.**

**31. Learning disabilities and autism spectrum disorders – the Scottish Government will review the inclusion of people with learning disabilities or autistic spectrum disorders under the Mental Health (Care and Treatment) (Scotland) Act 2003.**

There was a lot of support for this commitment. Some consultees pointed out the inappropriateness of including those with learning disabilities or autism under the Act. There was a belief that the scope of the review need to be extended. Table 37, below, shows the key themes.

Table 37: themes identified under commitment 31

Theme identified	Number of comments relating to this theme
Generally supportive	16
Inappropriateness of including those with learning disabilities or autism under the Act	7
Scope of the review	5
Engagement	1
Inclusive communication	1
Other	1

#### **Generally supportive**

There was a lot of support for this commitment. Support was linked to the belief that it was inappropriate to include those with learning disabilities and autism under the Act.

“This is most welcomed and brings great hope to the many people with learning difficulties who feel at the mercy of the current legislation.”

**Third sector / equality organisation - Lothian Centre for Inclusive Living (LCiL)**



## **Inappropriateness of including those with learning disabilities or autism under the Act**

A number of consultees pointed out the inappropriateness of including those with learning disabilities or autism under the Act, stressing that a learning disability or autism should not in itself be a reason to be covered by the Act, and that people with learning disabilities and autism need to be supported to exercise their rights rather than have those rights curtailed. In addition the inappropriateness of mental health provision for those with learning disabilities or autism was highlighted.

“Inclusion Scotland believes that including those with learning disabilities or ASD as having mental disorders is discriminatory and inconsistent with Article 12 of the UNCRPD.”

### **Third sector / equality organisation – Inclusion Scotland**

“People with learning disabilities or with Autism Spectrum Disorders should be supported with their mental health issues as others are. Learning Disability and ASD should not in themselves be seen as a reason to be included in the Act.”

### **Third sector / equality organisation - Sense Scotland**

## **Scope of the review**

Some respondents commented on the scope of the review and suggested that it should be widened out to review other legislation as well. Suggestions included: looking at the provision of support, so that those with mental disabilities can exercise their capacity on an equal basis with others; considering merging mental health and incapacity legislation; a wider review of legislation around those with learning disabilities; and that the review should also include an analysis of non-consensual treatment.

“While the commitment to review the inclusion of people with learning disabilities under the 2003 Act is welcome, it is suggested that a wholesale review of the legislation is now required... In particular, the UNCRPD requires that states provide people with disabilities with access to the support that they may require in order that they are able to exercise their legal capacity on an equal basis with others... It is important that Scotland begins to actively engage with this challenge by considering how laws relating to people with mental disabilities can offer greater opportunities for access to support.”

Academic or Research Institute - Centre for Mental Health and Incapacity Law,  
**Rights and Policy - Edinburgh Napier University**

“The SG also requires to look at whether the time has come to merge the Mental Health and Incapacity regimes as is currently occurring in Northern Ireland, as this matter may simply become a piecemeal reform.”

### **Individual**

“This review will only be relevant in the context of a delivery plan for the UNCRPD if it incorporates a thorough analysis of the implications of the Convention for non-consensual treatment.”

**Public Body - Mental Welfare Commission for Scotland**



## Engagement

It was noted that this was a sensitive issues and that engagement would be required with those with disabilities and their families, as well as the organisations which support them.

“This is a sensitive issue for disabled people and their families as well as for the organisations supporting them. We therefore hope that the Scottish Government will ensure that all relevant parties are being informed and consulted on the review in due course.”

### **Public Body - Mental Welfare Commission for Scotland**

## Inclusive communication

The need for the availability of specialist support in BSL for D/deaf people was emphasised.

## Adults with Incapacity Act

### **Commitment 32. Consult on Scottish Law Commission’s review of the Adults with Incapacity Act and thereafter carry out a scoping exercise in relation to a wider review of the Adults with Incapacity legislation.**

**32. The Scottish Government will consult on the Scottish Law Commissions review of the Adults with Incapacity Act on its compliance with Article 5 of the European Commission on Human Rights with European Convention on Human Rights, specifically in relation to Deprivation of Liberty. A scoping exercise will follow in relation to a wider review of the Adults with Incapacity legislation.**

Most consultees were supportive of this commitment. There were also comments that the scope of the review should be extended. It was also believed that the interaction between the Act and Human Rights legislation needed to be examined. Table 38, below, shows the key themes.

Table 38: themes identified under commitment 32

Theme identified	Number of comments relating to this theme
Generally supportive	15
How the review is conducted/wider review required	9
Interaction with Human Rights Legislation	8
Uncertainty/lack of understanding around this commitment	2
Engagement	2
Other	5

### How the review is conducted/wider review required

As with commitment 31 relating to the Mental Health (Care and Treatment) (Scotland) Act 2003, it was believed that the review of the Adults with Incapacity Act should be extended, and that it made sense for the two reviews to be done in conjunction with one another. It was also stated that there would be a need to scrutinise any changes to the legislation in case there were any unintended negative consequences.

“It seems reasonable to consult on the Scottish Law Commission’s review and consider a wider review. We would welcome a modern piece of legislation based upon human rights, to take account of a number of significant changes such as Self-directed Support legislation.”

**Public Body - Social Work, Dundee City Council**

“We also believe that mental health law and incapacity law should be looked at together, and would argue for a clear timetabled commitment to a comprehensive review of the legislative framework for non-consensual interventions in the lives of people with mental health problems, learning disabilities or dementia.”

**Public Body - Mental Welfare Commission for Scotland**

“Any proposed change to the legislation would need to be thoroughly scrutinized to ensure there will be no unintended consequences that may further disadvantage vulnerable people e.g. when Act was first introduced it resulted in some people being delayed in inappropriate, acute hospital wards.”

**Local government - Perth and Kinross Council**

### Interaction with Human Rights Legislation

It was stated that examination of how the Act interacted with Human Rights legislation was required, particularly in relation to the deprivation of liberty, and a potential conflict between human rights as set out in the UNCRPD (Article 12) and the European Convention on Human Rights (Article 5).

“A comprehensive review of the Adults with Incapacity Act is required in order to, amongst other things, assess its compliance with Article 12 and the UNCRPD generally. For example, Article 14 UNCRPD provides that: ‘States Parties shall ensure that persons with disabilities, on an equal basis with others...are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.’ This has been reinforced by the Committee on the Rights of Persons with Disabilities in guidelines issued on Article 14 in September 2015. There is a potential conflict between this provision and Article 5 of the European Convention on Human Rights which permits deprivation of liberty on the basis that an individual is of ‘unsound mind’. Consideration of such issues will require extensive consideration.”

Academic or Research Institute - Centre for Mental Health and Incapacity Law,  
**Rights and Policy - Edinburgh Napier University**

### **Uncertainty/lack of understanding around this commitment**

Some consultees did not fully understand the implications of this commitment, or what it meant in relation to deprivation of liberty.

### **Engagement**

The necessity of engaging with disabled people about this commitment was highlighted.

“Inclusion Scotland would like to see disabled people’s input to framing that review, as well as support for subsequently engaging disabled people to gather input about its contents.”

**Third sector / equality organisation – Inclusion Scotland**

### **Other**

A range of other comments were received. These included: providing people with communication support needs with adequate support (they may be at risk of being deemed “incapable”, if they are unable to communicate their decisions). It was also noted that it was important to treat with dignity and respect people who were being deprived of their liberty. Another consultee stated that making a distinction between physical disorders and mental disorders was outdated and potentially discriminating to those with mental disorders.

“Guidance related to the Act stresses someone should not be deemed incapable on grounds of communication support needs if those difficulties can be overcome the right support.”

**Academic or Research Institute - Royal College of Speech and Language Therapists**

“A number of respondents stressed that where deprivation of liberty was thought to be in the best interests of a disabled person i.e. for their personal safety, that they should be treated with dignity and respect.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“The current distinction in law between mental disorders and physical disorders is outdated, not supported by medical evidence, and can be viewed as discriminatory for people with mental disorders.”

**Third sector / equality organisation - Scottish Learning Disabilities Observatory**

**Commitment 33. Review of policies on guardianship and consider circumstances in which supported decision making can be promoted**

**33. The Scottish Government will review policies on guardianship and consider circumstances in which supported decision making can be promoted, in line with principles of article 12 of the UNCRPD.**

Consultees who responded to this question were supportive of this commitment, noting current issues around the guardianship process, and raising concerns about the increase in guardianship applications being made and how this linked with Self Directed Support (SDS). The role of supported decision making and advocacy were highlighted. Table 39, below, shows the key themes emerging.

Table 39: themes identified under commitment 33

Theme identified	Number of comments relating to this theme
Generally supportive	12
Supported decision making	10
Increase in new guardianship applications and links between Self Directed Support (SDS) and guardianship	7
Issues raised around guardianship	5
Advocacy	3
Other	6

**Supported decision making**

There were a number of comments about supported decision making, as opposed to substitute decision making. In substitute decision making legal capacity is taken away from the individual and a substitute decision maker makes decisions based on what they deem to be in the individual’s best interests, which may go against the individual’s own will and preferences. In supported decision making the individual is supported to exercise their legal capacity.

Consultees were generally in favour of promoting supported decision making. Reference was made to a general comment by the UN Committee on the Rights of Persons with Disabilities in relation to Article 12, which spoke of the state’s obligation to provide disabled people with access to support in the exercise of their

legal capacity, and that it was not sufficient to develop supported decision making in parallel with substitute decision making.

One consultee, however, did comment on the need for substituted decision making, as a safe-guard for the most vulnerable.

“We believe that where a person’s capacity is severely diminished, without some form of substitute decision making may leave an individual at significant risk of harm and/or exploitation... It is therefore imperative that the Scottish Government set out how it can meet its obligations under the UNCRPD, whilst providing a level of care and support to individuals who may be at risk as a result of their disability or incapacity.”

**Third sector / equality organisation - Alzheimer Scotland**

### **Increase in new guardianship applications and links between Self Directed Support (SDS) and guardianship**

Some consultees noted that there had been a sharp increase in guardianship applications in recent years, quoting statistics from the Mental Welfare Commission. It was suggested that the increase in guardianship applications might have arisen as an unintended consequence of the introduction of Self Directed Support (SDS), and that this increase was actually in conflict with the concepts of control and choice which are central to SDS.

“The Mental Welfare Commission reports an increase of 84% in new guardianship applications granted since 2009/10 (MWC AWI Act Monitoring 2014/15). Statistics for 2014/15 show that for the first time since monitoring began applications for adults with learning disabilities was greater than for those with dementia. Furthermore there is significant variation in the rates of application and approval across local authorities. It is proposed that the implementation of Self-Directed Support may have had the unintended consequence of contributing to a sharp increase in applications for guardianship orders.”

**Third sector / equality organisation - Scottish Learning Disabilities Observatory**

“There is perhaps some conflict between this increase in guardianship and the key aspects of choice and control enshrined in Self-directed support.”

**Third sector / equality organisation - Sense Scotland**

### **Issues raised around guardianship**

Some consultees raised concerns around guardianship, and commented that it should be a more transparent process and operate more systematically. It was believed that indefinite guardianship should be considered as part of the review. A comment was also made about the role of guardianship in the case of disabled children as they become adults, yet restrictions remain in place.

“We welcome this, but would like to see much clearer detail of how such a review will be conducted. We argue in Q31 and Q32 for a comprehensive review of the law, but there is also much that needs to be done in relation to the operation of the

system. A specific example is the practice of the sheriff courts in guardianship cases, which is highly variable.”

### **Public Body - Mental Welfare Commission for Scotland**

“It would be beneficial for this system to be more transparent and clear and to ensure that the families who need to go through this process are fully supported.”

### **Individual**

“The Mental Welfare Commission raised concerns over guardians having indefinite decision making powers, particularly when a child grows in to an adult, yet restrictions still remain in place. There is a tendency for guardians to not allow any risk-taking (people can’t go on dates, have someone in their room, watch pornography) which is based more on disapproval than anything else.”

### **Public Body - NHS Forth Valley (Women and Children's Sexual Health)**

### **Advocacy**

The importance of advocacy was highlighted. It was noted that:

“The policies on Guardianship already promote advocacy as a means of supporting decision making by those people who are unable to protect themselves.”

### **Representative body for professionals - Social Work Scotland Ltd**

It was also believed, however, that more could be done to develop advocacy provision.

“Central to this is the development of advocacy and support services. The 2003 Act established a right to independent advocacy, but provision varies across Scotland. Where it is available, it is often only when a condition has reached a critical stage. Early independent or peer advocacy support in planning and considering treatment options can help prevent a deterioration of mental health, and thus avoid the need for critical intervention, including compulsory treatment. This was considered crucially important and also lacking by all of the different groups of disabled people we consulted. Independent Advocacy services can also support people with learning disabilities and cognitive impairments to make informed life choices, increasing control over their own lives and supporting independent living. The increasing use of guardianships removes choice and control from disabled people, and is therefore not compatible with Article 12.”

### **Third sector / equality organisation - Inclusion Scotland**

### **Other**

Other comments included: a request for more detail around how a review would be conducted; the need to look at how this interacts with human rights, noting that there are geographical disparities in relation to guardianship; and noting the need for cross-policy working, highlighting the interaction between guardianship and SDS.

## Care and Justice: Children’s Hearings

### Commitment 34. An integrated children’s rights and equalities impact assessment for the Scottish Children’s Reporter Administration

**34. An integrated children’s rights and equalities impact assessment for the Scottish Children’s Reporter Administration will bring more of a rights focus to key decisions and will be rolled out to national and local decision makers within the hearings system. (2016)**

Relatively few comments were received relating to this commitment, the majority of which were supportive. Suggestions were made about what should be taken into consideration when carrying out the assessment. Table 40, below, shows the key themes.

Table 40: themes identified under commitment 34

Theme identified	Number of comments relating to this theme
Generally supportive	10
Issues to take into consideration	5
Implementation	3
Other	3

#### Issues to take into consideration

Consultees raised a number of issues that they felt should be taken into consideration when carrying out this assessment. These included: a specific focus on the transition from child to adult services; the need to consider the role of disabled or D/deaf parents in the process, including ensuring the provision of information in BSL; and a consideration of those young people with speech, language and communication needs, as they tend to be disproportionately represented amongst those experiencing negative outcomes.

“BDA Scotland is aware of many problems with advocacy for Deaf parents attending social worker meetings and children hearing panels where there is no access to documents in BSL. They were given the bulk of documents in English. Our advocates have had to stop meetings on occasions until Deaf parents fully understood the documents and were able to respond accordingly. There is a growing demand for specialist Deaf advocacy support ensuring that Deaf parents are fully supported.”

#### Third sector / equality organisation - British Deaf Association

“[Children and young people] CYP with speech language and communication needs are disproportionately represented among CYP who realise poor outcomes.



Consistently studies have shown 60% of young offenders have SLC needs. Others studies have shown 80-100% of young people not in employment, education or training have underdeveloped SLC abilities as do 80% of CYP accessing mental health services. The SCRA are therefore likely to frequently work with CYP with SLC needs. The rights and equality impact assessment could helpfully particularly consider the impact of practice and policy for CYP with SLC needs.”

**Academic or Research Institute - Royal College of Speech and Language Therapists**

### **Implementation**

A couple of comments were received around the process. These included: a suggestion that a review should be carried out of Equality Impact Assessments that have already been undertaken, and a comment wondering how this fits with commitment 26 around Child Rights and Wellbeing Impact Assessments (CRWIAs) for all policy development affecting children. There was a suggestion that Human Rights and Equality Impact Assessments should be extended to all public services.

### **Other**

Other comments received included: a local authority providing an example of what it already did around Equality and Human Rights Impact Assessment; a call for more information around the detail of how this commitment would be implemented; and a comment that how beneficial it will be will depend on how the Scottish Children’s Reporter Administration (SCRA) implement the recommendations.

### **Commitment 35. Enhanced learning and development framework for foster carers**

**35. Improving the support for all looked after children, including disabled children through an enhanced learning and development framework for foster carers – as part of this standard for foster carers, which is still under development, they will have more awareness of learning and development opportunities – including to support them to care for disabled children in their care. (2016 ongoing)**

There were relatively few comments about this commitment, most of which were supportive of it. There was also a belief that these learning and development opportunities should be offered more widely than the current scope of the commitment. Table 41, below, shows the key themes identified.



Table 41: themes identified under commitment 35

Theme identified	Number of comments relating to this theme
Generally supportive	13
Expand scope	6
Things to include in this learning and development framework	2
Other	6

### Expand scope

Whilst consultees were generally supportive of this commitment, it was thought that it could go further and that learning and development opportunities should be extended to other groups, such as all parents of disabled children, kinship carers, and staff who work with children. This would help to improve outcomes for disabled children and could have a preventative impact, minimising the chances of disabled children becoming “looked after”. There was also a suggestion that disability equality training should be mandatory for all foster carers.

“We endorse this and request that the Learning and Development Framework should reflect how best to share the knowledge and learning with kinship carers and parent carers to maximise opportunities for children with disability living in all types of family homes.”

**Public Body - Social Work, Dundee City Council**

“There is no reason to suggest that the needs of looked after disabled children in kinship care are any different from those in foster care. Therefore, we suggest that this commitment is improved to ensure that all looked after disabled children and their kinship families receive the support they need.”

**Third sector / equality organisation - Equality Human Rights Commission and Scottish Human Rights Commission**

“Inclusion Scotland supports this commitment, but we feel it needs to go further than merely promoting ‘awareness of learning and development opportunities’. We suggest that Disability Equality Training is made a mandatory part of this framework as it establishes positive attitudes to disability and should help foster carers to identify the needs of disabled children that might come into their care.”

**Third sector / equality organisation - Inclusion Scotland**

### Things to include in this learning and development framework

Comments relating to what the learning and development framework should include consisted of suggestions to involve D/deaf professionals when working with D/deaf children and to consider providing speech language and communication support to foster carers to help children with communication support needs.

“A national framework for social and health care professionals needs to be developed to include Deaf professionals specializing in social and health care work, ensuring that language, communication, social and emotional wellbeing are properly supported in order to find the right foster carers to meet these needs.”

**Third sector / equality organisation - British Deaf Association**

“RCSLT would recommend foster carers are given particular support in optimising a child’s ability to understand and express themselves – not just to enable speedy and strong relationship building between child and foster carer – but also to create an environment in which the child’s communication (and therefore health and well being) can be enhanced.”

**Academic or Research Institute - Royal College of Speech and Language Therapists**

### Other

Amongst the other comments received were: a request for more detail about the commitment and the suggestion that it was also important to provide foster carers with information about local advocacy projects, and local groups.

“Additionally we suggest that foster carers are given information about the availability of local advocacy projects in case they or a disabled child they foster, ever has a need of such a service, in advocating for their care needs or educational or other services. Additional information about accessible play schemes and other groups to promote their inclusion would also be very helpful.”

**Third sector / equality organisation - Inclusion Scotland**

**Q8: Are there any additional commitments and/or ways that you would improve the outcome 2 commitments that you have not already mentioned in your answers above?**

Question 8 asked for any additional comments relating to outcome 2. Forty-two consultees responded. Where a comment clearly fitted with a specific commitment, it was themed as part of the response to that commitment, rather than as part of question 8.

Comments on question 8 could be divided broadly into two main categories: those relating to the delivery plan document (51) and those relating to themes raised by Outcome 2 (23). The most frequent comment was suggestions for additional commitments, or areas that should have been given more focus in outcome 2 (24). Table 42, below, shows the main themes identified for question 8.

Table 42: themes identified for Question 8

Theme identified	Number of comments relating to this theme
<b>Comments on the Delivery Plan Document</b>	<b>51</b>
The commitments	15
Commitments to add/areas to focus more on	24
Model of disability used	4
Other comments on delivery plan	8
<b>Comments on themes raised by the commitments</b>	<b>23</b>
Dissatisfaction with current LA/health and social care support for disabled and calls for improvements	8
Supportive of integrating health and social care/better working across agencies	3
Engagement	2
Other Comments on themes raised by the commitments	10

## Comments on the Delivery Plan Document

### The commitments

Some consultees commented that they broadly supported the commitments outlined under Outcome 2.

“The outcomes in relation to health are an important element in disabled people living independently and this is welcomed.”

**Local government - East Ayrshire Council**

“The outcomes in relation to young disabled people are really important. If we are a truly inclusive society we must ensure that there are opportunities for people – irrespective of their abilities.”

**Individual**

However other comments suggested that the commitments did not go far enough.

“As discussed above, Leonard Cheshire Disability is supportive of many of the outcome 2 commitments in this plan. However, we believe that there is scope to go further in ensuring that disabled people have equal and inclusive access to healthcare provision and support for independent living, with control over the best use of resources and support for disabled children.”

**Third sector / equality organisation - Leonard Cheshire Disability**

“The commitments set out in relation to healthcare provision do not go nearly far enough to realise the right to health. Many of the commitments set out in this

section apply only to people with a particular disability, or to children and young people. There is also a lack of detail about how many of the commitments will be achieved.”

### **Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

“We suggest there is a gap between the aspirational outcome and the current commitments. Whilst supportive of initiatives to ‘improve existing provision’ we suspect that some areas require more of a ‘transformational’ approach.”

### **Third sector / equality organisation - Thistle Foundation**

A lack of detail and clarity around the commitments was also mentioned, with one consultee stating that they were unsure how these commitments would progress disabled people’s rights under certain articles of the UNCRPD, particularly the following: Article 17 around protecting the integrity of the person; Article 19, independent living; Article 21, freedom of expression and opinion and access to information; and Article 25, health.

### **Commitments to add/areas to focus more on**

A number of consultees suggested additional commitments or highlighted areas which they thought should be given more emphasis in the current commitments. The necessity for specific commitments around mental health and social care were the most frequently mentioned.

The lack of specific commitments relating to mental health was a cause for concern for some consultees. It was noted that the UNCRPD recognises that disability can be mental or physical, yet the delivery plan’s focus did not seem to reflect this. The disparity between target waiting times for accessing psychological treatment (18 weeks) compared to physical treatment (12 weeks) was commented on, and it was felt that parity between the two was required. It was noted that people with a mental health condition were less likely to receive treatment, than people with a physical disability, and that there are variations in the quality of mental health services. It was further noted that there are a number of disadvantages associated with mental health problems including: shorter life expectancy for some with serious forms of mental health conditions; stigma; difficulty accessing services, particularly for young people; and gender bias, with women being at more risk of poor mental health than men (it was quoted that one in six women are at risk of poor mental health compared to one in eight men). Concerns were also raised about the implementation of the Mental Health (Care and Treatment) (Scotland) Act 2003. It was hoped that there would be a commitment around ensuring that the new mental health strategy would be rights based.

Specific commitments relating to mental health were suggested. The Scottish Human Rights Commission and the Mental Welfare Commission for Scotland report ‘Human rights in mental health care in Scotland’ (September 2015) was mentioned and it was suggested that its nine recommendations should be taken forward.

“We were surprised there is not a specific objective on mental health under Outcome 2 and that people with mental health conditions are not mentioned within

any of the key objectives. Is Britain Fairer (IBF) identified that there was an increase in Scotland in the proportion of adults aged 25-34 at risk of poor mental health. Across the UK, mental health problems accounted for 23 per cent of the total 'burden of disease' but only a quarter of all those with mental ill health received treatment, compared with the vast majority of those with physical health problems. It also noted that although there are positive developments in the availability of high-quality mental health care, concerns have been expressed about variations in the quality of mental health services; the use of overly restrictive practices; lack of therapeutic activities and the use of control and restraint... In light of these concerns, we recommend that the delivery plan includes commitments from the Scottish Government that will:

- Make progress towards improving access to healthcare and support for people with mental health conditions;
- Ensure people with mental health conditions enjoy their right to independent living;
- Address outstanding concerns about the implementation of the Mental Health (Care and Treatment) (Scotland) Act 2003 and
- Support Police Scotland, NHS Scotland and the Scottish Prison Service to implement the recommendations from the EHRC adult deaths in detention research."

**Third sector / equality organisation - Equality Human Rights Commission and Scottish Human Rights Commission**

"In relation to mental health services, the current target for access to psychological therapies is 18 weeks from a patient's referral. A commitment should be made to reduce this to 12 weeks, in line with the current target for treatment for physical conditions... Providing treatment to people with mental health issues on an equal basis with people with physical illness will assist in achieving parity and reducing stigma."

**Academic or Research Institute - Centre for Mental Health and Incapacity Law, Rights and Policy - Edinburgh Napier University**

Access to mental health services for children and young people was also mentioned as being worthy of a commitment in its own right.

"NDCS recommends that an additional commitment is included at number 31 which relates to establishing how well the needs of disabled children and young people are addressed within Child and Adolescent Mental Health Services... By exploring how current Child and Adolescent Mental Health Services meet the needs of disabled children and young people, the Scottish Government can commit to building a mental health workforce with the right skills and expertise to meet every young person's needs, including those who are disabled."

**Third sector / equality organisation - National Deaf Children's Society**

"Outcome 2 focuses on healthcare provision yet does not refer to Child and Adolescent Mental Health Services (CAMHS). It is concerning that at present, the draft Delivery Plan makes little reference to mental health services. Article 1 UNCRPD stipulates that 'persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with

various barriers may hinder their full and effective participation in society on an equal basis with others.’ Article 23 of the UNCRC recognises that disability can be mental or physical and that every child should enjoy a full and decent life which ensures dignity, promotes self-reliance and facilitates the child’s active participation in the community. Children and young people with mental health needs continue to experience a disproportionately high number of human rights violations, yet the services necessary to protect and promote their rights remain inadequate. Additional commitments for outcome 2 should include the provision of CAMHS to meet the needs of all disabled children requiring support, in a timely and effective manner.”

### **Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

“In 2008, the Committee on the Rights of the Child recommended that additional resources and improved capacities be employed to meet the needs of mental health problems throughout the UK, with particular attention to those at greater risk. This is an area of great concern, but it is not referred to in the document.”

### **Public Body - Children and Young People's Commissioner**

Concerns were also raised about the lack of prominence given to social care within this delivery plan, and there were fears that the integration of health and social care might lead to social care being subsumed into health care. It was noted that social care plays an important role in helping, or hindering, disabled people to live full and independent lives.

“We generally agree, in principle, that the above commitments could make a difference to individuals’ lives, going some way to promoting equal and inclusive access to health care and support for independent living. However, we feel that there is a lack of specific commitments to develop and enhance disabled people’s rights to social care support, and that the focus is weighted towards health care. There is no specific emphasis on social care, early intervention and prevention, or independent living, and so it is difficult to see how the commitments, as they stand, can contribute significantly to the independent living of disabled people.”

### **Third sector / equality organisation - Independent Living Fund Scotland**

“Perhaps the most significant omission in the entire [Disability Delivery Plan] DDP concerns the near total failure in outcome 2 to refer to the pivotal role of social care, and its role distinct from healthcare, when it comes to supporting – or preventing - independent living. Moreover, health and social care integration (HSCI), and the many deep concerns about this that have been expressed by disabled people since the early days of its development, receive only cursory mention... Social care has a much wider role to play in supporting disabled people’s active participation in community life, promoting equal citizenship and independent living. There are significant risks that, with more disabled people living in the community (a generally worthy goal for HSCI), if this wider role for social care is not supported, this will lead

to increased isolation and social exclusion, in contravention of a raft of rights under the UNCRPD.”

### **Third sector / equality organisation - Inclusion Scotland**

Other issues that consultees wanted specific commitments on included:

- sexual and reproductive health
- play
- the impact of cuts to welfare and social care spending on disabled people and how this can be mitigated
- disabled young people who are looked after, and collecting data on this
- self-Directed Support (SDS)
- independent living
- national criteria for local authorities to judge and provide support required
- engaging with disabled people around integrating health and social care

The rights to play is enshrined in the United Nations Convention on the Rights of the Child (UNCRC), yet disabled children face barriers to play.

“Disabled children and young people living in Scotland still face multiple barriers to being able to play at home, nursery, school, and in the community. Many of these barriers are amplified by intersections between poverty, disadvantage, disability and environment. This was confirmed by the findings of ‘Playing with Quality and Equality: a review of inclusive play in Scotland’. Capability Scotland call on the Scottish Government to include a commitment within the Disability Delivery Plan to reducing the barriers disabled children and young people face in playing every day by acting upon the recommendations within “Playing with Quality and Equality” Report.”

### **Third sector / equality organisation - Capability Scotland**

Concerns were raised about welfare reform and cuts to spending and services which disabled people may rely upon, and it was asked that the Scottish Government include a specific commitment looking at the impact of cuts to welfare and social care spending on disabled people and how this can be mitigated.

“Disabled people and their organisations have told the Commissions that they consider the effective implementation of Article 19, the right to independent living, as intrinsic to and a pre-requisite of other rights under the Convention. Cumulatively, welfare reform; changes to the eligibility criteria for social care; cuts on social care budgets; the lack of portable care packages and cuts to disabled people’s services are having a particularly negative impact on disabled people’s ability to realise their right to independent living... Therefore, we suggest that there should be a commitment to identify the cumulative impact of changes to social care

packages, cuts to disabled people's services and welfare reform and to identify the mitigating actions that could be taken by the Scottish Government."

**Third sector / equality organisation - Equality Human Rights Commission and Scottish Human Rights Commission**

It was commented that disabled young people who are looked after experience additional barriers, are a "hidden" group and report not being listened to. Disabled children and young people may experience a higher turnover of care placements than other children and young people, and it was commented that there is a lack of reliable local authority data on looked after children with additional support needs and how this support was being provided.

"Together recommends that a commitment should be included under outcome 2 to address the disproportionate number of disabled children and young people who are looked after, and to ensure that there is nationally collected data on the numbers of disabled children in care."

**Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

It was stated that there should be a commitment around SDS, as SDS is delivered on the ground does not always match the aspirations of the policy. In addition there was uncertainty around the fit between SDS and health and social care integration.

"It is striking that there is no commitment to be found within the draft plan regarding SDS. The growing evidence of the failure of some local authorities to offer all 4 options, the fact that the introduction of SDS is being used by some as an excuse to reassess and cut care packages and the stark and unacceptable contrast between the positive rhetoric of the National Strategy on SDS (2010) and experience on the ground are key concerns for disabled people."

**Third sector / equality organisation - Inclusion Scotland**

Areas where consultees felt that there should be more emphasis in the plan included:

- health inequalities
- disabled parents
- deaf people's needs
- the needs of those with learning disabilities
- National Care Standards

"Deaf and disabled parents have not been referred to and this is a significant gap which must be addressed. They need support, training and information equal to that offered to non-disabled parents including parenting skills courses in BSL, to ensure the appropriate support, training and information is available. It is essential to consider them as part of this delivery plan."

**Third sector / equality organisation - British Deaf Association**



“The Observatory broadly supports all the aspirations described under each of the commitments however we would like to reinforce the importance of ensuring that the specific experiences of people with learning disabilities are included across all of the commitments where this is not stated.”

### **Third sector / equality organisation - Scottish Learning Disabilities Observatory**

#### **Model of disability used**

Some consultees argued that there was too much emphasis on the “medical” model rather than the “social” model of disability, whilst another favoured the use of a “bio-psycho-social” model, which combines both the medical and social model and is the framework used by the World Health Organisation (WHO) for measuring health and disability at both individual and population levels.

Concerns were raised that medical aspects were being given more priority than social aspects, and that under health and social care integration, this might result in less funding for social care, which plays an important role in helping disabled people to live independently.

“Disabled people across Scotland want to see seamless, joined up, high quality health and social care services that keep them living well in their own homes where this is possible. However, we have a concern that where Health Boards are responsible for administering the joint budget as the lead agency, that spending will be disproportionately focused on medical services and that these will be delivered in a ‘medical model’ approach. A particular worry for disabled people who would benefit from focused spending on ‘social’ services is that they will be disproportionately affected. We are also concerned that priority will always be given to cases of urgent need rather than preventative spending on moderate need.”

### **Third sector / equality organisation - Capability Scotland**

“Of course, the treatment of health conditions is important, but that alone is insufficient to tackle disability, discrimination and inequality. Indeed, for someone with an impairment or long-term health condition to access healthcare services on an equal basis requires the removal of such disabling social barriers.”

### **Third sector / equality organisation - Inclusion Scotland**

The Royal College of Physicians of Edinburgh (RCPE) provided an explanation of the “bio-psycho-social” model, quoting from a WHO/World Bank, World Report on Disability.

“The medical model and the social model are often presented as dichotomous, but disability should be viewed neither as purely medical nor as purely social: persons with disabilities can often experience problems arising from their health condition. A balanced approach is needed, giving appropriate weight to the different aspects of disability.”

### **Academic or Research Institute - Royal College of Physicians of Edinburgh (RCPE)**

## **Other comments on delivery plan**

Other comments received, relating to the delivery plan, included:

- disabled children and young people should be referred to throughout all outcomes, not just Outcome 2
- retitle Outcome 2 as "Health and support for all ages"
- consider the language used – some terminology such as “incapacity” was considered to be very negative
- need clear objectives about how to meet the outcomes
- consistency of data collection
- more detail required on how health and social care budgets will be integrated to meet the commitments
- concern about how service users’ voices will be heard
- smooth out transitions between child and adult service provision

## **Comments on themes raised by the commitments**

### **Dissatisfaction with current LA/health and social care support for disabled and calls for improvements**

Some consultees took this opportunity to express their dissatisfaction with current local authority or health and social care support, and to call for improvement. It was suggested that there was a greater need for input from Allied Health Professionals, that better respite services were needed for young people, to prevent situations where they are placed in older people’s care homes, and concerns were noted relating to the hospital environment, and navigating around it.

“ILF Scotland witness wide ranging differences in the levels of support provided by Local Authorities across Scotland to disabled people with similar levels of need. Greater consistency and transparency regarding eligibility for support is required, and so the development of national criteria should be considered as a specific commitment.”

### **Third sector / equality organisation - Independent Living Fund Scotland**

### **Supportive of integrating health and social care/better working across agencies**

Some consultees mentioned their support for integrating health and social care and better working across agencies.

“People with PMLD require a range of specialist equipment in order to lead independent lives. This is costly but could be better managed if resources and services were more coordinated and innovative in their approach. Partnership working across sectors is required with an acknowledgement that often it is the specialist organisations with the key resources to support this most excluded group of people.”

### **Academic or Research Institute - PAMIS**

## Engagement

The importance of engagement with disabled people was emphasised in relation to Outcome 2.

“In order to achieve equal and inclusive access to healthcare provision and support for independent living in the context of health and social care integration, disabled people need to be involved in planning and decision-making by integration partnerships. They also require adequate and independent mechanisms to challenge joint decisions relating to entitlement for care, assessment of need or care charges... Without these commitments, we see no real planned approach that will enable disabled people to have any control over the best use of resources to meet their needs.”

### **Third sector / equality organisation - Capability Scotland**

Engagement with disabled people was seen as important when trying to mitigate Westminster cuts to welfare.

“...encouraging professionals where-ever possible to collaborate with disabled people to develop local and flexible solutions and to challenge infringements on their rights that stem from Westminster.”

### **Individual**

## Other comments

Other comments on themes raised by the commitments included:

- the conflict between anti-natal screening for foetal abnormalities and human rights
- Self-Directed Support, and making it work in practice as well as theory
- an example of a LA working to allow older and disabled people to stay in their own homes
- independent appeals mechanisms needed, to challenge joint decisions relating to entitlement for care, assessment of need or care charges
- the importance of transport in accessing health and social care
- the issue of travel expenses to participate in engagement activities
- childcare, and the importance of childcare for disabled children to play and interact with peers
- ability to access services in the local community

“Ensuring the progressive realisation of children’s rights, the task of eliminating poverty amongst families of disabled children and basic fairness all demand that we tackle the difficult challenge of creating a truly inclusive, affordable, quality and flexible childcare system that meets the needs of families affected by disability in Scotland.”

### **Third sector / equality organisation - Capability Scotland**

## 6. Outcome 3 – Equal and inclusive access to education, paid employment and an appropriate income whether in or out of work

Thirteen commitments were included under Outcome 3. Consultees were asked if they agreed or disagreed that these commitments would help the Scottish Government make progress towards Outcome 3.

**Q9: Do you agree or disagree that the commitments (36-48) described at Section 2.3 will help the Scottish Government make progress towards outcome 3?**

Sixty-six consultees responded to this question. The majority of those who responded agreed that these outcomes would help the Scottish Government to make progress towards outcome 3. Seventy-one per cent of those who responded agreed, 8% disagreed and 21% said that they neither agreed nor disagreed.

**Q9: Do you agree or disagree that the commitments (36-48) described at Section 2.3 will help the Scottish Government make progress towards outcome 3?**



**Q10: If you would like to make specific comments on any of the commitments intended to contribute to achieving outcome 3, please do so here. If not please skip to next question.**

Question 10 asked consultees if they had any specific comments on any of the thirteen commitments included under outcome 3. Table 43, below, shows the number of comments received for each of the individual commitments. Commitment 42 on the establishment of a fair work convention received the fewest comments (12), whilst commitments 36 and 39 around additional support for learning and investment in supporting young people who face barriers to employment received the most comments (27 and 25).

Table 43: Number of comments for each of the outcome 3 commitments

Commitment (Outcome 1)	No. of comments received
36. Continued commitment to implement additional support for learning	27
37. Anti-Bullying –respectme and review and refresh of the ‘National Approach to Anti-bullying for Scotland’s Children and Young’	23
38. Overarching commitment from Fair Work Directorate	20
39. Investment in Developing the Young Workforce and further investment to support young people with barriers to employment including disability	25
40. Supported Employment Model	14
41. Supported Businesses	13
42. Establishment of a Fair Work Convention	12
43. Disability Employment Services in Scotland	20
44. Ensuring flexible and integrated support is put in place to support individuals with particular needs, including disabled people into work	21
45. Abolish fees for employment tribunals and consultation re barriers that disabled people face when raising a claim at an Employment Tribunal	18
46. Disability Benefits Advocacy Support	15
47. Future reform of local taxation will take into account the particular needs expressed by disabled people	13
48. Establishment of a social security system that treats people with dignity and respect during their time applying for, being assessed and receiving disability benefits.	21

## Additional Support for Learning

### Commitment 36. Continued commitment to implement additional support for learning

**36. Continued commitment to implement additional support for learning – the Scottish Government will continue to look at the barriers to successful implementation through our work with stakeholders on the Advisory Group for Additional Support for Learning. We have introduced an Education Bill to the Scottish Parliament to extend rights to all children aged 12 and over with additional support needs, including those with a disability. Children will be able to directly influence the additional support that is provided for them. (ongoing and reviewed annually through reporting to Parliament)**

A number of consultees were generally supportive of this commitment, however others raised concerns. Criticisms included capacity testing children and the age at which children can realise their rights. A number of comments were made about implementing additional support for learning, and some specific needs to take into account were mentioned.

Table 44: themes identified under commitment 36

Theme identified	Number of comments relating to this theme
Generally supportive	15
Implementing additional support for learning (ASL)	21
Specific needs mentioned	8
Post-school transitions and Further Education	6
Dissatisfaction with current additional support for learning (ASL) provision in schools	4
Engagement	2
Critical comments	10
Other	5

#### Implementing additional support for learning (ASL)

A number of comments related to the implementation of additional support for learning (ASL), including: the need for implementation to be adequately funded; consistency across Scotland; training for those who provide ASL; workforce planning; taking a progressive approach; and monitoring implementation.

“We welcome the commitment to continue to implement additional support for learning. However we recognise that this support must be well funded and delivered consistently across Scotland in order that all disabled people can

participate equally in, and benefit from, Scotland's education system... We have long been concerned that 58% of disabled people in Scotland have no formal qualifications compared to only 24% of their non-disabled counterparts. This is something which could be improved through the consistent provision of well-resourced learning support for disabled children and young people."

### **Third sector / equality organisation - Inclusion Scotland**

A number of consultees mentioned their support for inclusive as opposed to segregated schools. It was believed that this not only benefitted disabled children, but also benefitted other children in the class, and would help to lead to a more inclusive society which sees disabled people as part of the community.

"Disabled children must be supported to attend the schools they choose. It is disappointing that any child must face social exclusion when they "really wanted to go to the same high school as [their] friends but [were] told [they] couldn't because it wasn't suitable"...As the United Nations Committee on the Rights of Persons with Disabilities has noted recently, disabled children: 'have greater overall gains in academic outcomes in inclusive environments than their peers with similar disabilities in segregated classrooms. Furthermore, when teachers are educated to include children with disabilities the level and standard of learning for children both with and without disabilities increases.' Inclusive education should be quality education that promotes inclusive societies".

### **Third sector / equality organisation - Inclusion Scotland**

However, one consultee provided a more cautionary example around the presumption to mainstream children in education.

"One respondent felt that the presumption of mainstreaming has changed the provision of specialist education provision. Frequently children with additional needs are within a mainstream classroom with the only peers being their paid classroom assistant. This has implications for children's wellbeing and sense of self-worth."

### **Third sector / equality organisation - Scottish Disability Equality Forum**

#### **Specific needs mentioned**

Some consultees mentioned specific needs that should be taken into account within additional support for learning. These included the needs of D/deaf BSL users, children with complex needs, speech language and communication needs, "hidden" disabilities, such as mental ill health, as well as the needs of young people who are looked after, or who are carers.

Lower attainment statistics for D/deaf pupils achieving Highers and Advanced Highers than their peers were quoted, and it was suggested that D/deaf pupils weren't getting the support they needed.

"Many young people in Scotland who are Deaf and use British Sign Language have not had the right support to reach their full potential at primary and secondary



school as many teachers of deaf children are not as well-qualified as they should be in order to communicate effectively with students whose first language is BSL.”

**Third sector / equality organisation - Action on Hearing Loss Scotland**

### **Post-school transitions and Further Education**

There was a belief that additional support for learning should not stop when a young person leaves school. The necessity for additional support for learning to be continued on to support post-school transitions and be provided in Further Education and helping young people into work was emphasised. Negative experiences of the transition process were provided. It was also suggested that courses teaching life skills for independent living might be helpful in preparing young disabled people for life after school.

“We recognise that additional support for learning should not only support disabled children and young people to receive quality education – preferably within our mainstream system – but it should also support them through transitions between education settings, and from education into work. ‘Special’ schools often provide courses on life skills for independent living. We cannot comment on the outcomes of those, but our consultations suggest that this is an important consideration, as long as it is in addition to appropriate formal education, rather than replacing it. Further we suggest that work on good practice in transitions, such as that produced by ARC Scotland is taken on board when considering additional support requirements.”

**Third sector / equality organisation - Inclusion Scotland**

### **Dissatisfaction with current additional support for learning (ASL) provision in schools**

Some consultees highlighted their dissatisfaction with current additional support for learning provision in schools.

“I welcome the Scottish Government’s continued commitment to effective implementation of additional support for learning, but this must be sufficiently funded to ensure effective implementation. I have received many letters from parents on cuts to funding and how this has affected ASL support.”

**Public Body - Children and Young People's Commissioner**

### **Engagement**

Engagement with disabled children and young people and their families and relevant stakeholders was highlighted as important.

“It is crucial that children and their families have a real opportunity to influence how their support is provided, and this is not merely a box-ticking exercise.”

**Third sector / equality organisation - Sense Scotland**

### **Critical comments**

A number of consultees were critical of this commitment. Key concerns raised included: concerns that the Education Scotland Bill creates barriers to children and



young people accessing additional rights; a capacity test for children should not be introduced; and children should not have to wait until the age of 12 to access rights. It was also commented that Education Authorities should ensure that children are supported to understand their rights, rather than prevent them from accessing those rights. A concern was raised about whether schools would honestly report if they had unmet ASL needs. A more general criticism was that there were insufficient commitments for education and training included in the draft delivery plan.

Complaints were made that the Education Bill reverses the presumption of capacity by placing the onus on the young person to prove that they have legal capacity and can exercise their rights, when in other circumstances a twelve year old is presumed to have capacity.

“The schedule to the Education (Scotland) Bill which seeks to extend rights to children aged 12-15 years in relation to the Education (Additional Support for Learning) (Scotland) Act 2004. Whilst I welcome the policy intention, my view is that the way in which the Scottish Government is seeking to extend these rights is deeply flawed. Rather than freely extending rights to children, the Bill places a number of barriers that may prevent them from doing so. In order to exercise their rights, a child must successfully negotiate two assessments; 1.) a ‘capacity assessment’, carried out by the Local Education Authority or an Additional Support Needs Tribunal and then 2.) an ‘adverse effect on well-being’ assessment. The Government sees these as being necessary to safeguard the well-being of a child. I believe that they are unnecessary. Rather than empowering children, they ensure that the balance of power remains in the hands of adults.”

#### **Public Body - Children and Young People's Commissioner**

“Inclusion Scotland considers that rather than placing a duty on Education Authorities or Tribunals to assess whether a child has capacity, the duty should be on Education Authorities or Tribunals to enable a child to understand the process and risks in exercising their rights. This includes ensuring that the child has the support they need to ensure their understanding.”

#### **Third sector / equality organisation - Inclusion Scotland**

#### **Other**

Other comments included concerns raised about the attainment gap between children with additional support needs and those without, which was seen as an indication that additional support for learning was not adequately meeting the needs of young people with additional support needs. It was commented that low attainment can have a negative impact on future job prospects, and it was also suggested that disabled young people should be taught independent skills for living. A local authority provided an example of how, through Curriculum for Excellence, they ensured that all young people were fully included in learning.

“We are concerned that disabled children are not receiving adequate additional support to receive a quality education on par with their non-disabled peers. As it stands, 8.4% of children with additional support needs (ASN) leave school with no qualifications at Standard Grade or beyond, compared to 1% of children with no

ASN. Our consultations, which included people with ASN, highlighted that factors such as large class sizes and geographical variation in the capacity of mainstream schools to support children with ASN are impacting on the quality of education they receive.”

**Third sector / equality organisation - Inclusion Scotland**

“Supporting the learning of disabled children and young people is a vital starting point for disabled people’s participation in the job market. Lower educational attainment impacts on disabled people’s job opportunities. We note that the employment rate for disabled people has fallen to 40.8% despite the employment rate for working age people rising overall to 74.4%. Disabled people are being left behind in this upward climb.”

**Third sector / equality organisation - Inclusion Scotland**

## **Strategy and Performance**

### **Commitment 37. Anti-Bullying –respectme and review and refresh of the ‘National Approach to Anti-bullying for Scotland's Children and Young’**

**37. Anti-bullying – the Scottish Government will continue to support Scotland’s national anti-bullying service respectme and develop strategic anti-bullying work through the review and refresh of the National Approach to Anti-bullying for Scotland’s Children and Young. A priority for this service will be an inclusive approach to anti-bullying which includes prejudice-based bullying and takes consideration of the protected characteristics, including disability. (ongoing)**

Consultees were generally supportive of this commitment. A number reflected on the experience of bullying for disabled young people, pointing out that they were at greater risk of bullying than other young people. A number of comments were made around the implementation of this commitment and suggestions for alternative approaches to tackling bullying were also put forward. Table 45, below, shows the key themes.

Table 45: themes identified under commitment 37

Theme identified	Number of comments relating to this theme
Generally supportive	12
The experience of bullying for young people with disabilities	11
Implementation	9
Other approaches suggested to tackle bullying	8
Critical comments	1
Other	2

### Generally supportive

Consultees were generally supportive of this commitment to anti-bullying, which takes consideration of the protected characteristics, including disability into account.

“Agree that this is a key issue for many disabled people and connects to the social stigma that continues to be attached to disability. Bullying was highlighted as their top challenge at school by attendees at the Deaf learners Conference which was held in partnership between NDCS and Education Scotland in February 2015.”

**Third sector / equality organisation - National Deaf Children's Society**

“We endorse the Scottish Government’s commitment to its national anti-bullying service and its strategic anti-bullying work. We are pleased that this importantly accounts for protected characteristics such as disability.”

**Third sector / equality organisation - Inclusion Scotland**

### The experience of bullying for young people with disabilities

The experience of bullying amongst disabled young people was discussed and it was observed that they are at greater risk of being bullied than other young people. The specific experiences of D/deaf young people, young people with learning disabilities and young people with communication support needs were highlighted by consultees. One individual commented that whilst a school’s anti-bullying strategies might look good on paper, they were not always effective in practice.

“We note that disabled children are twice at risk of long-term bullying in schools compared to non-disabled children; and we believe that procedures for identifying and addressing disability related bullying are currently insufficient. We hope that Scottish Government will make specific efforts to address this issue.”

**Third sector / equality organisation - Inclusion Scotland**

It was also pointed out that disabled young people are not a homogenous group and might experience bullying as a result of having more than one protected characteristic, for example being disabled and gay, and that such intersectionality

was often overlooked. Links between stigma and bullying, and bullying and hate crime were also commented upon. It was commented that wider approaches to tackling stigma would be helpful, and that tackling bullying could be preventative against future hate crime.

“More widely, bullying is connected to the social stigma that is attached to disabled people and permeates all aspects of their lives. Stigma and discrimination continues to exist which has an impact on life outcomes for disabled children and young people. This stigma is a fundamental barrier in promoting their equal access. Whether consciously acknowledged or not, stigma shapes how disabled people are viewed needs to be challenged boldly. Changing public attitudes and perceptions towards people with disabilities and ensuring communities are inclusive and supportive is key. A nationally led public campaign to help stamp out the stigma which causes bullying, hate crime and other negative attitudes would be helpful commitment to make progress towards a fairer society for all in Scotland. The See Me campaign has been highly successful in achieving change. A campaign of similar dimensions to support changing attitudes is vital to ensuring we build the capacity of communities.”

**Third sector / equality organisation - National Deaf Children's Society**

### **Implementation**

A number of comments were made about implementing this commitment, including: the importance of providing for speech language and communication needs; engaging with stakeholders; monitoring plans and policies; learning from resources used in other areas; the need to inform and train teachers around this anti-bullying approach; including mental health issues in the campaign; and promoting greater awareness of respectme.

“The teaching workforce needs to be fully informed and educated about this approach. Consideration that in fact the teachers approach may be disrespectful and detrimental to the child should also be taken into account. Support and supervision for teaching staff is crucial in order to ensure that this is implemented.”

**Academic or Research Institute - PAMIS**

### **Other approaches suggested to tackle bullying**

It was commented that better procedures for monitoring and tackling disability-related bullying were needed. Other approaches to tackling bullying were also suggested including: disability equality training for all children as part of Curriculum for Excellence; employing more support staff; school accessibility plans should take into account bullying and discrimination; locally funded campaigns; developing tools to address bullying; and promoting inclusion and diversity in schools.

“As part of its strategic anti-bullying work we encourage Scottish Government to commit to the provision of disability equality training as part of the Curriculum for Excellence... Disability Equality training should not be restricted to agencies working with children, but should be a core part of every child’s education. This

would help to challenge prejudice-based behaviours early on; and promote a better understanding of difference amongst our next generation of active citizens.”

### **Third sector / equality organisation - Inclusion Scotland**

“In terms of bullying of disabled children at school one respondent saw that ‘more support staff in school can be the difference between children having someone to turn to at break and lunch at school or bullying going unreported.’”

### **Third sector / equality organisation - Scottish Disability Equality Forum**

#### **Critical comments**

One consultee who was critical of this commitment, stated:

“This statement misses the point that you need to identify different types of bullying e.g. from teachers, pupils, other children’s parents etc. and have strategies to develop a community that appreciates the contributions and capabilities of disabled children.”

#### **Individual**

#### **Other**

Amongst the other comments, one local authority provided information about the Respectful Relationships Policy that they have in place.

“This has at its heart an inclusive approach to anti-bullying which includes prejudice-based bullying and takes consideration of the protected characteristics within the Equality Act 2010.”

### **Local government - East Ayrshire Council**

## **Youth and Adult Employability and Skills Development**

### **Commitment 38. Overarching commitment from Fair Work**

#### **Directorate**

**38. Overarching commitment from Fair Work Directorate – the Scottish Government’s aim is that disabled people, including young disabled people, get the opportunities and support they need to progress towards, enter and keep employment suitable to their needs and skills through the following projects:**

Consultees who commented were generally supportive of this commitment. Comments were made about its implementation, and it was seen as important that adequate support was provided. Table 46, below, shows the key themes identified.

Table 46: themes identified under commitment 38

Theme identified	Number of comments relating to this theme
Generally supportive	14
Support	5
Implementation	5
Equality Duties	4
Engagement	2
Other	8

### Generally supportive

Consultees who commented were generally supportive of this commitment.

“We welcome measures to support disabled people get the opportunities they need to progress towards, enter and keep employment suitable to their needs and skills. In line with Article 27 that states disabled people have the right to access the labour market on an equal basis with others and is open and inclusive, the Scottish Government should deliver a comprehensive commitment on how this will be realised. This should include the promotion of meaningful employment that ensures a worker receives a fair pay, and where possible is not low-skilled and parochial work.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

### Support

It was stated that providing disabled people with adequate support to look for and engage with work was important. It was also felt that it was necessary to co-ordinate this support to avoid duplication of effort.

“We are in agreement with this and believe this has links to re focused planning on how support is provided for individuals with disabilities in a more asset based way. We believe that the effective co-ordination of these cross cutting activities will be essential to avoid duplication or even conflict of effort and activity. We think it is important to find the correct balance in this work - focusing on assets and the contribution that disabled people make to the work place and education as well as on the barriers they face.”

**Public Body - Social Work, Dundee City Council**

### Implementation

A number of comments were made relating to the implementation of this commitment including: the necessity of inclusive communication; promoting



schemes widely in schools and to disabled people; monitoring progress; and ensuring that schemes are designed to be inclusive from the start.

“We suggest that more outreach into schools is required to increase awareness of the opportunities and support.”

**Third sector / equality organisation - Thistle Foundation**

“We must ensure initiatives like the Modern Apprenticeship Scheme are designed to ensure inclusion from the outset.”

**Public Body - Social Work, Dundee City Council**

## **Equality Duties**

The role of employers in relation to Equality Duties was mentioned. It was thought that employers required more education around Equality Duties, and that more should be done to monitor compliance with Equality Duties.

“We need to educate employers to achieve a better understanding of how The Equality Act, 2010 promotes positive action to improve participation of protected groups in society, including disability.”

**Public Body - Social Work, Dundee City Council**

“Disabled people also told us that the greatest barrier to their employment were the discriminatory attitudes of employers. They believed that Scottish Government needed to do more to challenge such attitudes to ensure that equality policies and the public sector duty were not just paid lip-service but were acted on. They suggested that regulatory bodies such as Audit Scotland, the Schools Inspectorate, Care Commission etc. should be given a role in verifying that other public bodies were complying with their equality and diversity policies.”

**Third sector / equality organisation - Inclusion Scotland**

## **Engagement**

The necessity of engaging with disabled people, disabled people’s groups and third sector groups with relevant expertise was highlighted.

“However disabled people told us that disabled people themselves needed to be involved in the policy formulation process of the Fair Work Directorate. This is because only we have the lived experience and knowledge necessary to identify and overcome barriers to disabled people’s employment. Disabled people suggested that DPOs were well placed to represent them and that the process had to be an on-going one rather than a one-off so that progress could be monitored.”

**Third sector / equality organisation - Inclusion Scotland**

## **Other**

A wide range of other comments were received including: the commitment was a “bit vague”; the focus should be on all disabled people; a request for quotas to be introduced around the number of disabled staff in the public sector; that fair pay and conditions are required; taking an assets based approach; the role of volunteering;

that disabled people should not be required to do unpaid work in order to access benefits; and the need to consider those whose disability means they can't work and how their needs can be met through education and purposeful activity.

“People with [profound and multiple learning disabilities] PMLD will not access employment but will lose skills if they are no longer enabled to access life-long education. Consideration of on-going access to education and the development of purposeful and meaningful activities is required as this group are not having their aspirations met.”

**Academic or Research Institute - PAMIS**

### **Commitment 39. Investment in Developing the Young Workforce and further investment to support young people with barriers to employment including disability**

**39. Developing the Young Workforce – the Scottish Government will invest a further £16.6 million this year to deliver our commitments to Scotland’s Youth Employment Strategy. The focus is to reduce inequality and to further improve learning options for young people including young disabled people to prepare for work.**

**We are also investing a further £16.3 million to support young people with barriers to employment including disability for:**

- Third Sector employers to create up to 1000 job training opportunities in 2015-16, as part of the next phase of Community Jobs Scotland, including providing support for up to 18 months for young disabled people.**
- Small employers to recruit over 2000 young people with barriers, including young disabled people, to employment and to support employers to recruit Modern Apprentices through Scotland’s Employer Recruitment Incentive.**
- Third Sector organisations to provide specialist in-work support for young people (including young disabled people) aged 16-29 who face barriers to sustaining employment.**
- We will increase the take-up of Modern Apprenticeships by young disabled people and young people from BME backgrounds, and to significantly reduce gender segregation within Modern Apprenticeship frameworks.**

Consultees were generally supportive of this commitment. There was criticism leveled at modern apprenticeships in relation to the very low level of participation by disabled people, and it was stated that this should be addressed. The need for support for disabled people and employers was discussed, and it was stated that certain groups of disabled young people might require more attention in order to enable them to enter the workplace. Table 47, below, shows the key themes identified.



Table 47: themes identified under commitment 39

Theme identified	Number of comments relating to this theme
Generally supportive	8
Specific focus on certain groups	7
Support for disabled people and employers	7
Modern apprenticeships and disabled young people	7
Implementation	6
Need to address wider issues around transition from education	4
Engagement	3
Enhance role of volunteering leading to paid work	3
Critical comments	1
Other	10

### Specific focus on certain groups

Some consultees mentioned specific groups that they believed required more attention. This included suggestions for more investment to support those who are furthest from the labour market, focusing on those with learning disabilities and upon D/eaf people. In particular, it was noted that current qualification requirements to become an apprentice exclude many of people with learning disabilities who may have the necessary skills to be a good apprentice but are unable to meet the required qualifications.

“Increased support for young people with a disability who are not ready for college or employment when they leave school would be beneficial – e.g. intensive support for 6 – 12 months on leaving school focused on helping them prepare and develop the necessary skills.”

#### Local government - Perth and Kinross Council

“However, we believe more can be done to improve participation by people with a learning disability and would like to see a further commitment to ensure this group are specifically considered in the plan. While disabled people are only half as likely to be in work as non-disabled people, the rate of people with learning disabilities in a full time job is only 12%. Currently applicants normally need to have a minimum of three qualifications at National 4/SCQF Level 4 to apply for a Modern Apprenticeship. This immediately excludes people who have lower literacy and numeracy skills as a result of a learning disability.”

#### Third sector / equality organisation - Lead Scotland

“Serious consideration should be given to the Modern Apprenticeship scheme. One of the barriers faced by many adults with [Downs Syndrome] Ds is the lack of flexibility of employment schemes like [Modern Apprenticeships] MAs; at present this scheme excludes a significant amount of people due to eligibility/assessment criteria which do not reflect the variety of skills of all young adults in Scotland. Many people with Ds would make great modern apprentices if given a chance... MAs offer great opportunities to a lot of young people to access work and the Scottish Government needs to ensure that young people with learning disabilities are not being left out.”

### **Third sector / equality organisation - Downs Syndrome Scotland**

#### **Support for disabled people and employers**

Support for young people and employers was emphasised. It was believed that young people would require practical support, information and guidance, but it was also believed that there was a need to support young people’s aspirations by providing reasonable adjustments and tackling employer's attitudes. It was also suggested that a support worker could work with a young person and employer.

“Young disabled people we talked to expressed diverse aspirations to become - chefs, hairdressers, bus-drivers, media workers, conservationists/forestry workers, actors, dancers, beauty therapists and care workers. Many had been thwarted in their ambitions by being told, by careers advisors, and employers, that they were not suitable for these careers because of their impairments. Yet, as the young disabled people pointed out, they felt that they could have taken on these roles if suitable training and reasonable adjustments (such as being allowed to work part-time) had been put in place... These experiences had led young disabled people to have low expectations about getting into paid employment. These low expectations were often reinforced by unpaid/voluntary work becoming their main source of employment.”

### **Third sector / equality organisation - Inclusion Scotland**

“This would be a good opportunity for young people especially young disabled however who will provide the support? For young people with ASD and learning disabilities it would be important to have some support worker or a trained supporter to whom the employers can work with and have someone to liaise with if there are any difficulties within the workplace.”

#### **Individual**

#### **Modern apprenticeships and disabled young people**

There was criticism of the modern apprenticeship scheme. The very low uptake of modern apprenticeships amongst disabled people (quoted as being around 0.2 - 0.3% by consultees) was a source of concern. The new Skills Development Scotland Action Plan on Equality was mentioned and it was hoped that this would improve the number of disabled young people undertaking a modern apprenticeship. It was thought that ambitious targets should be set for the number of disabled young people undertaking modern apprenticeships and that there was a need to monitor investment to see if it actually benefited disabled people.

“We want the Scottish Government and Skills Development Scotland (SDS) to set ambitious participation targets for more young people who are Deaf or have hearing loss to take up Modern Apprenticeship opportunities – and make sure that appropriate specialist support via third sector partners is provided.”

**Third sector / equality organisation - Action on Hearing Loss Scotland**

“Young disabled people’s experience of the Modern Apprenticeship scheme was not good. Those we talked to thought that the range of opportunities offered to them was narrow and that in some cases they were discriminated against. For example one young disabled person asked about a Hairdressing apprenticeship and was told – ‘They’re not really for disabled people’.”

**Third sector / equality organisation - Inclusion Scotland**

“Road show participants felt that most money would go to creating apprenticeships. Given the poor record of including disabled young people in the Modern Apprenticeship Scheme it was felt that this investment should be closely monitored to ensure that it benefits disabled young people.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

There were calls for people with learning disabilities to be given access to modern apprenticeships, noting the importance of personal competencies over academic qualifications, and suggestions for the provision of modern apprenticeships which require lower levels of qualifications.

“While we appreciate Training Providers set these minimum entry levels to meet the demands of Scottish employers in consultation with the Scottish Skills Council’s, sectors such as healthcare, retail, hospitality and catering will always have entry level vacancies that place higher value on personal competencies rather than literacy and numeracy skills. Skills Development Scotland could contract specialist Training Providers who have expertise of working with this cohort [young people with learning disabilities], to develop a Modern Apprenticeship at a lower level designed to meet the needs of these businesses. While young adults with learning disabilities do not make up a large proportion of the general Scottish population, there are still thousands of 16-24 years olds within this group not in education, employment or training (LDSS Report 2014). Therefore, if the government wants to ensure all young people have fair access to a variety of jobs, regardless of the barriers they face, as per the aims laid out in Developing the Young Workforce, then further commitment is required to effectively support people with learning disabilities into a Modern Apprenticeship.”

**Third sector / equality organisation - Lead Scotland**

## **Implementation**

Some comments were made around the implementation of this commitment, including the need for inclusive communication, widely promoting the commitment, especially to those about to leave school, and the need for more clarity around funding and support for young people.

“Developing the Young Workforce” could helpfully consider committing to invest in enhancing the [speech language and communication] SLC abilities of young unemployed people – and supporting employers to implement a inclusive communication standard in order to enable access to work for so many young people.”

**Academic or Research Institute - Royal College of Speech and Language Therapists**

“We suggest that more outreach is required into schools to increase disabled children and young people’s awareness of opportunities and support.”

**Third sector / equality organisation - Thistle Foundation**

### **Need to address wider issues around transition from education**

The wider issue of transition from school to work and from child to adult services was raised, and it was stated that young people required additional support at this point in order to help make these transitions successfully.

“The difficulties around transition to adulthood for disabled young people is continually raised as being a serious issue. It is essential that we address social, systemic and structural difficulties which are often faced by disabled young people at this time of their lives.”

**Public Body - Children and Young People's Commissioner**

“There is a need for resources to be committed to support transitions and career management skills and preparation for disabled people in relation to CVs, interviews, work experience and work placements while at college.”

**Academic or Research Institute - College Development Network**

### **Engagement**

The importance of engaging with disabled people and their organisations was emphasised.

“However as with all such Action Plans we believe that disabled people and their representative organizations need to be involved from the outset, and throughout, in identifying barriers to participation, formulating strategies to overcome them and monitoring their implementation.”

**Third sector / equality organisation - Inclusion Scotland**

### **Enhance role of volunteering leading to paid work**

Some consultees commented that disabled people can volunteer for a long period of time, without this leading to paid employment, and that this can lead to low aspirations and expectations in disabled people as they lose hope of moving on to paid employment. It was thought that more needed to be done to enhance the role of volunteering as a stepping stone to paid work.

“I have also heard numerous accounts of young people volunteering for a considerable length of time, without this leading to paid employment. This needs to be addressed and initiatives which promote access to employment of disabled young people supported and enhanced.”

**Public Body - Children and Young People's Commissioner**

“These low expectations were often reinforced by unpaid/voluntary work becoming their main source of employment. Some disabled people had been volunteering for lengthy periods (one for over 20 years). Although when they started they felt that volunteering gave them a sense of making a contribution and allowed them to acquire work-skills they resented that they could never seem to translate their volunteering experience into paid work.”

**Third sector / equality organisation - Inclusion Scotland**

### **Critical comments**

A concern was raised that young disabled people might be over-looked as they were not the specific focus of this commitment.

### **Other**

A range of other comments were received including: the need to support disabled children and young people from the early years onwards; a desire to see disabled work placements created across the public sector; a reminder that disabled young people are not a homogeneous group and that intersectionality between other equality strands should be considered; employers should better understand their equality duties; travel needs can be a barrier, especially in rural areas; monitoring and safe guarding the future of Access to Work; and wanting the abolition of zero hours contracts. One local authority provided an example of what they plan to do in the area of youth employment.

“Disabled people wanted to see Government departments and the NHS not only “talking the talk” but “walking the walk” and themselves developing a programme of work placements in the civil service, health settings and other public agencies for young disabled people.”

**Third sector / equality organisation - Inclusion Scotland**

“LGBT and refugee disabled people experienced different layers of discrimination which doubly disadvantaged them and they felt that these intersectional issues also needed to be addressed.”

**Third sector / equality organisation - Inclusion Scotland**

## Commitment 40. Supported Employment Model

**40. Supported Employment Model – the Scottish Government will continue to support and promote this model for disabled people to learn on the job with support from colleagues and a job coach. We have developed a Personal Development Award and are working with partners including local authorities to promote using this to increase the quality of the workforce and delivery of supported employment.**

This commitment received relatively few comments, but the majority of those who did comment were supportive of it. A number of comments related to the implementation of the commitment. Table 48, below, shows the key themes identified.

Table 48: themes identified under commitment 40

Theme identified	Number of comments relating to this theme
Generally supportive	10
Implementation	10
Engagement	1
Critical comments	3
Other	2

### Implementation

A number of comments were made around the implementation of this commitment. It was suggested that a range of models were needed and that the supported employment model should not dominate. There were comments on the need for consistency across Scotland, with claims that supported employment provision was a “post code lottery”. It was thought that the supported employment model should be flexible, person-centred, and should support those already in work as well as those seeking work, and that there was scope to extend such schemes to the private sector. The importance of inclusive communication and the need to promote and advertise schemes widely were also highlighted. The importance of the role of job coach was commented on.

“Some disabled people we talked to were supportive of the Supported Employment Model as a means of obtaining training, employment and work experience. However they pointed out that the provision of Supported Employment was at best patchy and at worst a post-code lottery meaning that to access it might mean travelling considerable distances.”

### Third sector / equality organisation - Inclusion Scotland

“Leonard Cheshire Disability knows from our experience of supporting disabled people into work that effective employment support should be person centred and



designed to help overcome an individual's specific disability related barriers. For this reason we support the Scottish Government's aim to promote the supported employment model. However, we believe there is scope to make further progress in this area, particularly in organisations outside of the public sector. We would welcome increased engagement with private sector employers to show how they can apply the supported employment model to their business."

**Third sector / equality organisation - Leonard Cheshire Disability**

### **Engagement**

The importance of engaging with disabled people was commented on.

"We welcome the commitment to support and promote the model of supported employment but feel that one model in this regard should not dominate. We need a range of models to support disabled people in the workplace that are flexible in regards to changing needs. In practice, this requires disabled people being regularly consulted by their employer and involved with co-producing 'reasonable adjustments' that are regularly reviewed."

**Third sector / equality organisation - Capability Scotland**

### **Critical comments**

The following concerns were raised: the system could be bureaucratic and place additional stress on disabled people, and risked positive discrimination occurring.

### **Other**

Other comments received included: the importance of challenging attitudes towards and expectations of disabled people's abilities to work; and an example of what a local authority is currently doing around supported employment.

"A task force examining the [supported employment model] SEM concluded that disabled people are "held back by low expectations of their ability to gain full-time employment". **Addressing this should be a priority for the Scottish Government.**"

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

## **Commitment 41. Supported Businesses**

**41. Supported Businesses – these are businesses where at least 30% of the staff are disabled. Around 20 of these businesses in Scotland employ 600 people. We will support the development and sustainability of supported businesses particularly procurement and business support.**

There were relatively few comments related to this commitment, and opinion was divided as to whether or not supported businesses were a good idea. Some thought that supported businesses segregated and had the potential to stigmatise disabled people. The Scottish Government's commitment to supported businesses was also



questioned following recent closures of supported businesses. Table 49, below, shows the key themes identified.

Table 49: themes identified under commitment 41

Theme identified	Number of comments relating to this theme
Critical comments	8
Generally supportive	7
Implementation	7
Other	1

### Critical comments

The following issues were raised: supported businesses were segregating and potentially stigmatising; it was better to have "reasonable adjustments" in wider employment; work provided by supported businesses does not provide a meaningful occupation for disabled people.

“Some disabled people though are opposed the Supported Employment Model. They felt that disabled people should be integrated into the general workforce thus developing awareness and acceptance of impairments amongst the general population. They pointed out that, in contrast, the Remploy model separated and segregated disabled people from the non-disabled population.”

**Third sector / equality organisation - Inclusion Scotland**

Questions were raised about how committed the Scottish Government was to supported businesses, following the closure of such businesses as Remploy, the Engine Shed and Blind Craft. It was also thought that better business planning was required to support such businesses to survive.

“Regardless of their support for, or opposition to, supported employment disabled people were united in their condemnation of the closure of a number of supported businesses due to a lack, or withdrawal, of support from local and central Government (e.g. Remploy, Blindcraft, the Engine Shed, etc.)”

**Third sector / equality organisation - Inclusion Scotland**

### Generally supportive

Consultees who were supportive of the commitment recognised the benefits that supported employment could provide for disabled people.

“Over 90% of respondents supported this commitment. One respondent felt that supported businesses ‘are wonderful for providing meaning and self-worth to disabled young people. They are also an excellent rung onto the employment ladder for some to develop skills that cannot be learnt in the classroom’.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## Implementation

A number of comments related to the implementation of this commitment including suggestions that supported businesses should receive government subsidies and benefit from getting public service contracts. Comments were also made around: the potential for other businesses to learn from supported businesses; the need for employers to receive support and training around employing disabled people; the importance of technology; considering whether legislation is required relating to supported businesses; and considering job opportunities for highly qualified disabled people. It was also mentioned that being in “good” work can have benefits for disabled people’s wider wellbeing, and that this link should be promoted more to employers.

“Participants at one engagement event were keen that organizations who drew more than 30% of their workforce from disabled people should receive a government subsidy. Their personal experience of Supported Employers was that they were more supportive of disabled people’s needs and more prepared to make reasonable adjustments.”

### **Third sector / equality organisation - Inclusion Scotland**

“Employment of disabled people could be more closely linked to community benefit clauses, where businesses that can prove they are supportive of a diverse workforce, benefit from public sector contracts. Unemployment is linked to social exclusion, lower productivity and reduced tax revenues; whereas people’s health and wellbeing is improved by ‘good work’, and people moving into work are less likely to use health and social care services. These links need to be more clearly explained and promoted to businesses in Scotland.”

### **Third sector / equality organisation - Capability Scotland**

## Other

One comment stated what a local authority was doing in relation to supported businesses.

## Commitment 42. Establishment of a Fair Work Convention

**42. Establishment of a Fair Work Convention – this is an independent body supported by the Scottish Government which provides advice on how workplaces can be made fairer and more productive. It will provide a practical plan for promoting a new type of dialogue between employers, employees and trade unions, public bodies and the Scottish Government. (ongoing until 2020)**

Not many consultees commented on this commitment but those who did were generally supportive. Table 50 , below, shows the key themes identified.

Table 50: themes identified under commitment 42

Theme identified	Number of comments relating to this theme
Generally supportive	7
Implementation	3
Engagement	3
Critical comments	4
Other	1

### Implementation

A small number of comments were received around the implementation of this commitment. They included: the necessity of inclusive communication; the need for co-ordination of cross-cutting action; and the importance of up-to-date guidance and advice for employers.

“Respondents agreed that businesses would benefit from guidance about creating a fairer and productive workforce and felt up-to-date advice on equalities legislation would benefit employers: ‘Equality is a continually evolving practice. It feeds on information and the status quo of aspects of society. For businesses to be able to manage changes easily and trust that guidance is accurate is very important.’”

**Third sector / equality organisation - Scottish Disability Equality Forum**

### Engagement

The necessity of engagement with relevant stakeholders, including disabled people, was emphasised. It was commented that the third sector should be explicitly mentioned in the commitment and be engaged as a partner.

“We welcome the aims and objectives of the Fair Work Convention to ensure that workplaces are fairer and more productive. It is important that this process includes all relevant stakeholders, in particular taking into account the lived in experiences of disabled people who may have encountered barriers or discrimination within the labour market.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

### Critical comments

The following issues were raised: not believing that the commitment would contribute to more disabled people being employed; the belief that it lacks disabled people’s representation; and the opinion that the commitment was a vague.

“Disabled people’s comments about the Fair Work Convention were similar to those on the Fair Work Directorate. They were unsure about how this would contribute to more disabled people being employed when it had, as far as they were aware, no

disabled members and no remit to increase the number of disabled people in employment. Inclusion Scotland would echo these doubts. All of the aims of the Fair Work Convention seem laudable but few of them seem to relate directly to disabled people (though disabled people being over-represented in entry level jobs would benefit from action which increased the proportion of low paid workers receiving the living wage).”

**Third sector / equality organisation - Inclusion Scotland**

**Commitment 43. Disability Employment Services in Scotland**

**43. Disability Employment Services in Scotland – the Smith Commission recommended that the Scottish Parliament will have all powers over support for unemployed people currently contracted by the Department of Work and Pensions at a UK level. Contracts for specialist employment services for disabled people end on 31 March 2017 and if new powers to deliver these services transfer to the Scottish Parliament on time, new employment services will need to be in place by 1 April 2017.**

Consultees were generally supportive of this commitment and emphasised that the service should be person-centred and outcomes focused. A number of comments were made about how such a service should be implemented. Some dissatisfaction with current services was also expressed. Table 51, below, highlights the key themes identified.

Table 51: themes identified under commitment 43

Theme identified	Number of comments relating to this theme
Generally supportive	11
Ethos of the service – should be "person-centred"	6
Implementation	11
Engage with and fund third sector to provide support	2
Dissatisfaction with current service	2

**Ethos of the service – should be "person-centred"**

There was general support for the establishment of a disability employment service in Scotland. It was stated, however, that in order for the service to be successful and meet the needs of disabled people, it needed to be person-centred and flexible, offer choice and control to the disabled person and realise the range of barriers faced by different groups of disabled people. The importance of having compassion towards the disabled person was also highlighted by one consultee. Another consultee spoke of the need for joined up employment services, as young people often lost access to careers advice and support when they left school.

“Support needs to be focused on the person, be portable across different jobs or contracts, and offer choice and control in how it is used to achieve agreed outcomes... This requires investment in disability employment support that disabled people can control if they wish (e.g. Access to Work, peer support and mentoring, support to gain and maintain employment) and a commitment to providing outcome-focused person-centred support which makes a measurable difference to disabled people’s lives.”

**Third sector / equality organisation - Capability Scotland**

“However the devolution of Disability Employment Services to Scotland must ensure that programmes offer both flexibility and compassion to those participating. The devolution of powers provides the Scottish Government the opportunity to oversee a programme that offers meaningful employment for disabled people and does not force individuals into work where it may not be suitable. Moreover, employment services must be tailored in order to be most effective at supporting people with different types of disabilities and needs.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

### **Implementation**

A number of comments were made about how this commitment should be implemented. It was stated that investment and reform of the current system was needed. The necessity for inclusive communication, including adequate support for D/deaf BSL users, was also highlighted. It was also suggested that a local element was required, and that disability awareness training should be provided for people working in job centres.

“Poor disability awareness has been reported to me by young people on a number of occasions, particularly with relation to Job Centre staff... This points to a crucial need for disability awareness training.”

**Public Body - Children and Young People's Commissioner**

### **Engage with and fund third sector to provide support**

It was suggested that the Scottish Government should engage with and fund third sector organisations with expertise in providing employment support for disabled people, in order to provide specialist support to help disabled people into work.

“To ensure that all people who are Deaf or have hearing loss across Scotland can be supported into training and employment, Action on Hearing Loss Scotland believes the Scottish Government needs to provide sustainable funding to third-sector partners who have a successful track record of specialist employability support. Action on Hearing Loss Scotland is a member of the Open Doors Scotland employability support consortium which, since 2014, has supported more than 350 people in Scotland aged 16-24 and who have a disability in to work.”

**Third sector / equality organisation – Action on Hearing Loss Scotland**

## Dissatisfaction with current service

Some consultees highlighted their dissatisfaction with current Disability Employment Services.

“Young disabled people were generally disparaging of the Disability Employment services that are currently on offer. They were particularly negative about Job Centre Plus advisors. For example: “Job Centre staff should listen to disabled people more to understand what it’s like – they act like I’m just lazy but they don’t give me the help I need”... Until now the Work Programme has failed disabled people. The job outcome rate for disabled people on the Work Programme is only 5%, approximately one-fifth of the success rate for all referrals (24.7%).”

**Third sector / equality organisation - Inclusion Scotland**

## Commitment 44. Ensuring flexible and integrated support is put in place to support individuals with particular needs, including disabled people into work

**44. Scottish Government Ministers are committed to ensuring flexible and integrated support is put in place to support individuals with particular needs, including disabled people into work as part of our ambitions for greater social justice and economic growth along with tackling inequality. A consultation will be launched in July 2017. (2017 onwards)**

Consultees were generally supportive of this commitment, and again stressed the need for support to be personalised. Table 52, below, shows the key themes identified.

Table 52: themes identified under commitment 44

Theme identified	Number of comments relating to this theme
Generally supportive	9
Implementation	7
Person-centred support	4
Employers	5
Barriers	4
Critical comments	1
Other	7

## Implementation

A number of comments were made about how this commitment should be implemented. It was noted that support would need to be adequately resourced and



that that supporting disabled people into sustainable work would lead to savings over the longer term. There were calls for more joined up working between agencies such as health and social care to support disabled people into work, by providing, for example, medical and social care support at times that fit in with a person's work pattern. Some consultees were supportive of more paid work experience opportunities, such as internships, which they believed could be helpful in getting disabled people into work. The importance of engaging with disabled people and their families was highlighted. One consultee felt that the employment and education restrictions associated with receiving Carers Allowance needed to be re-examined, in order to support more people with caring responsibilities entering the workforce.

“This should be person-centred and funding arrangements should reflect the greater savings that can be made by helping people into employment.”

**Third sector / equality organisation - Sense Scotland**

“Action on Hearing Loss Scotland would like to see improved integration and communication across employment, health, care and other local support services. Employment support for people with a disability is not currently well integrated with other sources of support. Greater join up across different local agencies could improve a personalised approach and ensure a more seamless transition in to work.”

**Third sector / equality organisation - Action on Hearing Loss Scotland**

### **Person-centred support**

It was emphasised that support should be person-centred.

### **Employers**

There were a number of comments around the role of employers in facilitating disabled people to enter into and sustain work. On the whole comments related to the recruitment process, noting the need for reasonable adjustments during recruitment and assessment processes and calling for greater transparency and feedback on how recruitment decisions are made. In addition it was suggested that more should be done to make employers aware of their duties under the Equality Act to make reasonable adjustments for disabled employees.

“Currently all employers are required to make reasonable adjustments for employees who are living with HIV. This can be to attend medical appointments or flexible working times, for example. However from inquiries we receive at HIV Scotland, we are aware of breaches and inconsistencies in the implementation of this legal requirement. We would like to see more action aimed at employers to make them aware of their duties and legal responsibilities under existing anti-discrimination legislation.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**



## Barriers

There was some discussion around the need for disabled people, employers and a Disability Employment Service to identify and overcome the barriers that disabled people face when trying to enter or remain in the workplace. There was also a comment that discussions about barriers needed to be balanced by discussion about assets as well with a focus on the contribution that disabled people can make.

“We think it is important to find the correct balance in this work - focusing on assets and the contribution that disabled people make to the work place and education as well as on the barriers they face. Without their contribution the achievements of Scotland will be less.”

**Representative body for professionals - Social Work Scotland Ltd**

## Critical comments

One consultee was critical of the commitment because it does not mention existing local authority responsibilities to support people with mental health problems and learning disabilities to find and maintain employment. They did not believe that this responsibility was being effectively implemented or monitored.

“We are disappointed that the commitments make no mention of the existing responsibility of local authorities to support people with mental health problems and learning disabilities to find and maintain employment, as set out in s26 of the Mental Health (Care and Treatment) (Scotland) Act 2003. We are not confident that this duty is being effectively implemented or monitored, and this needs to be a priority. When the MWC recently visited people subject community based compulsory treatment orders, none were in full time employment, and only a tiny number had part time employment.”

**Public Body - Mental Welfare Commission for Scotland**

## Other

It was commented that it was important to consider support for purposeful and meaningful activity for those for whom work is not an option due to their disability.

“Accessing work is important but people also have to have access to purposeful and meaningful activity – this may include volunteering which provides a valuable contribution to the economy, to society and to the communities in which people live.”

**Academic or Research Institute - PAMIS**

## Employment Tribunals

### Commitment 45. Abolish fees for employment tribunals and consultation re barriers that disabled people face when raising a claim at an Employment Tribunal

**45. We will abolish fees for employment tribunals and will consult with disabled people and their organisations to identify the particular barriers that disabled people face when raising a claim at an Employment Tribunal. (2016)**

Commitment 45 received relatively few comments, but most were generally supportive. Table 53, below, shows the key themes identified.

Table 53: themes identified under commitment 45

Theme identified	Number of comments relating to this theme
Generally supportive	11
Implementation	9
Barriers	2
Need for employers to comply with Equalities Duties	2
Critical comments	1

#### Generally supportive

Consultees were generally supportive of this commitment, as it was believed that the high cost of tribunal fees acted as a barrier.

“Disabled people we engaged with welcomed this proposal wholeheartedly, as tribunal fees create a financial barrier to justice.”

**Third sector / equality organisation - Inclusion Scotland**

“Members were strongly supportive of this commitment given that Disability Discrimination applications are currently subject to the highest fees (that is the full £1200) because of their legal complexity and the likely length of hearings”.

**Third sector / equality organisation - Scottish Disability Equality Forum**

#### Implementation

Consultees focused on the need for inclusive communication, providing more support for disabled people and access to reasonably priced legal help. One consultee also commented on introducing a process to identify less meritorious applications. Consultees were supportive of the proposal to consult with disabled people and DPOs about the barriers disabled people face when raising a claim at an employment tribunal. It was also stated that consultation with disabled people and DPOs should happen first.

## Barriers

It was suggested that further research around barriers to accessing Employment Tribunals was required. It was also noted that concerns around confidentiality could be a barrier to raising a case, as people may chose not to pursue a claim if it meant publically declaring their disability status.

“Any consultation on barriers that disabled people face when raising a claim should consider how confidentiality can be safeguarded as people living with HIV have highlighted this as a barrier to taking a case (they do not want to take a case if it means publicly disclosing their HIV status).”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

## Need for employers to comply with Equalities Duties

It was stated that employers should comply with Equalities Duties.

## Critical comments

It was mentioned that the commitment would help only a small number of people and did nothing to address the situation of those who were not in employment.

## Social Justice and Regeneration

### Commitment 46. Disability Benefits Advocacy Support

**46. Disability Benefits Advocacy Support – the Scottish Government will provide funding to the Health and Social Care Alliance (The ALLIANCE) for a co-production advocacy project in four pilot areas. It will focus on disabled people and those with health conditions who are being assessed for welfare benefits including Employment Support Allowance (ESA) and Personal Independence Payment (PIP). (2016)**

Commitment 46 received relatively few comments, and they were universally supportive .There were also calls for advocacy services to be expanded. Table 54, below, shows the key themes identified.

Table 54: themes identified under commitment 46

Theme identified	Number of comments relating to this theme
Generally supportive	14
Expand advocacy services	6
Impact of cuts to welfare and benefits and dissatisfaction with, and stress caused by PIP and ESA assessment procedures	6
Implementation	3
Other	1

## Generally supportive

Consultees were universally supportive of this commitment.

“This was deemed essential by respondents given the disproportionate impact on disabled people of the UK Government’s cuts to social security and the fear experienced by disabled people undergoing reassessment for disability benefits that their awards will be reduced. Help was considered essential for disabled people claiming PIP and attending Work Capability Assessments with one respondent commenting that ‘life can be difficult enough without having to jump through hoops and processes designed to trick and trip you up. Advocacy is very important in this area given the number of cases that are won on appeal.’”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“This commitment has the potential to improve understanding of the impact of changes in welfare benefits on those with a disability or health conditions and provide a basis for mitigating action.”

**Local government - Stirling Council**

## Expand advocacy services

Consultees noted that this commitment was a pilot. There were calls for it to be extended nationwide. There was also an expectation that the Scottish Government would evaluate the pilot scheme and consider a national roll-out based on the results of the evaluation. One consultee called for a “one-stop shop” for advice and advocacy.

“There was a strong feeling that this should be a national service rather than a piloted initiative.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“Alzheimer Scotland has previously made the case for ‘one-stop shop’ services which provide information, support and advice for people, including people with dementia and their carers, which provides welfare rights advice and provides support to complete claims for benefits, housing, services etc. through a single advisor.”

**Third sector / equality organisation - Alzheimer Scotland**

## Impact of cuts to welfare and benefits and dissatisfaction with, and stress caused by PIP and ESA assessment procedures

One reason why this commitment was supported was because consultees acknowledged the negative impact that cuts to welfare and benefits, and the fear of cuts to benefits, can have on disabled people.

“Nearly all disabled people felt that receipt of benefits helped them to look for work. Conversely they felt less able to cope and under stress when their benefits were cut or taken away - making them less able physically and mentally to carry out job-search. Disabled LGBT people told us how they were put under huge stress by

having their benefits taken away and then only after a prolonged struggle finally having them reinstated.”

### **Third sector / equality organisation - Inclusion Scotland**

In addition consultees spoke of dissatisfaction with and the stress caused by Personal Independence Payment (PIP) and Employment Support Allowance (ESA) assessments.

“Peer advocacy workers also told us that the disabled people they supported had been terribly affected by the stress of the assessment process for ESA and PIP, mandatory reconsiderations and sanctions. The stress that the DWP were subjecting disabled people to was not helpful in that they were being pushed towards work when they were not yet ready for it.”

### **Third sector / equality organisation - Inclusion Scotland**

## **Implementation**

Consultees were concerned with the need for inclusive communication, including for D/deaf BSL users, and the necessity of consulting with and informing disabled people about any potential changes to the welfare system.

“Communication support needs are often “invisible” and the impacts on access to work are often poorly misunderstood. People with communication support needs are potentially particularly vulnerable to inaccurate assessments of their ability to work. Given this and the evidence that people with SLC needs are more likely to have difficulty accessing information required in order to utilise services; experience negative communication within public services and be unemployed, or employed at an inappropriately low level the Disability Benefits Advocacy Support could helpfully to implement an inclusive communication standard both in the pilots and encouraging benefits assessors to do the same (if they don’t already).”

### **Academic or Research Institute - Royal College of Speech and Language Therapists**

“Under Article 28 there is a requirement for States to “promote the realisation” of the right to social protection for disabled people. In order for the Scottish Government to meet this requirement, it must ensure that all disabled people are informed and consulted well ahead of the introduction of any new welfare system in Scotland.”

### **Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

## **Other**

One consultee stated that the wording of the commitment was potentially misleading and needed elaborating.

## Reform of Local Taxation

### Commitment 47. Future reform of local taxation will take into account the particular needs expressed by disabled people

#### 47. Future reform of local taxation will take into account the particular needs expressed by disabled people.

Commitment 47 received relatively few comments, some of which were supportive, whilst others were critical. Those who were critical included those who felt the commitment was too vague and there was also uncertainty about how disabled people's views were going to be taken on board. Table 55, below, shows the key themes identified.

Table 55: themes identified under commitment 47

Theme identified	Number of comments relating to this theme
Generally supportive	10
Critical comments	7
Other	2

#### Critical comments

Whilst there was some support for this commitment, comments received were often mixed, with consultees saying that they supported it in principle but thought that the commitment was too vague, or were unsure how disabled people's views would be taken on board, or they doubted that it would actually be implemented in the current financial climate. There were also some suggestions that local authorities should be able to control and re-band council tax to fund local services.

"Whilst over 70% of online respondents support this commitment in principle, most who gave a written comment were very unclear as to what this commitment would actually mean for disabled people in practice."

#### Third sector / equality organisation - Scottish Disability Equality Forum

"Supported in principle, but given the recent study on funding of Local Government and the Council Tax freeze, implementation of this objective appears particularly uncertain."

#### Individual

#### Other

Other comments expressed a concern about local authorities being given control over budgets, and that the views of families and carers should also be taken into account.

## Social Security Policy and Delivery

### **Commitment 48. Establishment of a social security system that treats people with dignity and respect during their time applying for, being assessed and receiving disability benefits**

**48. Social Security for Disabled People – the Scotland Bill will transfer powers over social security benefits for disabled people including those with long-term health conditions and their carers. This will cover a series of benefits currently delivered by the UK Government through Disability Living Allowance (DLA), Personal Independence Payments, Attendance Allowance, Carer’s Allowance, the Industrial Injuries Scheme, Severe Disability Allowance and the Motability Scheme. The Scottish Government is committed to establishing a social security system that treats people with dignity and respect during their time applying for, being assessed and receiving disability benefits. We will have an engagement and participation programme with disabled people and organisations that will be affected by the new social security powers. We will co-produce policy and delivery options. (2016-17)**

Most consultees who commented were in favour of the establishment of a social security system that treats people with dignity and respect. Concerns were raised over UK Government cuts to welfare and the need for the Scottish Government to mitigate these. Dissatisfaction with the current system administered by the Department of Work and Pensions (DWP) was also expressed. There were many suggestions about how a future system could be improved. Table 56, below, shows the key themes identified.

Table 56: themes identified under commitment 48

Theme identified	Number of comments relating to this theme
Generally supportive	16
Suggestions for improving a future system	20
Dissatisfaction with current system administered by DWP	7
Concerns about UK Government cuts and the needs for the Scottish Government to mitigate these cuts	5
Critical comments	2
Other	1

#### **Generally supportive**

Most consultees were generally supportive of this commitment.



“96% of online respondents support this commitment. Respondents were clear that disabled people need improved social security benefits if they are to have any chance of being fully included in Scottish society.”

### **Third sector / equality organisation - Scottish Disability Equality Forum**

“Leonard Cheshire is supportive of a human rights based approach to social security. We have previously expressed concerns about cuts to ESA, the work capability assessment and how unsuitable the work programme is for many disabled people. We hope that the Scottish Government can develop a system of social security which reflects the needs and barriers disabled people face in society.”

### **Third sector / equality organisation - Leonard Cheshire Disability**

## **Suggestions for improving a future system**

A wide range of suggestions were offered as to how a future system could be improved based on consultees’ experiences of the current social security system. Suggestions proposed by more than one consultee were: the need to overhaul assessments (3); introducing a system that does not dis-incentivise finding work (3); and better co-ordination between benefits, social care, work and education (2). Below is a list of suggestions which were only proposed once:

- overhaul assessments
- have a system that does not dis-incentivise finding work
- better co-ordination between benefits, social care, work and education
- engagement of disabled people and co-production
- inclusive communication
- ring fence funding for disability benefits
- improve structure and process of PIP
- reflect the needs and barriers of disabled people
- dignity and respect needs to apply to outcomes as well as process
- mechanisms for evaluation and improvement in consultation with disabled people
- provide adequate information to disabled people and DPOs about any changes
- consider added benefit for volunteering
- training of staff
- do not devolve further to LAs
- reflect the five key principles of SCOWR's manifesto for change

There was a call to overhaul assessment processes which were often felt to be stressful, unnecessary and unfair. Disabled people should be supported through the assessment process, which should be fair and transparent. The assessment process should take into account the fluctuating nature of certain conditions, and

people with long-term or degenerative conditions should not be forced to go through repeated reassessments. Medical or supporting evidence should, if possible, be provided by a professional who knows the individual.

“Furthermore, where the Scottish Government has responsibility for social security, the assessment process should be overhauled to ensure claimants are treated with compassion and dignity. Assessments should be wholly transparent, with individuals given the necessary support throughout the process. Moreover, assessments should take into account the fluctuating nature of conditions such as HIV.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

There were calls for a system which did not dis-incentivise working, and there were concerns that the current system did this, with disabled refugees expressing concern that taking up work could jeopardise their status. There were also concerns raised that people were put off attempting to work in case they were seen as “fully fit” for work, which was a particular concern for those with fluctuating conditions, who feared losing support, that they would then require if their condition were to deteriorate again.

“We suggest the lack of flexibility in the benefits system actively discourages disabled young people and adults to explore paid employment due to fear of being perceived to be completely ‘fit for work’, and for some people, knowing their condition/s will fluctuate and affect their ability to work. Some people fear that reductions in support because of ‘success’ in working may happen should their condition deteriorate in future. It is reasonable for people to have a ‘safety net’ in this context which encourages employability without fear of losing support.”

**Third sector / equality organisation - Thistle Foundation**

Engaging with disabled people and co-producing the new system with them was highlighted as being important.

“It is, however, of critical importance that the delivery model for devolved disability benefits is produced in close collaboration with disabled people in part to ensure that the important distinction between social security and social care is not lost.”

**Third sector / equality organisation - Independent Living Fund Scotland**

It was commented that dignity and respect needs to apply to outcomes as well as process.

“The principles of dignity and respect are important ones – this must not just apply to the process of applying, but to the outcomes for the person – i.e. that they can live their life with dignity and respect.”

**Third sector / equality organisation - Sense Scotland**

Mechanisms for evaluation and improvement, in consultation with disabled people, were seen as playing an important role in any new system.

“These outcomes should be formally reviewed with disabled people, with clear timescales which will allow for rapid adjustment and improvement if it is found that there are flaws in any benefits managed by the SG. The benefits will need to be overseen by a structure which is not defensive in response to any criticisms, and which is agile enough to constantly improve.”

**Third sector / equality organisation - Sense Scotland**

It was considered important to provide adequate information to disabled people and DPOs about any changes to the welfare system.

“Our report Welfare Reform: In Scotland highlighted that people living with HIV and in receipt of social security benefits faced challenges in accessing information on changes. Furthermore service providers expressed concern that the speed of the reforms are not allowing services time to understand them and adjust. The Scottish Government should take action to ensure that disabled people, and the organisations that support them, are equipped with the information/resources they need to navigate the welfare system and respond to reforms.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

### **Dissatisfaction with current system administered by DWP**

Consultees expressed dissatisfaction with the current system administered by DWP. Consultees stated that they were not currently treated with dignity and respect, and concerns were expressed about assessment processes and fears of being forced into work that they did not feel capable of doing.

“Disabled people were supportive of there being fewer assessments in any future Scottish social security system as they thought that many assessments were stressful, unnecessary and unfair.”

**Third sector / equality organisation - Inclusion Scotland**

“Road show and online respondents felt that the current benefits system is devoid of respect and dignity: ‘it treats everyone like they are lying and cheating. It is full of fear and often ignores advice of professionals working with the disabled person. The professional opinions of those working with a disabled person and supporting their condition should be respected.’”

**Third sector / equality organisation - Scottish Disability Equality Forum**

### **Concerns about UK Government cuts and the needs for the Scottish Government to mitigate these cuts**

Linked with dissatisfaction with the current system were concerns about the UK Government’s cuts to welfare spending, and the need for the Scottish Government to act to mitigate these cuts. It was acknowledged that the Scottish Government had mitigated these negative impacts, but it was believed that this should continue and that there was scope for more to be done. In particular it was noted that disabled children and young people, and children and young people who live with disabled family members are being disproportionately affected by welfare cuts.

“Many of the people we support and their families have concerns about the cumulative impact of welfare benefit cuts, care charges and increasingly high eligibility criteria which must be met to get any support. The welfare changes being made at a UK level will still affect disabled people in Scotland and it will be important that the powers to be held by the SG mitigate the negative effects as much as possible.”

**Third sector / equality organisation - Sense Scotland**

“In the UK Children’s Commissioners’ report to the UN Committee on the Rights of the Child, we (the Commissioners) highlighted the fact that disabled children and young people and those living with a disabled family member have been and continue to be disproportionately affected by Welfare Reform/ Government spending decisions made since 2010. This has resulted in a regression of disabled children’s rights. The Scottish Government have helped to mitigate against these measures, but more can be done.”

**Public Body - Children and Young People's Commissioner**

### **Critical comments**

A question was raised about how a new Scottish social security system would work in practice, and a lack of faith in the benefits system was expressed, with people being sceptical that changes would positively affect them.

“On the whole, people consulted were concerned they could be forced into work that they couldn’t sustain, and although they agreed with the commitments regarding benefits, many were sceptical that welfare changes would really benefit them. This reflects a lack of trust in the benefits system as a whole.”

**Third sector / equality organisation - Sense Scotland**

**Q11: Are there any additional commitments and/or ways that you would strengthen the outcome 3 commitments that you have not already mentioned in your answers above?**

Forty-six consultees responded to this question. Where a comment clearly fitted with a specific commitment, it was themed as part of the response to that commitment, rather than as part of question 11.

Comments at question 11 could be broadly divided into three main categories: comments on the delivery plan document and the commitments it contained; comments on the themes raised by the commitments; and critical comments on the Outcome 3 commitments. Table 57, below, shows the themes identified.

Some consultees noted their support for the commitments, although there were also comments that the commitments could go further or be more explicit. Additional commitments were suggested. Comments were also made relating to the broader themes raised by the commitments, particularly around employment. Criticisms, relating to education, were made of the commitments.

Table 57: themes identified for question 11

Theme identified	Number of comments relating to this theme
<b>Comments on the Delivery Plan Document</b>	<b>21</b>
Supportive of these commitments	6
Commitments to add / focus more on	11
Other	4
<b>Comments on themes raised by the commitments</b>	<b>24</b>
Employment	19
Education	2
Other comments relating to themes raised by the commitments	3
<b>Critical comments</b>	<b>3</b>

## Comments on the Delivery Plan Document

### Supportive of these commitments

Some consultees noted their support for the commitments contained in Outcome 3, although it was also commented that the commitments could go further, or be more explicit.

“East Ayrshire Council fully supports the key objectives of this outcome; equal opportunity within education and paid employment, greater awareness of disabling barriers and appropriate benefits to meet additional living costs for those with a disability of impairment.”

#### Local government - East Ayrshire Council

“As discussed above, Leonard Cheshire Disability is supportive of the principle of many of the commitments put forward in this plan. However, as outlined in our comments we believe that there are opportunities to further strengthen aspects of this plan in order to fully realise the aspirations of outcome 3. We look forward to the Scottish Government putting forward an ambitious plan for the future delivery of social security and employability programmes, which encompass the social model of disability and focus on overcoming an individual’s specific disability related barriers to work.”

#### Third sector / equality organisation - Leonard Cheshire Disability

### Commitments to add / focus more on

Eleven comments related to commitments that consultees believed should be added to, or given more focus, within Outcome 3. Most of these related to employment (6), and education (5).

It was suggested that commitments relating to employment should be expanded to improve employment opportunities for disabled people across all workforces, rather than just those in supported employment, supported businesses, or the health and social care sector. It was also suggested that it was necessary to include more actions relating to the effects of low pay and poverty, including a commitment to address the pay gap experienced by disabled people and a commitment about training employers on mental health issues.

“At present commitments focus largely on supported employment, while commitments 22-24 (Integration of Health and Social Care) set out further opportunities for employment of disabled people within the sectors of Health and Social Care. A number of our members commented on the lack of commitments for employment of disabled people in other sectors.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“We would like the commitment to have more actions related to the effects of low income and poverty and how these matters can be addressed. The action plan could benefit from detailing how the Independent Living Fund could contribute to its aims and how this can be monitored and reviewed.”

**Public Body - Social Work, Dundee City Council**

“None of the commitments above appears to address the issue of the pay gap between disabled and non-disabled people. In its recent report *Is Britain Fairer? The State of Equality and Human Rights 2015*, the Equality and Human Rights Commission points out that ‘in 2013 disabled people in England were paid 90 pence per hour less, and in Scotland up to £1.20 per hour less, than non-disabled people’ (p.41). Down’s Syndrome Scotland therefore believes that the delivery plan must include a commitment to address the pay gap issue and ensure that disabled people are not being discriminated against.”

**Third sector / equality organisation - Downs Syndrome Scotland**

“It is suggested that the Delivery Plan should include a commitment to providing training to public, private sector and third sector employers on mental health issues and corresponding duties to make reasonable accommodations for disabled employees... Employers must be aware of their duty under the Equality Act 2010 to make reasonable accommodations for employees experiencing mental illness.”

**Academic or Research Institute - Centre for Mental Health and Incapacity Law, Rights and Policy - Edinburgh Napier University**

Additional commitments were suggested in relation to education, including: closing the disability attainment gap; improving careers advice; adult education; inclusive communication (including the communication needs of those with learning disabilities); and the need to improve education for D/deaf BSL users, with particular concerns being raised about the proficiency of BSL amongst those who teach D/deaf pupils.

“We know that disabled people are more likely to have poorer educational outcomes at all stages of education, but particularly during their school years. Therefore, we recommend the inclusion of a commitment that seeks to address the disability attainment gap.”

**Third sector / equality organisation - Equality Human Rights Commission and Scottish Human Rights Commission**

“A commitment should be added on the need to review and improve career services, and the training of career advisers, in order to better promote the value of schemes like Modern Apprenticeships to people with learning disabilities... For disabled people to have the same opportunities as non-disabled people, these issues need to urgently be tackled so that services across Scotland actively support disabled people and fulfil their commitments under the UNCRPD.”

**Third sector / equality organisation - Downs Syndrome Scotland**

“We would like to see further commitments put into place around Adult Learning. The pathway into employment is not necessarily linear and formal education after school is not always an appropriate option for some young people. This can particularly be the case for young disabled people who may need to take an alternative and more flexible route after school.”

**Third sector / equality organisation - Lead Scotland**

“We are also of the view that one of the commitments under this outcome should deal with the importance of communication skills for children and young people with learning disabilities. As an example, commitment 36 explains that children will be able to directly influence the additional support that is provided to them. But that will only be the case if those children can communicate and share their views on the support they receive and if they are actually being listened to.”

**Third sector / equality organisation - Downs Syndrome Scotland**

“As far as NDCS is aware the Scottish Qualifications Authority is the only exam board in the UK that does not offer language modification arrangements in exams and assessments for deaf pupils. In the absence of these arrangements, a commitment to inclusive communication for every learner in education settings is critical to ensure that no learner is left behind due to inaccessible educational materials and assessments.”

**Third sector / equality organisation - National Deaf Children's Society**

“A further commitment should be on the education of Deaf children in our schools... I stressed the need to extend the pool of proficient teachers and interpreters. If this does not happen the situation will remain dire. Unsurprisingly these children will often have a higher level of fluency than the teacher in the language they are being taught. In addition, it is not unusual for teachers of specialist subjects relying on communication support workers to interpret a subject they have limited knowledge in.”

**Public Body - Children and Young People's Commissioner**



## Other

Other, more general, comments revolved around age and transport. It was suggested that these commitments should apply to older people as well as younger people; that children and young people should be specifically referenced in the title of the outcome; and that Children's Rights and Wellbeing Assessments (CRWIAs) should be carried out on all the commitments. There was also a comment on the importance of linking these commitments to transport policy, as transport is essential in accessing work and education.

## Comments on themes raised by the commitments

Some consultees commented on the wider themes raised by the commitments, rather than specifically commenting on the commitments themselves. Most comments related to employment.

## Employment

A number of comments were made relating to employment, including statements that employer attitude was the biggest barrier faced by disabled people. It was suggested that there should be a national campaign developed to promote the employment of disabled people and present a positive image of disabled people more widely. It was also suggested that disabled people should be involved in the recruitment process. Comments were made about the Access to Work scheme, and whilst it was noted that it was a reserved matter, it was stated that the Scottish Government had a role to play in marketing it, so that employers and employees were more aware of it. It was also thought that it should be extended to include volunteers. There were also calls for more local and national opportunities for training, work experience and volunteering; an increased focus on employment outcomes for those with learning disabilities; increased support for disabled people to enter into and retain work; and offering new incentives to employers to employ disabled people.

“Action on Hearing Loss has consistently found, when asking people with hearing loss about the barriers to employment, that the attitude of employers is the most significant challenge. For deaf or disabled people to have equal access to employment opportunities, more work needs to be done with Scotland's employers to help them to understand how to make their recruitment processes fully accessible and how to best support employees to continue working by making ‘reasonable adjustments’ for staff who lose their hearing or acquire a disability.”

**Third sector / equality organisation - Action on Hearing Loss Scotland**

“Involve disabled people in a meaningful way in recruitment processes – e.g. advising on promoting diversity in Government, local government and NHS; reducing access barriers and making sure recruitment processes are fully accessible.”

**Third sector / equality organisation - Inclusion Scotland**

“It was felt that ‘Access to Work ‘should be marketed in a way that ensures disabled people can see that there is support available, and also so that employers can see the ‘financial benefits’ of creating an inclusive workplace – rather than worry about costs that can lead to work place cultures where disabled people are made to feel like ‘financial burdens’.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“The Sayce Review described Access to Work as the Government’s ‘best kept secret’ and DWP have acknowledged that many employers are still unaware of the programme, particularly in small and medium enterprises.”

**Third sector / equality organisation - Capability Scotland**

## **Education**

Comments relating to education included: the importance of closing the disability attainment gap, with suggestions that work underway to reduce the attainment gap could benefit disabled young people if inclusive communication is built in from the start; and a suggestion to research the outcomes of those who do and do not receive a college education to assess whether cuts to college places have been harmful to young people with learning disabilities.

“Closing the educational attainment gap in Scotland is rightly a key priority for the Scottish Government. The initiatives that are being taken forward to drive this forward also offer opportunities to achieve the aspiration of inclusive education for every learner, including those with additional support needs. The National Improvement Framework is an ideal opportunity to embed the principles of inclusive communication and ensure accessibility is built in from the very beginning. By committing to the clear principle that the Framework will be fully inclusive to every learner the Scottish Government can ensure the Delivery Plan is in line with and supports these ambitions.”

**Third sector / equality organisation - National Deaf Children's Society**

## **Other comments relating to themes raised by the commitments**

Other comments included: concern over the conflict between human rights and pre-natal screening; a call to abolish care charges; and a call for equality of access to social services for all disabilities.

## **Critical comments**

All of the critical comments related to the education commitments. It was commented that there were insufficient commitments relating to education and transition; that it was unclear what is meant by education, and how these commitments would help to raise attainment; and that the commitments did not take into account the needs of those with complex needs and their need for access to life-long adult education.

“The Education aspects of this section are very limited – where are the statements and measures on the principle of inclusion established by the Standards in Scottish

Schools Act? Why is there nothing relating to the Review of Disabled Children's services on the need for earlier, participatory and integrated transition planning?"

**Individual**

"It is not clear what is meant by 'Education' or how these points do anything to help children in school in terms of raising aspirations or attainment. I would argue that education for children with additional support needs (in general) varies from school to school and there should be more consistency."

**Public Body - NHS Forth Valley (Women and Children's Sexual Health)**

"We disagree that these commitments will progress the outcome because there is very little commitment to people with complex needs. These people will not access paid employment but do require access to purposeful and meaningful activity. They also require access to lifelong learning which is usually stopped once they reach 18. This is often at a time when they are developing skills which require to be maintained and built upon."

**Academic or Research Institute - PAMIS**

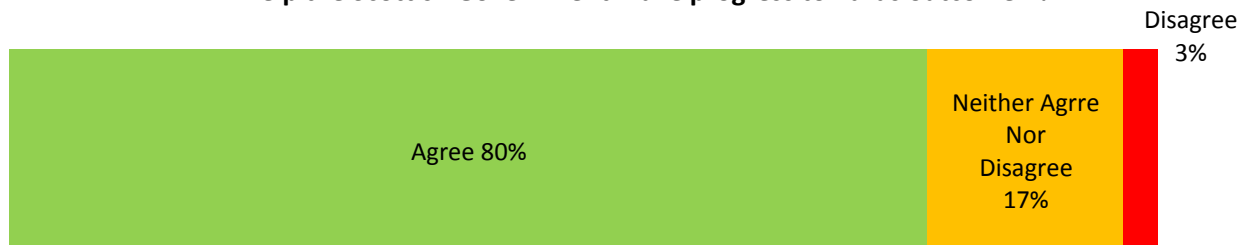
## 7. Outcome 4 – Equal and inclusive access to the justice system without fear of being unfairly judged or punished, and with protection of personal and private rights

There were six commitments included under Outcome 4. Consultees were asked if they agreed or disagreed that these commitments would help the Scottish Government make progress towards Outcome 4.

**Q12: Do you agree or disagree that the commitments (49-54) described at Section 2.4 will help the Scottish Government make progress towards outcome 4?**

Sixty-six consultees responded to this question, the majority of whom agreed that these commitments would help the government make progress towards Outcome 4. Eighty per cent agreed, 3% disagreed and 17% said that they neither agreed nor disagreed.

**Q12: Do you agree or disagree that the commitments (49-54) described at Section 2.4 will help the Scottish Government make progress towards outcome 4?**



**Q13: If you would like to make specific comments on any of the commitments intended to contribute to achieving outcome 4, please do so here. If not please skip to next question.**

Table 58, below, shows the number of comments received for each commitment. Commitment 50, encouraging reporting of hate crimes against disabled people, received the most comments (23), whilst commitment 53, about developing and delivering a 'pilot' improvement project focusing on preventing and removing disability hate crime from society, received the least comments (15).

Table 58: number of comments for each of the outcome 4 commitments

Commitment (Outcome 4)	No. of comments received
49. Review of legal aid contributions for disabled people	17
50. Encourage reporting of hate crimes against disabled people	23
51. Accessible information	19
52. Accessibility of sites and services	18
53. Develop and deliver a 'pilot' improvement project focusing on preventing and removing disability hate crime from society	15
54. Engage with DPOs to explore extent of violence against disabled women and girls, in the context of our ambitions under Equally Safe	19

## Civil Law and Legal System

### Commitment 49 Review of legal aid contributions for disabled people

**49. Review of legal aid contributions for disabled people – the Scottish Government will work with partners to identify negative impacts on disabled people of the current legal aid framework for contributions and develop options for change. Consideration of the options by Ministers may be followed by a change to legislation. (2016 onwards)**

Consultees were generally supportive of this commitment. They identified issues which they felt acted as barriers to accessing justice, and made proposals that they thought the review should also consider. The necessity for engagement and inclusive communication was highlighted. Table 59, below, shows the key themes identified.

Table 59: themes identified for commitment 49

Theme identified	Number of comments relating to this theme
Generally supportive	8
Barriers to accessing justice	6
Review should also consider the following:	4
Engagement and inclusive communication	4
Other	5

## **Barriers to accessing justice**

Consultees highlighted issues which they believed acted as barriers to accessing justice. Concerns were raised about the lack of legal assistance for children including disabled children. Comments were made relating to changes to regulations in January 2011 which changed the way that a child is assessed for civil and children's legal assistance. It was noted that "since the change in the regulations, the numbers of children applying to the Scottish Legal Aid Board for legal aid to be granted has fallen considerably" (Inclusion Scotland). Concerns were also raised about the lack of independent advocacy and specialist advice for disabled people; the need to address physical barriers to accessing legal aid; and that certain benefits, for example, DLA and PIP do not qualify as passported benefits for advice and assistance.

"This commitment should take into account the concerns raised by Together in its NGO report to the UN regarding the increasing limits placed on children's access to legal aid."

**Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

"Certain benefits are a passport benefits for Advice and Assistance. However, Disability Living Allowance and Personal Independence Payment do not qualify as passported benefits for Advice and Assistance. Therefore, disabled people who are working will still have to pay towards going to court. This is despite the fact that disabled people in work experience higher levels of poverty than non-disabled people due to the additional costs associated with their impairment/s."

**Third sector / equality organisation - Inclusion Scotland**

## **Review should also consider the following:**

Consultees raised other issues which they believed should be looked at as part of the review. It was suggested that a wider perspective should be taken of the review of legal aid and its implications for disabled people. It was also suggested that fees should be removed for Equality Act/discrimination cases.

"We recommend that the review take a broader view of the impact of legal aid changes on people with disabilities. The issue of contributions specific to people with disabilities is only one piece of the overall impact. General reductions of the legal aid budget are likely to have a disproportionate impact on people with disabilities and the cumulative impact of all changes to the legal budget must therefore be factored into the review."

**Third sector / equality organisation - Equality Human Rights Commission and Scottish Human Rights Commission**

## Engagement and inclusive communication

The importance of engaging with disabled people and DPOs was emphasised, as was the necessity for inclusive communication and taking account of the particular needs of people with communication support needs, such as allowing extra time in meetings and providing BSL support. It was also observed that young people with speech language and communication needs are more likely to be both offenders and victims, and that therefore any changes to legal aid would disproportionately affect those with communication support needs.

“We recommend that the Scottish Government ensure that disabled people and their organisations are involved with this review and in the development of ‘options for change’.”

### Third sector / equality organisation - Inclusion Scotland

“Consistently studies have shown 60% of young offenders have [speech language and communication] SLC needs and that people with communication support needs are known to be at greater risk of harm (i.e. being victims) than other people... They are also more likely to have difficulty accessing information required in order to utilise services and experience negative communication within the criminal justice system. Given [the] above the review of legal aid contributions could helpfully consider the disproportionate impact of changes to legal aid on people with communication support needs.”

### Academic or Research Institute - Royal College of Speech and Language Therapists

## Criminal Justice

### Commitment 50 Encourage reporting of hate crimes against disabled people

**50. Encourage reporting of hate crimes against disabled people – the seven main criminal justice organisations have committed to work together for future publicity campaigns, to encourage disabled people to report hate crimes and provide reassurance that a report will be taken seriously by these organisations. (2016 onwards)**

Consultees were generally supportive of this commitment. It was believed that there was a need for education about and awareness of hate crime across all sectors of society. Consultees commented on the support required to report hate crime. Some commented that disabled people didn't believe that current hate crime legislation worked and that a lack of trust in the police led to lower levels of reporting. The necessity for engagement with disabled people and inclusive communication were emphasised. Table 60, below, shows the key themes identified.



Table 60: themes identified for commitment 50

Theme identified	Number of comments relating to this theme
Generally supportive	14
Education about and awareness of hate crime	21
Support required for reporting hate crime	15
Low levels of	7
Engagement	3
Recording of hate crime	3
Inclusive communication	2
Other	4

### Generally supportive

Consultees were generally supportive of this commitment.

“The impact that hate crime can have on an individual disabled person simply cannot be overstated. Hate crime can destroy lives and it must be challenged head on. For this reason, Leonard Cheshire Disability supports any attempt to encourage more disabled people to come forward and report hate crime.”

**Third sector / equality organisation - Leonard Cheshire Disability**

### Education about and awareness of hate crime

Education and awareness raising was seen as key by the majority of consultees. In addition to awareness raising about hate crime, awareness raising about disability more generally was also mentioned, so as to challenge stereotypes and increase understanding about disability. It was believed that such education, particularly from an early age, would have a positive impact on hate crime.

“Our participants supported the idea that a large publicity campaign dispelling myths and led by disabled people, including in schools, might do more to prevent hate crimes. It may make some difference if this is done in addition to a pilot project encouraging people to report hate crimes.”

**Third sector / equality organisation - Inclusion Scotland**

Consultees believed that children should learn about disability and the issue of hate crime as part of their school education and also links should be made between bullying and hate crime.

“A holistic approach needs to be taken to encourage the reporting of hate crime against disabled children and young people. Many disabled children and young people do not recognise when a hate crime is being committed. Some do not have confidence that any action will be taken if they do report a hate crime. More links

need to be made between bullying behaviour in schools and hate crime, whilst also recognising that not all disabled children and young people will be in mainstream education.”

### **Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

It was stated that awareness raising amongst disabled people, disabled children and young people, and those with learning disabilities or hidden disabilities, was also required, focusing on: what hate crime is; that hate crime is not behaviour that disabled people should be expected to tolerate; how to report it; and what will happen when it is reported.

“Through our research in this area we have found that people with learning disabilities are not always aware that systematic violence and harassment is in fact not tolerated by society or that this is a hate crime. As such it is essential that information is made available to support people with learning disabilities to recognize and report hate crime.”

### **Third sector / equality organisation - Scottish Learning Disabilities Observatory**

Awareness raising and education amongst the general public was also seen as important, to reduce stigma and raise awareness around the impacts of hate crime.

“Attention needs to be given, however, to educating the public and on-going work around reducing the stigma attached to certain disabilities – e.g. mental health problems which are not so easily recognisable both by the public and by professionals.”

### **Representative body for professionals - Social Work Scotland Ltd**

Better training for professionals who may deal with the victims of hate crime, (such as staff in the police, NHS, and social work) about how to better support those victims was suggested.

“In general it was agreed that more disability awareness and equality training is required broadly across the justice sector and the Police force, to be delivered directly by disabled people”.

### **Third sector / equality organisation - Third sector / equality organisation**

#### **Support required for reporting hate crime**

Consultees commented on the support required for disabled people who report a hate crime. It was believed that more support was needed, and that better promotion of the support currently available, such as third party reporting of hate crimes, was required. It was also commented that reporting processes should be kept as simple as possible, and that consideration should be given as to how people with complex communication needs can communicate what they have experienced. The need for BSL support was also mentioned. The use of a disability harassment toolkit was mentioned, as was a good example of hate crime

mitigation, where bus drivers were trained to support passengers who experienced hate crime.

“I am pleased to see that Police Scotland is encouraging third party reporting around hate crime and being proactive about doing so. In many cases - and particularly for young disabled people, victims/witnesses of Hate Crime do not feel comfortable speaking directly to the Police”

**Public Body - Children and Young People's Commissioner**

“Many people choose not to report hate crime because they don't feel confident in doing so. We believe that there should be further investment in support services for disabled people who experience hate crime in order to that they feel empowered to report their experiences.”

**Third sector / equality organisation - Leonard Cheshire Disability**

“One example of good practice around hate crime mitigation has been training bus drivers in how to support someone who has experienced hate crime on the bus – i.e. helping them to gather details of an incident (bus route, time etc.) and sign-posting.”

**Third sector / equality organisation - Inclusion Scotland**

### **Low levels of reporting**

Reasons behind or low levels of reporting of hate crime were commented on. In addition to poor awareness of what hate crime is and difficulties associated with reporting hate crime, consultees reported that low levels of reporting were down to a lack of trust in the police and a feeling that current hate crime legislation does not work. It was suggested that more needed to be done to help restore disabled people's confidence in the police, such as more engagement between the police and disabled people's organisations and increased community police visibility.

“There is a historic distrust of the police amongst disabled people in Scotland and a perception among disabled people that the Police cannot do anything. Some of the disabled people we consulted informed us that they were either scared of reporting hate crimes or did not feel able to report them. For example, one consultee told us that they had a bad previous experience of reporting a hate crime to the police and this incident put them off reporting anything again. In addition, our participants believe that there is not currently enough support to report a hate crime, meaning that awareness of third party reporting centres and other initiatives is low.”

**Third sector / equality organisation - Inclusion Scotland**

“We welcome measures aimed at encouraging disabled people to report hate crime. The Hate Crime in Scotland 2013-14 report highlighted that there had been a 12% increase in disability aggravated offences. Moreover, Lord Advocate, Frank Mulholland QC has previously stated that disabled people are not reporting hate crimes because they lack confidence in the police.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

“A group of our participants suggested that disabled people’s trust in the police needs to be restored. One approach suggested is more community engagement by Police Scotland is needed. One way of implementing this would be to have a local Police Constable for different communities who disabled people can get to know and trust.”

**Third sector / equality organisation - Inclusion Scotland**

### **Engagement**

The importance of engagement and co-production with disabled people and DPOs was emphasised.

“Any campaigns launched should ensure meaningful consultation and participation of those with disabilities.”

**Third sector / equality organisation - Saving Down syndrome**

### **Recording of hate crime**

It was suggested that better recording of hate crime and better information sharing was needed, and in particular that better recording was needed around incidents where there might be multiple factors involved, such as hate crime against LGBTI disabled people. It was suggested that participants in the Scottish Crime and Justice Survey should be specifically asked about disability hate crime.

“Hate crime with multiple aggravations (e.g. perceived to be because of disability and LGB/T) is not being recorded according to LGB/T organisations, and there is a paucity of data on the incidence of multiple aggravations because the data is separated in annual reports. LGBT disabled people that we consulted with felt this: that despite the increase in reporting of homophobic hate crime, they still felt at risk. They felt that Police Scotland is not taking transgender crime seriously. One man with learning disability said that he felt it was worse for him because he is more likely to be harassed for being both gay and disabled. This has been well evidenced.”

**Third sector / equality organisation - Inclusion Scotland**

### **Inclusive communication**

The importance of inclusive communication was highlighted. This was felt to be particularly important in relation to any publicity campaign around hate crime, as it was mentioned that people with communication support needs or learning disabilities tend to be at greater risk of harm.

“Given the evidence that people with communication support needs are known to be at greater risk of harm (i.e. being victims of abuse) than other people it would be helpful if the anticipated publicity campaign on hate crime could helpfully implement an inclusive communication standard.”

**Academic or Research Institute - Royal College of Speech and Language Therapists**

## Other

It was observed that a holistic approach to understanding hate crime is required, and that hate crime should not be seen as an isolated event but rather as part of wider inequality experienced by disabled people.

“We recommend that a holistic approach be taken and as such hate crime be recognised as much more than a self-contained experience but one that intersects and is interwoven with multiple forms of inequalities faced by disabled people and in particular people with learning disabilities; such as health inequalities, poverty, social stigma and discrimination and pervasive forms of exclusion that often leave people with learning disabilities and people with autism invisible and unable to voice their experiences.”

**Third sector / equality organisation - Scottish Learning Disabilities Observatory**

## Commitment 51 Accessible information

**51. Accessible information – the seven main criminal justice organisations will convert their main communication publications into alternative formats including Easy Read versions. An online secure website to provide case information for victims and witnesses will be developed by the Scottish Government as part of the Digital Strategy. (2016 onwards)**

Consultees who commented on this commitment were generally supportive. It was commented, however, that current formats with legal terminology were inaccessible. Consultees suggested that this commitment should be taken further, and suggestions were made both for how information should be provided, for example in BSL, and the type of information that should be made accessible. Examples of current good practice were referred to. It was noted, however, that not all disabled people have access to the internet, and that putting something online does not necessarily make it accessible. Table 61, below, shows the key themes highlighted.

Table 61: themes identified for commitment 51

Theme identified	Number of comments relating to this theme
Generally supportive	14
Expand commitment	14
Examples of current good practice	4
Internet access	2

## Generally supportive

Consultees who commented on this commitment were generally supportive of it, whilst noting that current formats and legal terminology often made information inaccessible.

“Disabled people we consulted agreed that justice information should be available in Easy Read and plain English. The current format of the information with legal terminology makes it inaccessible to most disabled people. In addition, our disabled participants told us that the information should be provided in British Sign Language (BSL).”

### **Third sector / equality organisation - Inclusion Scotland**

“On a daily basis many people are excluded due to information not being available in an alternative format. Public bodies do not routinely prepare information in a format that is either initially accessible or in a format that can be easily adapted. The provision of easy read versions is welcomed.”

### **Individual**

## Expand commitment

Consultees wanted to expand this commitment to include wider approaches to communicating information, and also to expand the type of information which is made available in accessible formats. These approaches included: BSL; communication that is accessible to people with learning disabilities and communication support needs; paper forms should be as user-friendly as possible; websites should be as easy to navigate as possible; and support should be provided to help people be aware of and understand information provided.

“This is a welcome commitment. RCSLT would recommend inclusive communication approaches to information provision go beyond Easy Read. Although helpful to some with communication support needs Easy Read varies in quality and inclusivity in respect of many groups of people with communication support needs. [Speech and language therapists] SLTs on a day to day basis implement quality inclusive communication approaches on justice and other services. This otherwise welcome “Accessible Information” commitment could helpfully be extended to reflect a broader inclusive communication standard.”

### **Academic or Research Institute - Royal College of Speech and Language Therapists**

“We welcome the commitment to providing accessible information across the criminal justice organisations and consider that this should also encompass the provision of support, where required, to be made aware of and to understand such information”.

### **Academic or Research Institute - Centre for Mental Health and Incapacity Law, Rights and Policy - Edinburgh Napier University**

The type of information that was requested in an accessible format included: case information, information for those involved in the criminal justice system; information relating to civil matters; and information on forced marriage and female genital mutilation (FGM).

### **Examples of current good practice**

Some consultees provided examples of good practice where work had been undertaken, or was on-going, to make information more accessible.

“The Criminal Justice Disability Advisory Group has taken forward much work already in the area of inclusive communication / accessible information. At national conferences over the last year, representatives from Police Scotland the Scottish Prison Service have described good practice examples of how they provide accessible information. There is much to be applauded and Sense Scotland welcomes this commitment to continued work in this area.”

#### **Third sector / equality organisation - Sense Scotland**

“[Scottish Courts Tribunal Service] SCTS is currently in the process of converting main communication publications into Easy Read and are aware of the future commitments to British Sign Language (BSL).”

#### **Public Body - Scottish Courts Tribunal Service**

### **Internet access**

It was emphasised, however, that not all disabled people have access to the internet. Uploading information online, therefore, does not automatically make it accessible. In addition, more work may need to be done around digital inclusion, and supporting disabled people to use the internet.

“Simply putting information online does not make it accessible to all disabled people as a significant proportion of us do not have access to the internet for a variety of reasons.”

#### **Third sector / equality organisation - Inclusion Scotland**

“We agree that information and services need to be as accessible as they can and that we must consider how best to support people to access these. Digital inclusion initiatives must consider the needs of people with disabilities to ensure they are given appropriate skills and support.”

#### **Public Body - Social Work, Dundee City Council**



## Commitment 52 Accessibility of sites and services

**52. Accessibility of sites and services – the seven main criminal justice organisations will do site audits of their buildings on assistive services available and identify any physical access barriers. This information will be available through the internet site of each organisation. Recommendations for improvements will be considered by each organisation. (2016 onwards)**

Although there was some agreement with this commitment, there was also a strong belief that it could go further, and needed to consider barriers beyond wheelchair access. The training of staff was viewed as an important part of making services more accessible. The importance of engagement with disabled people and DPOs and inclusive communication were also commented on. Table 62, below, shows the key themes identified. .

Table 62: themes identified for commitment 52

Theme identified	Number of comments relating to this theme
Generally supportive	9
Need to expand and consider a wide range of barriers	18
Training of staff	3
Examples of good practice	3
Engagement	2
Inclusive communication	2

### Need to expand and consider a wide range of barriers

Whilst there was support for this commitment, there was also a belief that it did not go far enough, and that it should be expanded beyond wheelchair access to include consideration of a variety of other barriers to access to sites and services, such as signage; lighting; lifts; ramps; electronic displays or visual methods of communication to complement audio name calling systems; hearing loops; acoustics; BSL provision; inclusive communication needs; and attitudinal barriers.

“However our members feel that site audits to determine physical accessibility of sites and services do not go far enough and justice organisations should seek to identify all access barriers including communication and attitudinal barriers. Respondents are concerned that a focus on physical access barriers may prevent other access barriers from being removed for disabled people – e.g. acoustics, lighting, signage appropriate for those with sensory impairments or access barriers for people with mental health problems.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

The necessity of confidentiality was emphasised. A lack of confidentiality could provide a barrier to a person with an unseen disability, such as HIV. It was also commented that lack of confidentiality could also be a significant risk for those who have been subject to domestic or honour based violence.

“In addition to ensuring physical access to sites and services, the Scottish Government should also give consideration to ensuring that the particular needs of other disabled people are taken into account. For example it is essential that persons involved in courts proceedings are aware of the sensitivities around disclosure of HIV should a person with HIV be attending a session, irrespective if they are a witness, victim of a crime or the accused. Such measures would include maintaining the confidentiality of a person’s HIV status, and ensuring their status was not disclosed during proceedings where it was not directly relevant to the case.”

### **Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

It was also suggested that more support should be given to help disabled people access digital technology.

### **Training of staff**

Staff training around disability awareness, inclusive communication, and an awareness of potential sensitivities was seen as an important part of making sites and services more accessible.

### **Examples of good practice**

Some examples were given of work already being undertaken to make sites and services more accessible.

“Our Inclusive Design Advisor works with various departments to ensure that our sites and services are as accessible as they can be.”

### **Local government - East Ayrshire Council**

“[Scottish Courts Tribunal Service] SCTS accessibility audits are currently underway and accessibility reports will be published in an user friendly format on the SCTS website in due course.”

### **Public Body - Scottish Courts Tribunal Service**

### **Engagement**

It was suggested that disabled people and DPOs should be involved in conducting site audits, as they have relevant knowledge and expertise.

“We further recommend that DPO’s and Access Panels could be approached to do site audits. They have the expertise on the access barriers in buildings disabled people with a range of impairments face, and experience in providing these audits in localities where courts are based.”

### **Third sector / equality organisation - Inclusion Scotland**

## Inclusive communication

The importance of inclusive communication was highlighted, and it was believed that communication access should be given equal priority with physical access.

“Sense Scotland knows of some work within the justice system to take seriously the Principle of Inclusive Communication which states that physical and communication accessibility are equally important. We welcome a continued focus in this area.”

**Third sector / equality organisation - Sense Scotland**

## Disability Hate Crime

### **Commitment 53 Develop and deliver a ‘pilot’ improvement project focusing on preventing and removing disability hate crime from society**

**53. We will work with a local authority in Scotland to develop and deliver a ‘pilot’ improvement project focusing on preventing and removing disability hate crime from society. This will involve a range of local partners and build on existing knowledge of what works whilst testing out approaches in localities. The lessons learned will be used to inform practice in other parts of Scotland. (Development 2016 and delivery up to 2020)**

Most consultees who commented were supportive of this commitment, but there were some who were critical, feeling that this did not go far enough. The importance of engagement and inclusive communication was also highlighted. Table 63, below, shows the key themes highlighted.

Table 63 themes identified for commitment 53

Theme identified	Number of comments relating to this theme
Generally supportive	11
Wider issues around hate crime	4
Engagement	4
Expanding the evidence base	4
Inclusive communication	1
Critical comments	3

## Generally supportive

Consultees were generally supportive of this commitment.

“This commitment has the potential to increase understanding of actions which can reduce disability hate crime, share best practice and improve practice.”

**Local government - Stirling Council**

“We would welcome the local pilot improvement project and any work to bring the message to disabled people, particularly those with learning disability that hate crimes are not examples of behaviour they simply have to put up with.”

**Third sector / equality organisation - Capability Scotland**

## Wider issues around hate crime

Some wider issues around hate crime were raised. These included: adopting a holistic approach that looks at why disabled people might be likely to suffer hate crime; tackling negative attitudes towards disabled people; linking the pilot with other campaigns; and covering cross-cutting issues such as gender and cultural issues and disability. There was also a comment about considering how hate crimes are recorded, as disabled people are not homogeneous group.

“It is also essential that improving and preventing hate crime must also take into account why hate crimes against disabled people take place. In order to address this we support the adoption of a holistic, evidence based approach that recognises and highlights the multiple and intersecting ways in which disabled people, and people with learning disabilities, experience inequalities that produce and make more likely the experience of hate crime and disablist violence.”

**Third sector / equality organisation - Scottish Learning Disabilities Observatory**

“Disabled people we consulted were broadly supportive of a pilot project with people with learning disabilities on combatting disability hate crime. However, some expressed that this would not necessarily change the poor attitudes that exist.”

**Third sector / equality organisation - Inclusion Scotland**

## Engagement

Engagement with stakeholders, such as disabled people and DPOs was seen as important, and it was mentioned that disabled people should be involved in co-producing this pilot project. It was stated that disabled people should be actively involved throughout the pilot, including in the evaluation process.

“The Scottish Government should ensure that disabled people have the opportunity to participate and shape this pilot project. Moreover, disabled people should be involved within the evaluation process to identify what impact, if any, has been made following the project.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

“The Observatory supports any commitment to preventing disability hate crime. It is essential that any improvement projects work with and in partnership with people with learning disabilities and their representative organisations to ensure that the particular effects of learning disability hate crime are acknowledged and addressed.”

**Third sector / equality organisation - Scottish Learning Disabilities Observatory**

### **Expanding the evidence base**

It was stated that this pilot should be evidenced based, taking into account existing evidence on what works and sharing best practice, along with the need for it to be evaluated to demonstrate its impact. There were also comments about evidence based ideas that consultees wished to develop.

“Similarly any improvement projects should be evidence based and engage with research that has been previously undertaken by organisations researching hate crime across the protected categories.”

**Third sector / equality organisation - Scottish Learning Disabilities Observatory**

“There are currently some successful projects working to tackle disability hate crime. For example, in Northern Ireland, Leonard Cheshire Disability runs the ‘Be Safe Stay Safe’ project which helps disabled people feel safer in their homes and in their communities, through delivering disability hate awareness training and advocacy to disabled people, their carers their families and friends. We have so far worked with over 11 000 people on the project. We believe that a similar training programme in Scotland would help prevent disability hate crime and we would welcome an opportunity to share our learning from the ‘Be Safe, Stay Safe’ project with the Scottish Government.”

**Third sector / equality organisation - Leonard Cheshire Disability**

### **Inclusive communication**

It was emphasised that the pilot should incorporate inclusive communication given the higher risk of harm for those with communication needs.

### **Critical comments**

Those who were critical believed that this commitment did not go sufficiently far, and that a national project, rather than a pilot scheme, was required. It was also questioned whether local authorities were best placed to run such a pilot.

“A number of respondents questioned the use of a pilot scheme rather than a national effort to prevent disability hate crime and were also unsure that local authorities should be delivering such a project.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## Violence against Disabled Women and Girls

### Commitment 54 Engage with DPOs to explore extent of violence against disabled women and girls, in the context of our ambitions under Equally Safe

**54. We will engage with disabled people’s organisations to explore the extent of violence against disabled women and girls, in the context of our ambitions under Equally Safe – Scotland’s strategy to prevent and remove from society all forms of violence against women and girls. (2016-20)**

Whilst consultees were generally supportive of this commitment about violence against disabled women and girls, there were a number who were critical. The most common criticism was the belief that the commitment should not just focus on women and girls as men and boys also experience violence. Comments were made relating to the service provision requirements needed to support disabled women who have experienced violence, and also emphasising the specific needs of certain groups of women. Specific types of violence were also referred to. Table 64, below, shows the key themes highlighted.

Table 64 themes identified for commitment 54

Theme identified	Number of comments relating to this theme
Generally supportive	8
Service provision requirements to support disabled women who have experienced violence	7
Consideration of the needs of certain types of women	5
Specific types of violence mentioned	3
Critical comments	6
Other	2

#### Service provision requirements to support disabled women who have experienced violence

Reference was made to the type of service provision required to support disabled people who have experienced violence. These comments related both to the services themselves, and also to the training and attitude of staff towards disabled women. It was suggested that support services such as refuges should be made more accessible; more support is required for women reporting violence; and that there is a need for women-only services for disabled women. It was also believed that there was a need for equality training for service providers; that service

providers should listen to disabled women and take their concerns seriously; and that there is a need for the correct diagnosis of injuries, rather than a presumption that injuries occurred as a result of the person's impairment.

"It was suggested that disabled women need to be able to access support at the time of reporting violence and to continue to receive support after the event. Moreover, the emergency resources such as shelters, need to be able to meet the needs of disabled women with any impairments. Inclusion Scotland has already been working with Women's Aid Scotland and People First Scotland to co-produce, with women with learning disabilities, training for Women's Aid staff on removing the barriers to accessing their services."

**Third sector / equality organisation - Inclusion Scotland**

"Many women's organizations and disabled people's organizations have services or groups specifically for disabled women which disabled women find very beneficial."

**Third sector / equality organisation - Inclusion Scotland**

### **Consideration of the needs of certain types of women**

It was suggested that the needs of certain groups of women should be taken into account, such as women with learning disabilities, women with communication needs, and women who are D/deaf. The importance of inclusive communication and BSL provision was also emphasised. The needs of women prisoners were also mentioned.

"Research being undertaken by the Scottish Learning Disabilities Observatory has found that women with learning disabilities, in particular and to a greater extent than other disabled women, are at greater risk of interpersonal, sexual and domestic violence (Hollomotz 2009). It is also apparent that women and girls with learning disabilities are more likely to be prevented from reporting violence as it is often perpetrated by a partner, carer or supporter. We fully support the exploration of this serious and devastating experience and urge the Delivery Plan to, again, ensure that the particularities of women with learning disabilities' experiences be represented, taking into account the multiple and intersecting forms of inequality that can perpetuate violence against women with learning disabilities."

**Third sector / equality organisation - Scottish Learning Disabilities Observatory**

### **Specific types of violence mentioned**

Specific types of violence mentioned included sexual exploitation and the risk of honour based violence, including forced marriage. Women with learning difficulties were considered to be at particular risk of such violence.

### **Critical comments**

The main criticism was a belief that the commitment should not just focus on women and girls, but should also include men and boys, as they too can be victims of violence. Another consultee wanted a focus on preventative strategies such as



education around what is right and wrong in a relationship, so that people will understand what constitutes abuse.

## Other

Other comments included a local authority providing an example of good practice in terms of its Violence Against Women Partnership, and a comment that there should be a wider public understanding around the issues affecting disabled women.

**Q14: Are there any additional commitments and/or ways that you would improve the outcome 4 commitments that you have not already mentioned in your answers above?**

Thirty-eight consultees responded to this question. Where a comment clearly fitted with a specific commitment, it was themed as part of the response to that commitment, rather than as part of question 14.

Some consultees said that they were supportive of the commitments, and some made comments about the implementation of the commitments. However the vast majority of the comments (40) related to additional commitments that consultees believed would improve the Outcome 4 commitments. Table 65, below, shows the key themes identified.

Table 65 themes identified for question 14

Theme identified	Number of comments relating to this theme
Supportive of these commitments	5
Commitments to add/areas to focus more on	40
Implementation	3
Other	4

## Supportive of these commitments

Some consultees commented that they were supportive of the commitments outlined under Outcome 4.

“In relation to access to justice the commitments shown are positive and may help achieve many issues which face disabled people.”

### Individual

“ILF Scotland agree that the commitments above will assist with equal and inclusive access to the justice system.”

**Third sector / equality organisation - Independent Living Fund Scotland**

## Commitments to add/areas to focus more on

Most comments related to commitments that consultees wanted to add to this outcome, or areas that they felt should be given more focus within the outcome. The most commonly asked for additional commitments related to specific disabilities (11), followed by commitments about service provision (9).

The Scottish Disability Equality Forum provided a list of commitments that they would like to see included under Outcome 4:

“Our involvement with the Justice and Disability Steering Group in 2009 led to us to suggesting the following commitments from the Scottish Government to improve access to justice for disabled people. Those which have not yet been explicitly addressed by the draft plan are included below as our suggestions for improve the outcome 4 commitments:

- The Scottish Government should provide additional funding for SLAB to provide legal aid to disabled people taking Disability Discrimination cases.
- The Law Society should work with the Scottish Government to explore the provision of disability legal advice centres.
- The Scottish Government should consider awarding funding for a disability mediation/conciliation services.
- The Scottish Government should consider awarding more funding for disability advocacy services for all disabled people not just those with learning disability and mental health problems.
- The Scottish Government should remove the exclusion of BSL user from Jury duty. The Scottish Court Service should examine the rules on exemption for jury duty and ensure that reasonable adjustments are made so that if a disabled person wants to take part in jury duty they can.
- Justice sector organisations should provide disability equality training to all staff delivered by disabled people in order to change attitudes and challenge assumptions.
- Justice sector organisations should provide disability equality training to all staff delivered by disabled trainers. This should include Deaf awareness and mental health awareness and be tailored to the specific organisation and the role of the delegates.
- Justice sector organisations should consider carrying out an awareness raising campaign about the rights of disabled people in line with the Disability Equality Duty requirement to promote disability equality.”

### **Third sector / equality organisation - Scottish Disability Equality Forum**

The following list sets out the key areas where commitments were asked for:

- commitments relating to specific disabilities (11)
- commitments around services (9)
- commitments around children and young people (5)
- commitments around disability equality training for the legal/justice staff (5)
- preventative strategies such as education (4)

- commitments around legislation (2)
- other commitments (4)

Specific commitments were called for relating to the following disabilities: people with mental health problems, people with learning disabilities, D/deaf people, people with Alzheimer's and people with HIV.

There were calls to support people with mental impairments when reporting crimes, and also calls for better forensic mental health facilities for those with mental health problems who had offended. There was a comment about determining the use and effectiveness of special measures for victims and witnesses with learning disabilities and for more to be done in court to support victims and witnesses with learning disabilities. There were calls for the provision of better interpretation services for D/deaf people who were witnesses, victims or accused of a crime, and also calls for a commitment to make reasonable adjustments which would allow D/deaf people to sit on juries. There was also a call to ensure that people with Alzheimer's have equal access to justice. It was observed that the commitments did not cover key areas of justice, such as police and prisons, which are an area of concern for those with HIV who require access to HIV treatment in those settings and it was thought that key areas of the justice system such as the police and prison services should be considered in the final delivery plan.

“Research has shown that disabled victims of crime often have difficulties reporting incidents (Equality and Human Rights Commission, 2009). Barriers to reporting and recording crime should be addressed by training police and other agencies in how to support people with mental disabilities to disclose incidents and to navigate the criminal justice system. A commitment should be made to making the criminal justice system more accessible for people with mental disabilities.”

**Academic or Research Institute - Centre for Mental Health and Incapacity Law, Rights and Policy - Edinburgh Napier University**

“It has been reported that 14% of Scotland's prison population has a history of psychiatric disorder (Scottish Prison Service, 2007) and that approximately 4.5% have a 'severe and enduring' form of mental illness (HM Chief Inspector of Prisons for Scotland, 2008). As a significant proportion of the prison population is affected by mental health issues, it is suggested that the Delivery Plan should include a commitment to providing greater resources to forensic mental health services, including improving access to therapy and increasing the availability of mental health nurses (Mental Welfare Commission, 2011).”

**Academic or Research Institute - Centre for Mental Health and Incapacity Law, Rights and Policy - Edinburgh Napier University**

“The current commitments contained in this section would do little to address these needs or bring about improvements in the justice system for people living with HIV. In addition, when reviewing the accessibility of sites and services, there are no commitments relevant to key areas of the justice system such as prisons or the police. We know for example that people living with HIV can face real difficulties accessing HIV treatment in these settings and so would like commitments in these areas to be included in the final delivery plan.”

### **Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

Additional commitments were also called for around services provided within the legal system such as: appropriate adult services; funding for disability law centres; additional funding for the Scottish legal Aid Board (SLAB) for disability discrimination cases; and the provision of advocacy and mediation services for disabled people.

“We would also suggest a progressive new commitment within the Delivery Plan which considers staff training and the provision of ‘appropriate adult’ services; particularly in the context of the implementation of Criminal Justice Act 2015. This would be a helpful addition, and would complement the existing work of the Criminal Justice Disability Advisory Group.”

### **Third sector / equality organisation - Capability Scotland**

“Disabled people have agreed that a national Disability Law Centre is required as well as local high quality disability law advice. Disabled people we consulted enthusiastically supported a single commitment to improving access to justice immeasurably would be a committed and independently funded Disability Law Centre. One participant explained that specialities in family law, immigration law and corporate law etc. already exist. She said that having legal representation from specialist lawyers in disability discrimination would give equality for disabled people.”

### **Third sector / equality organisation - Inclusion Scotland**

It was believed that there should be increased focus on children and young people within the justice system, as it was observed that disabled children and young people face additional barriers in accessing the justice system. It was suggested that a CRWIA be carried out on all the Outcome 4 commitments to see their impact on children and young people.

“In order to strengthen the outcome 4 commitments for disabled children and young people, a Child Rights and Wellbeing Impact Assessment (CRWIA) should be used to predict, monitor, strengthen or if necessary, avoid, the impact of each commitment on disabled children and young people. This would help to identify where further commitments are necessary, or existing commitments should be amended, in order to fulfil the government’s obligations under the UNCRPD for disabled children and young people. Disabled children and young people face additional challenges to accessing justice, such as a lack of accessible information on how to seek justice and particularly for children with communication needs. Facing complex laws and legal systems designed for adults as well as the substantial barrier in accessing legal assistance reflects the need for outcome 4 to focus on the rights of disabled children and young people, who face additional barriers to adults in seeking redress when their rights have been violated.”

### **Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

There were calls for a commitment around disability/equality training for staff working in justice.

“Additional commitment on training for legal system personnel. The Scottish Government should consider a commitment to supporting measures to ensure that legal system personnel who interact with persons with disabilities involved in court proceedings are appropriately trained. An initiative of this nature was launched in England and Wales in 2013, which aims to change criminal justice practitioners’ approaches to vulnerable witnesses, however, we understand that there is no parallel in Scotland as yet.”

**Third sector / equality organisation - Equality Human Rights Commission and Scottish Human Rights Commission**

Comments were made about the need for preventative strategies such as developing awareness and education, which might help to prevent crime, including hate crime, by teaching people to accept and include people with disabilities, and educating people on acceptable boundaries within the law.

“We think that in addition there should be a commitment to developing awareness and education at an early age so that young people grow up with a clear understanding of how to include and engage with people with disabilities including those with complex needs and no verbal communication. In our experience people with PMLD are often excluded not intentionally but because people do not know how to engage. Working with young people together with the most complex people will support a change in culture and attitudes.”

**Academic or Research Institute - PAMIS**

“People with disabilities can also be perpetrators. With regards to sexual health, sexualised behaviour can manifest itself because children or adults have never been taught about The Law, consent, boundaries, appropriate behaviour etc... Without Education, how do people know what is right or wrong? If they are abusing someone? If they are being abused? What a healthy relationship is? Where to get help?”

**Public Body - NHS Forth Valley (Women and Children's Sexual Health)**

Around legislation, there were calls for a commitment to introduce an Independent Living Act, and a commitment to review the application for incapacity legislation.

“In addition and complementing the above, LCiL also strongly believe that an Independent Living Act would strengthen the ambition of Scottish Government for a fairer Scotland and enable disabled people to empower themselves so that they can participate in their communities as full citizens of Scotland.”

**Third sector / equality organisation - Lothian Centre for Inclusive Living (LCiL)**

“In addition we would support a commitment to review the application of incapacity legislation in Scotland. This review should give careful consideration to the use of supported decision making as an alternative to more formal interventions, favouring the least restrictive appropriate option in line with the principles of the UNCRPD.

The comparison between ILF Scotland requirements in relation to fund management and LA requirements for Direct Payment management have informed this recommendation.”

### **Third sector / equality organisation - Independent Living Fund Scotland**

Other comments relating to strengthening or adding to the commitments included: calls to include civil justice, as well as criminal justice; calls for a campaign within the justice sector promoting awareness of rights of disabled people; and the need to consider the human rights of D/deaf prisoners.

“We believe the ‘Key Objectives’ should address access to civil justice (including tribunals) as well as criminal justice, and the commitments should include measures to improve access to justice in the broadest sense, including provision of information and advice, and strategic legal services.”

### **Public Body - Mental Welfare Commission for Scotland**

#### **Implementation**

A few comments were made about the implementation of the Outcome 4 commitments: a suggestion to use a whole systems approach; and a suggestion to build on existing work around diversions. One consultee expressed concerns around local authority implementation of commitments.

#### **Other**

A concern was raised about a conflict between human rights, including the rights of the unborn child, and pre-natal screening for foetal abnormalities. There was also a comment welcoming the proposal to consult on raising the age of criminal consent in Scotland from 8 to 12.

## 8. Themes

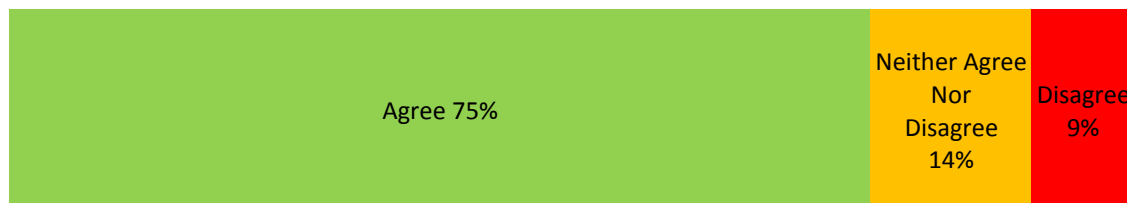
Section 3 of the delivery plan outlined three ‘cross-cutting’ themes – which are ways of working – which will underpin delivery of each of the outcomes. The themes were:

- disabled people are empowered to participate fully
- communication is accessible and inclusive of all
- raising awareness - The barriers facing disabled people are known, understood and addressed

**Q15: Do you agree or disagree that these are the most important themes that the Scottish Government needs to build in to the way it works across all activity to achieve the rights of disabled people?**

Sixty-five consultees responded to this question. The majority of those who responded agreed that these were the most important themes. Three quarters agreed (75%), 9% disagreed and 14% said that they neither agreed nor disagreed.

**Q15: Do you agree or disagree that these are the most important themes that the Scottish Government needs to build in to the way it works across all activity to achieve the rights of disabled people?**





**Q16: Please comment here on your response above, or if you have any further comments on the themes**

Forty-five consultees provided comments for question 16. As table 66, below, shows, whilst most comments (26) came from those who agreed with the themes, all six of those who disagreed provided a comment.

Table 66: number of comments at Q16 by response to Q15

Answer to Q15	No. selecting this response	No. of comments
Agree	49	26
Disagree	6	6
Neither Agree nor Disagree	10	8
Not answered	26	5
<b>Grand total</b>	<b>91</b>	<b>45</b>

Most of the comments at question 16, related to the three themes, with twice as many comments (30) on empowerment, as accessible communication or barriers (15 each). Other comments, particularly amongst those who disagreed with the themes, suggested other themes that should have been included, or criticised the themes that had been included. Amongst those who said that they disagreed or neither agreed nor disagreed, there was discussion around human rights, with a belief that the themes and commitments should be more human rights focused. Table 67, below, shows the key themes identified.

Table 67: key themes identified

Theme identified	Number of comments relating to this theme
Theme 1 – Disabled people are empowered to participate fully	30
Theme 2 – Communication is accessible and inclusive of all	15
Theme 3 – The barriers facing disabled people are known, understood and addressed	15
Comments relating to all 3 themes	6
Generally supportive of these themes	7
Themes to add / give more focus to	8
Human rights	7
Doubts about whether themes will be realised	4
Criticism around themes chosen	3
Dissatisfaction with current situation	2
Comments on current situation for disabled people	2
Disagreement with model of disability used	1

### **Theme 1 – Disabled people are empowered to participate fully**

The importance of empowering disabled people was highlighted, but it was commented that much more needed to be done in this area. It was also noted that engagement should be meaningful and ongoing - informing people of actions as a result of their involvement. Disabled people’s frustration following consultation which does not result in meaningful change was also highlighted. It was emphasised that engaging with the parents and carers of disabled people is also important, as was the need to acknowledge that parents of disabled children have expert knowledge of the person they care for. It was stated that more staff training might be required on how to engage effectively with disabled people, and that disabled people might need to be encouraged to participate. It was mentioned that there is a need to evaluate the engagement process. It was also suggested that “support” and “being listened to” should be explicitly included in the wording of theme 1.

“Disabled people must be meaningfully involved in decision making in order to actively participate in all areas of society. We welcome that the Scottish Government recognises engagement with disabled people is essential in delivering the commitments of this action plan. However, we believe further action is needed to ensure that there is parity in engagement. For example, it is essential that geographical barriers don’t prevent disabled people from participating and that

efforts are made to engage with those who may not previously have contributed to consultations.”

**Third sector / equality organisation - Leonard Cheshire Disability  
(Agree with themes)**

“At present, we find that in many cases, disabled people face multiple barriers to participating in Scottish society which can prevent them from being empowered both individually and as part of their community. Disabled people tell us that attitudinal barriers, problems with physical access, transport issues, a lack of additional support and information not being made available in accessible formats are their principal concerns. These barriers are well-documented in Scotland but must be tackled in order to create a fairer society.”

**Third sector / equality organisation - Scottish Disability Equality Forum  
(Agree with themes)**

“Some disabled people are seldom heard purely because they are not getting opportunities to engage properly, whether that is because they live in a remote or rural place or in a care home, or have limited access to the internet, or do not belong to a group or organisation. Even when they do, the limitations of that engagement can leave them frustrated and not inspired to do it again. For example, we were told that a Council in the north east had had a meeting two years prior with members of the Fraserburgh People’s First Group, but still they had no idea what difference that had made, whether a report had been written or acted on, and no further meetings had been arranged, even though there had been a promise to feed back to the group after the meeting about what would happen next, and despite efforts to contact the Council about this.”

**Third sector / equality organisation - Inclusion Scotland  
(Disagree with themes)**

“Our members also tell us that they share a wider sense of profound frustration that many of the issues they raise have been discussed before but no significant progress has been made to resolve them... When we asked people to suggest methods by which agencies in Scotland keen to involve disabled people could combat this sense of frustration we were told that key considerations in successful engagement was feedback, providing evidence of action taken and ongoing involvement. If disabled people are to be engaged, asked to participate in discussion, actively consulted or involved in co-production with public authorities in Scotland, they need to then be kept informed about progress and the results of their involvement.”

**Third sector / equality organisation - Scottish Disability Equality Forum  
(Agree with themes)**

“Agree that all disabled people should be empowered to participate fully in all aspects of decision making about the key issues in their lives. Parents, families and carers should also be included and empowered to participate as they are adaptable and resourceful people who are extremely knowledgeable about the person they care for... Disabled people and their families live with disability 24/7 and professionals only have a brief overview of their lives, conditions and

difficulties. Yet professionals go on to make many decisions without taking into consideration the disabled person whether child or adult is actually a whole person with their own views, opinions and ideas.”

**Individual  
(Agree with themes)**

“We agree that the themes identified are important for the implementation of the Delivery Plan. It is suggested that to better reflect the principles of the UNCRPD the first principle is amended as follows: Disabled people are empowered to participate fully and are provided with the support that they may require to do so.”

Academic or Research Institute - Centre for Mental Health and Incapacity Law,  
**Rights and Policy - Edinburgh Napier University  
(Agree with themes)**

“With regard to the first theme ‘Participation’, we believe that ‘and are being listened to’ should be added to the theme’s description. There is indeed little benefit for disabled people to be able to participate in discussions if their views are in the end not being taken into account.”

**Third sector / equality organisation - Downs Syndrome Scotland  
(Agree with themes)**

## **Theme 2 – Communication is accessible and inclusive of all**

The importance of accessible, inclusive communication was highlighted, but it was believed that more should be done to take into account a wide range of communication needs. It was stated that more should be done to promote inclusive communication and encourage inclusive participation. It was also seen as important to build on and develop existing skills and knowledge in this area. It was noted that some people might require an advocate or representative to communicate for them. It was also observed that consultations need to be made more accessible.

“There is a clear legal and business case for adopting inclusive communication approaches, but we would highlight also the human or moral case – it is simply right that any country would wish to involve all of its citizens in an equal way. Humans are born with a desire to connect with other people. We are at our best when we feel included and involved in decisions affecting our lives. One clear lesson from making communication accessible and inclusive of all is that it impacts not just on people with communication support needs, but all of their communication partners.”

**Third sector / equality organisation - Sense Scotland  
(Agree with themes)**

“Too often consultation exercises are inaccessible to those we support either because timescales and available resources impede their involvement or the policy documents being consulted on are inaccessible. Many practitioners lack the experience and confidence in communicating with the people we support.”

**Third sector / equality organisation - Capability Scotland  
(Agree with themes)**

### **Theme 3 – The barriers facing disabled people are known, understood and addressed**

Stigma and other people's attitudes were the most frequently mentioned comments in connection with barriers faced by disabled people. It was noted that multiple barriers remain in place for disabled people and that more work is required to identify and address them. It was observed that barriers are not only physical. Emotional and psychological barriers also need to be acknowledged. It was also suggested that resources should be provided to tackle barriers and promote disabled people's human rights. Suggestions for addressing barriers included: education; a national public awareness campaign along the lines of the "See Me" campaign; tackling negative images in the media; and the use of disabled role models.

"Disabled people can take part in our society. Lots of the work strands in the commitments will contribute to this, the biggest barrier to people with a Learning Disability taking part is the lack of any expectation that they will. Society still expects to exclude and segregate us from so many areas of life right back from pre-school because we are regarded with less value than other citizens."

**Third sector / equality organisation - People First (Scotland)**  
**(Neither Agree nor Disagree with themes)**

"In consultation with all the disabled people we engaged with we were told how poor attitudes and discrimination affect their lives; and how all the negative newspaper reports about disabled people seem to affect their experience of poor attitudes harassment and hate crime... Disabled young people raised a number of different experiences of discrimination and poor attitudes, including when considering careers; discussing problems with adults ('they all think they know best'); fear of hate crime when travelling independently and attitudes of health staff, bus/taxi drivers, etc."

**Third sector / equality organisation - Inclusion Scotland**  
**(Disagree with themes)**

"Many disabled young people tell us of negative experiences and the poor attitudes from members of the public – from the Job Centre Plus to teachers to passengers on trains. We would support Inclusion Scotland's call for a large scale and on-going public campaign similar to 'see me' and for this to include disabled children and young people. Crucially, and as referred to in the report, the parents we have spoken to would have welcomed disabled role models to speak to them when their children were small. Negative attitudes from professionals and particularly from health professionals has also been raised as an issue, (particularly the emphasis on the medical model)."

**Public Body - Children and Young People's Commissioner**  
**(Neither Agree nor Disagree with themes)**

"Disabled people also tell us that they would like to see resources being dedicated to specifically tackling the problems they encounter in society and not simply being focussed on exercises to consult or involve them in order for public bodies in

Scotland to meet their equalities duties. This feeling that talk is cheap permeates the more cynical responses that we received to the plan.”

**Third sector / equality organisation - Scottish Disability Equality Forum  
(Agree with themes)**

“We reiterate that a large scale and on-going public campaign like ‘See-me’ should be established in co-production with disabled people; and that the national curriculum in Scotland could include awareness on disabled people’s barriers and equality. These are two practical methods of promoting disabled people’s human rights.”

**Third sector / equality organisation - Inclusion Scotland  
(Disagree with themes)**

### **Comments relating to all three themes**

Some consultees commented on the themes more generally. These comments included: concerns about the practical implementation of the themes; that public bodies should be held accountable and that there is a need to monitor and report on implementation; the importance that all documentation should address the themes; and the belief that more needs to be done. A local authority provided an example of its work relating to the three themes.

### **Generally supportive of these themes**

Some consultees commented on their support for the three themes, with some commenting that they thought that the themes were essential. However the complexity of applying these themes was also noted.

“The Themes are very relevant and we welcome the Scottish Governments commitment to deliver the UNCRDP. We appreciate that the Scottish Government has involved Disabled Peoples Organisations and are keen that the organisations that are representing people in Scotland are funded and supported to work with people beyond Glasgow and Edinburgh.”

**Third sector / equality organisation - Dundee Learning Disability & Autism Strategic Planning Group  
(Agree with themes)**

“We think the themes are critical for the Plan’s aims to be achieved and these can be used to publicise the messages – all is meaningless without these themes.”

**Public Body - Social Work, Dundee City Council  
(Agree with themes)**

“68% of online respondents felt that the key themes will help the Scottish Government in its work to achieve disabled people’s rights. However many respondents felt that the theme were ‘Easy statements – but they actually need properly applying in very complex areas such as criminal justice, health and employment.”

**Third sector / equality organisation - Scottish Disability Equality Forum  
(Agree with themes)**

“The three themes identified are individually and collectively essential underlying principles for achieving the rights of disabled people.”

**Local government - Stirling Council  
(Agree with themes)**

### **Themes to add / give more focus to**

Consultees suggested other cross-cutting themes which they thought should have been included within the delivery plan. In particular, it was believed that the delivery plan should focus more on the rights of disabled children and young people. Other suggestions were: free social care at point of delivery, in order to strengthen disabled people’s empowerment and participation; combatting social isolation and promoting social inclusion; supporting disabled people to lead independent healthy lives; intersectionality; and violence, including sexual violence, experienced by disabled people.

“A focus on the rights of disabled children and young people is necessary in order to recognise their particular vulnerabilities and the multiple additional barriers that they face in accessing and enjoying their rights (as enshrined in the UNCRPD, the UNCRC and elsewhere in international and national law). In defining the cross-cutting themes, the Delivery Plan should refer specifically to the rights of disabled children and young people, and the steps needed to ensure a child rights-based approach is taken forward as outlined in the PANEL principles.”

**Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)  
(Neither Agree nor Disagree with themes)**

“My main reservation however is regarding what appears to be a lack of consideration of children and young people’s rights, yet this is essential because of their particular vulnerabilities/ age. Whilst there will be some crossover, this document needs to be children’s rights proofed. Others have spoken about the PANEL Principles and I agree that this would be a good starting point and an excellent framework from which to consider the rights of disabled children and young people.”

**Public Body - Children and Young People's Commissioner  
(Neither Agree nor Disagree with themes)**

“Disabled people will feel more empowered to participate when they have their full social care needs met. This cross-cutting theme should be strengthened through a renewed commitment to providing social care free at the point of delivery that does more than meet basic life and limb care needs. If this does not happen, and the current trend for narrowing the range of services available and charging for social care continues, there will always be a significant proportion of disabled people who will continue to NOT be empowered to participate, because they may simply lack the confidence to leave their house due to lack of appropriate support.”

**Third sector / equality organisation - Inclusion Scotland  
(Disagree with themes)**



“Another significant issue that should be addressed under cross-cutting themes is social isolation and loneliness, or promotion of its converse, social inclusion. For disabled people, social isolation can be associated with inaccessible employment, lack of social support, or lack of access to community groups, as well as age. In fact, from our engagement with disabled people it was all age groups that expressed a need for this issue to be addressed.”

**Third sector / equality organisation - Inclusion Scotland  
(Disagree with themes)**

“In addition to the actions included we think that there may be some benefit from having some actions related to how other protected characteristics interact with disability and other equality issues e.g. race, religion, gender.”

**Public Body - Social Work, Dundee City Council  
(Agree with themes)**

“We think in particular the subject of violence should be explored further, including sexual violence (towards persons with disability) and violence related to disabled persons’ sexuality.”

**Public Body - Social Work, Dundee City Council  
(Agree with themes)**

## **Human rights**

A key reason for disagreeing with the themes, or for neither agreeing nor disagreeing, was the belief that human rights were not as central to the delivery plan as they should be. There were criticisms that the delivery plan and the cross-cutting themes do not go far enough. Some consultees wanted it to use the PANEL model of human rights, (participation, accountability, non-discrimination, empowerment and legality). It was commented that human rights should be considered when developing all policies. It was also noted that it was important for public bodies to be more aware of human rights and to be accountable. It was also commented that human rights apply not only to public bodies but need to extend throughout society.

“We do not agree that three ‘cross-cutting’ themes are adequate. We suggest basing the cross-cutting themes on the UN and Scottish Human Rights Commission-endorsed rights-based PANEL principles: participation, accountability, non-discrimination, empowerment and legality... This would ensure that highly important issues such as non-discrimination, legality and accountability also underpin the implementation of the action plan.”

**Third sector / equality organisation - Members of the Rights for Life Steering Group  
(Disagree with themes)**

“Whilst it is clear that the commitments here have been scrutinized to ensure they meet international human rights standards, there is more that needs to be done to ensure that this is not purely an exercise that takes place in a written document, the Delivery Plan. It should be part of the process of viewing all commitments. Moreover, when all policies are made, their implications for equality and human

rights, particularly of those most marginalized in our communities, should be considered alongside the financial and other implications.”

**Third sector / equality organisation - Inclusion Scotland  
(Disagree with themes)**

“In addition, if we are truly to deliver change, there must be greater focus on ensuring that public bodies and decision makers are made aware of their duties under the UNCRPD, and that there is greater accountability for the fulfillment of these duties. The duties within the Convention go beyond those contained within the Human Rights Act (1998), which applies only to public authorities. The UNCRPD duties extend throughout society, and include changing stereotypes, prejudices and harmful practices towards persons with disabilities through the media, education and influential bodies including faith groups and political parties.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)  
(Neither Agree nor Disagree with themes)**

### **Doubts about whether themes will be realised**

Some consultees commented that whilst they were supportive of the themes and commitments outlined in the delivery plan, they were sceptical about whether they would be realised. There was a concern that policy change would only be marginal, and there was a question as to how progress against the commitments would be measured.

“The Commissions’ agree strongly that these themes need to be built into the way the Government works... However, while we welcome this approach we are unclear what the process is for building these themes into day to day work and how this can be achieved without a commitment to encourage and support policy leads to adopt these ways of working... We are pleased that the Scottish Government will continue to raise awareness of disabled people’s human rights and promote the UNCRPD. However, it is not clear to us whether this commitment includes what is required for the effective implementation of the UNCRPD, which is to raise awareness across Government departments; devolved public services; disabled people and society as a whole.”

**Third sector / equality organisation - Equality Human Rights Commission and Scottish Human Rights Commission  
(Q15 not answered)**

“If I have one major reservation overall, it is that the effect of the UNCRPD is being transmitted through well - intended - if in some cases marginal - policy changes, rather than as a matter of right”.

Individual

**(Neither Agree nor Disagree with themes)**

## **Criticism around themes chosen**

Some criticism was leveled about the themes that were chosen and how they were presented within the delivery plan. It was commented that the links between cross cutting themes and each commitment is not sufficiently explicit. It was mentioned that the themes don't fit adequately with social model of disability and should be reworded to focus on "self-empowerment" and challenging barriers, rather than just raising awareness of them. There was also disagreement with the wording of the inclusive communication information theme and a belief that it is potentially discriminatory, due to its focus on BSL and Braille, rather than communication aids for those with other forms of disability, including learning disabilities.

"Another criticism of the cross-cutting themes drawn from our engagement is that there is no intrinsic link with each commitment. In order for the themes to be truly cross-cutting, it would be helpful for an overt statement, even in brackets, to show how this or that commitment is embedding them into the Delivery Plan."

### **Third sector / equality organisation - Inclusion Scotland (Disagree with themes)**

"The themes lack a clear understanding of the 'self-empowerment' nature of the social model... For example, disabled activists argue that we should not use the term 'empowerment' (as if power is a gift from the powerful to the powerless - that may be taken back at any point). They argue that professionals should work to support the self-empowerment of disabled children and adults... Raising awareness is again inadequate the aim should be to challenge, confront and remove discrimination – this sections needs to be so much more proactive."

### **Individual (Disagree with themes)**

"The focus upon British Sign Language and formats such as Braille is designed to meet the needs of people with sensory disabilities, but the failure to give equal importance to the development and provision of communication aids for people with other forms of disability, including various intellectual disabilities, is discriminatory and in breach of UN CRPD."

### **Representative body for professionals - The Law Society of Scotland (Disagree with themes)**

## **Dissatisfaction with current situation**

Dissatisfaction was expressed with how public bodies currently engage with and consult with disabled people, and there was a belief that there should be more enforcement around disability legislation.

## **Comments on current situation for disabled people**

There were a couple of comments relating to the current situation for disabled people, including that disabled people need to be empowered to challenge poor services, and a consultee's personal dissatisfaction with the current way that the social services system works.

### **Disagreement with model of disability used**

There was a comment disagreeing with the use of the social model of disability used in the delivery plan, and a belief that the bio-psycho-social model which incorporates both medical and social factors should be used instead.

## 9. Next steps and further comments

**Q17: Section 5 of the delivery plan details the next steps for the Scottish Government’s approach to making the UNCRPD a reality for disabled people in Scotland. Do you have any comments on this section, or anything additional you would like to see added here?**

A range of comments were received in response to Q17. The most common comments related to the content, layout and structure of the plan and consultation. The implementation and evaluation of the plan was also commented on. The importance of engaging with disabled people was also emphasised. Some consultees suggested commitments they wished to see added to the delivery plan, and some expressed their doubts about the objectives of the delivery plan being put into practice. Table 70, below, shows the key themes identified.

Table 70: themes identified under Q17

Theme identified	Number of comments relating to this theme
Content, layout and structure of plan and consultation	14
Evaluation	11
Engagement	10
Implementation	9
Commitments to add	4
Doubts that the delivery plan will be put into practice and have an impact	3
Other	6

### Content, layout and structure of plan and consultation

There were a range of comments relating to the plan and consultation, including that both the plan and consultation could have been easier to read and more user friendly. It was also acknowledged that progress was being made and attempts had been made to provide an Easy Read version of the consultation.

“The Easy read version of this plan came out late and so we were disadvantaged by that. It was very disappointing that a plan which talks so much about addressing these kind of issues was produced that way. This was a long document to work with and that put a lot of our members off from replying as individuals or local groups.”

#### **Third sector / equality organisation - People First (Scotland)**

“We welcome the provision of the consultation document in Easy Read, and the flexibility you have shown in relation to the deadline for responses. We see this as a positive step towards addressing the communication support needs of some

disabled people... We have often found it difficult to consult with the people we support within the time allowed due to alternative formats being unavailable at the same time as standard formats. In future, all consultations should be provided as a matter of course and at the same time in text, Easy Read, Braille and BSL as a minimum standard set by the Scottish Government across all departments to work towards full inclusion of disabled people in all areas of policy development... The current situation often results in people with communication support needs having less time to give their views on a subject, when they may in fact need longer than others in order to fully understand the implications of proposals.”

**Third sector / equality organisation - Sense Scotland**

It was thought that more detail was required around certain commitments and on timescales for putting plans into action.

“Some commitments are vague and so it is difficult to comment on them, it will also be difficult to monitor whether these commitments are being fulfilled because they are not specific enough.”

**Third sector / equality organisation - People First (Scotland)**

“This section is short on detail – we would like to see a clearer process and timetable for action.”

**Public Body - Mental Welfare Commission for Scotland**

It was commented that there was not enough new work included in plan (it referenced work which was on-going), and there was the suggestion that it should have been structured around themes. Two comments related to the model of disability used within the delivery plan, with one consultee disagreeing with the use of a social model of disability (covered in more detail in Q16 above). Another consultee believed that the plan should have been more consistent in its use of the social model of disability. There was also a call for the definition of inclusive communication to be expanded to go beyond those with sensory impairments or who can access Easy Read documents.

“We recognise that the plan is a list of work that is taking place, or indeed has taken place in various government departments. Whilst we see some merit in this activity, in many ways the plan was initially presented to disabled people as a set of new commitments to make their UNCRPD rights a reality. When consulting on the plan we have therefore encountered a strong sense of frustration and scepticism from disabled people who feel that this plan contains nothing new.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“It was thought that the content of the plan could have been more consistent with Social Model that it aspires to in terms of addressing the barriers that restrain people i.e. rather than change the lives of disabled people we should seek an inclusive approach and plan to change our systems and change the lives of all Scottish citizens.”

**Third sector / equality organisation - Dundee Learning Disability & Autism Strategic Planning Group**

“Finally inclusive communication is more than just ways of communicating. It is also about awareness and attitudes. Inclusive Communication only happens if organisations and the individuals who lead and work in those organisations are aware of the diversity and impact of communication barriers.”

**Academic or Research Institute - Royal College of Speech and Language Therapists**

## **Evaluation**

The importance of evaluating progress made against the commitments in the delivery plan was highlighted. In particular it was stated that disabled people and DPOs should be engaged with the monitoring and evaluation process, and there were calls for more details about monitoring and evaluation.

“Leonard Cheshire Disability welcomes the Scottish Government’s commitment to evidence based reporting on the progress towards achieving the outcomes of this action plan. In addition we support the full involvement of disabled people and Disabled People’s User Led Organisations (DPULO) in implementing and monitoring the plan.”

**Third sector / equality organisation - Leonard Cheshire Disability**

“The role of Disabled People’s Organisations in reviewing the progress of the delivery plan has the potential to be a very effective driver for ensuring its delivery as they have a particularly strong interest in ensuring the commitments identified are met.”

**Local government - Stirling Council**

“Action on Hearing Loss Scotland would like to see more details about the measurement criteria and timelines for the delivery of progress towards achieving each outcome included in the plan.”

**Third sector / equality organisation - Action on Hearing Loss Scotland**

## **Engagement**

The importance of engaging with disabled people and DPOs during the monitoring and evaluation process was emphasised. There was also a strong desire expressed for meaningful and on-going engagement with disabled people and other key stakeholders throughout the whole process of developing, implementing and monitoring the delivery plan, with disabled people and DPOs involved as co-producers of the work.

“We welcome the Scottish Government’s commitment to ensuring that disabled people, DPO’s and other disability organisations collectively work together to ensure progression of the commitment’s within the Disability Delivery Plan. However, there is a need to co-produce a robust and uniform monitoring and evaluation framework to measure progress and success.”

**Third sector / equality organisation - Capability Scotland**



“However, as expressed above, we strongly believe that this involvement should be meaningful and that the Scottish Government should, where possible, strive to co-produce with disabled people, the commitments in this plan.”

**Third sector / equality organisation - Leonard Cheshire Disability**

“The Disability Delivery Plan provides a real opportunity for the Scottish Government to cohesively articulate the action Scotland is taking to deliver on UNCRPD commitments. The process leading up to the production of the plan has involved disabled people and Disabled Person’s Organisations in Scotland coming together to outline policy ‘asks’ that they believe will help to ensure that UNCRPD rights become a reality for disabled people in Scotland. SDEF is firmly committed to this process and are keen to be involved with on-going consultation and involvement work to ensure that the policy suggestions made at the Disability Symposium, the pop-up think tanks hosted by the Independent Living in Scotland Project, The Transport Accessibility Summit and the workshops held as part of the first Annual Disability Summit form commitments in the final disability delivery plan where possible and are delivered on by the Scottish Government and partner organisations over the lifetime of the plan.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## **Implementation**

A number of comments were made around the implementation of the plan. The need for cross-cutting coordinated action was highlighted, as was the need for adequate resourcing of the plan. Some consultees commented on the importance of maintaining the priority of this work and the need to follow through and implement it. There was a suggestion that a transformational approach was required. The need for monitoring and evaluation was also highlighted as key to successful implementation.

“As has been mentioned in the Disability Agenda Scotland (DAS) response, Action on Hearing Loss Scotland would like to see a cohesive and strategic cross-government action plan to ensure that all government departments and partner organisations are working in a coordinated manner towards together achieving shared aims of successfully delivering positive outcomes for disabled people across Scotland.”

**Third sector / equality organisation - Action on Hearing Loss Scotland**

“We also have concerns that the plan is not owned and directed within one Scottish Government portfolio. We would like to see the development of the plan lead to a strengthened infrastructure supporting cross-governmental priorities to deliver against a strategic and cohesive action plan with agreed timescales and with clear milestones.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“Delivery will depend on adequate resources being committed to delivery by all agencies concerned and close monitoring of outcomes.”

**Individual**

“Please implement it, the UK gov’t treat disabled people terribly. We are made to feel sub-human, a burden on and dissociated from a society we are supposed to be part of. Disabled people pay taxes and vote too, just like the rest of society.”

**Individual**

“We suggest a transformational approach, perhaps using U Lab techniques, with commitment to a long-term process will underpin the human rights of disabled people, children and young people and truly remove barriers to equality of opportunity and independent living.”

**Third sector / equality organisation - Thistle Foundation**

### **Commitments to add**

Consultees suggested commitments that they thought should be added to the delivery plan. These included specific commitments relating to both mental health and health and social care integration.

“Members also commented on the distinct absence of mental health commitments within the draft plan... SDEF and other DPOs are concerned about what this absence reveals about the status and recognition of people who have mental health issues, as recognised as a disability under the terms of the Equality Act 2010, within the Scottish Government’s vision for equality for disabled people. We would urge the Scottish Government to reconsider the status of commitments to improve the quality of life for people who have mental health problems within the deliverables of the Draft Plan as a matter of urgency.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

“It may strengthen the plan to include commitments around Health and Social Care integration and related policies like Keys To Life.”

**Third sector / equality organisation - Dundee Learning Disability & Autism Strategic Planning Group**

### **Doubts that the delivery plan will be put into practice and have an impact**

Some consultees took the opportunity to express their scepticism that the delivery plan would be put into practice and have an impact on the lives of disabled people.

“However many of our members have a sense of scepticism and frustration that the plan will lead to meaningful change unless specific resources are made available and a robust and uniform monitoring and evaluation framework is in place.”

**Third sector / equality organisation - Scottish Disability Equality Forum**

## Other

A range of other comments were received relating to forced marriage; the need for greater transparency by local authorities; the need for more local facilities; and the necessity to uphold human rights.

### **Q18: Are there any other comments you would like to make on the overall delivery plan, to inform its further development and implementation?**

Thirty-nine consultees responded to this question. Where a response clearly related to a specific commitment, the response was themed as part of the responses to that commitment rather than as part of Q18. Comments received fell broadly into five main categories: implementation of the plan; engagement; evaluation; commitments which should be added, or areas which should receive greater focus; and the structure, wording and content of the delivery plan. Table 71, below, shows the key themes identified.

Table 71: themes identified under Q18

Theme identified	Number of comments relating to this theme
Implementation	17
Commitments to add/areas to focus more on	16
Structure/wording/content of plan	15
Engagement	12
Evaluation	5

### **Implementation**

There were a number of comments about the implementation of the delivery plan. These included emphasising the need for it to be adequately resourced, both in terms of money, but also in relation to skills and capacity. It was commented that there was a need for awareness of the cross-cutting nature of the plan with other UN conventions and other policies, and also an awareness of intersectionality between disability and other protected characteristics, in order to ensure structures and services are accessible to all disabled people. It was suggested that there was a need for multi-agency guidance to be developed.

“The content of the overall delivery plan has emerged through extensive involvement with Disabled People’s organisations. The resulting proposed commitments offer a framework for extensive actions which if realised will secure genuine improvements for disabled people in their daily lives. Securing sufficient resources, not only in monetary terms but more crucially in terms of skills, expertise and capacity presents a considerable challenge to all involved in

delivering the plan, including local authorities, but is essential to delivering the commitment to securing the rights of disabled people across Scotland.”

#### **Local government - Stirling Council**

“The UNCRPD Action Plan should not be developed and implemented in a silo but in partnership with the current and forthcoming Action Plans to implement obligations within other UN Treaties such as the UNCRC.”

#### **Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

There were suggestions about how the delivery plan should be implemented, with one consultee stressing the need for a whole systems approach, emphasising the role of early intervention and education, whilst another highlighted the importance of making small changes. The importance of building on existing successful policies and the requirement to amend legislation were also noted. It was also suggested that a Children's Rights and Wellbeing Impact Assessment (CRWIA) be carried out on the plan, to identify, and if need be, mitigate the impact the plan will have on children and young people. Finally, some concerns relating to implementation were noted, primarily relating to the integration of health and social care services and lack of funding.

“A change in attitude and culture will only be sustained if there is a whole system approach. This means that education and early intervention is core and across the sectors. We need a society that understands, accepts and values all people including those with complex needs.”

#### **Academic or Research Institute - PAMIS**

“We foresee major problems with the implementation of the Plan. While in principle we welcome the Scottish Government's legislation to integrate health and social services, we have grave doubts as to the efficiency of such an integrated service. This is being carried out at a time of financial stringency when both services are under severe strain due to increasing demand, shortage of resources and low morale.”

#### **Other - Free Church of Scotland**

#### **Commitments to add/areas to focus more on**

A number of consultees listed commitments that they would like to see added, or highlighted areas which they felt should be given more focus within the delivery plan. These included greater focus on children and young people, and a concern about the conflict between the rights of an unborn child and pre-natal screening for foetal abnormalities. The list below indicates the key areas where consultees asked for additional commitments or more focus:

- children and young people
- rights of the unborn child - conflict between human rights and pre-natal screening
- people with dementia

- carers
- health
- disabled people as victims of certain crimes such as honour crimes/forced marriage
- disabled people as perpetrators of crime and prisoners
- the right to friendships and a social life
- more details on how disabled people will be supported to participate and be empowered
- more detail on article 4 obligations (States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability)
- stronger commitment needed around section 26 adequate standard of living
- need to end stigma and discrimination

“At the outset of our submission we highlighted that the Delivery Plan currently does not contain sufficient commitments to strengthen the experience and outcomes of disabled children in the early years, a critical time in their development and wellbeing.”

**Third sector / equality organisation - National Deaf Children's Society**

“Alzheimer Scotland welcomes the references to carers and some of the barriers and challenges they experience as part of their caregiving role... we believe that additional detail on inclusion and support for carers across the four outcomes, with the inclusion of specific commitments, would strengthen the delivery plan.”

**Third sector / equality organisation - Alzheimer Scotland**

“Page 14 of the Delivery Plan proposes to reduce and remove the barriers facing disabled people of all ages to ensure full and equal access to a number of services, the built environment, information, employment, and more. Yet the list does not include the opportunity to socialise and establish and maintain friendships. As highlighted in Together’s UNCRC NGO report to the UN earlier this year, disabled children repeatedly call for steps to be taken to allow them to increase their independence and build friendships. Together recommends that the list included on page 14 should be amended to include the barriers facing children and young people in socialising and making friends.”

**Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

“We do note that throughout the delivery plan document there are several references to disabled people being “empowered”. However, in order to meet the commitments of Article 19, considerations must be made regarding the provision of support structures in order to facilitate full participation. The delivery plan should include specific measures aimed at empowering people who experience illness or disability to have the skills and capacity to influence policy and practice that affects

their lives... Moreover, inclusion concerns the ability of people not to be at a disadvantage because of their disability, in particular financial hardship, again highlighting the importance of a commitment to an adequate standard of living.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

### **Structure/wording/content of plan**

There were a number of comments around the structure, wording and content of the delivery plan. Some consultees commented that the delivery plan was good, but that it had the scope to go further and include more. Comments were made about referencing work being undertaken to improve the lives of disabled children and young people, and people with dementia, their families and carers. Comments were also made about a lack of clarity and cohesion within the plan and the need to firm up commitments. It was noted that some commitments related only to specific groups of disabled people, whereas it is important that all disabled people are covered within the plan. It was also noted that providing feedback on the delivery plan should be made easier.

“We are pleased to endorse this plan and look forward to supporting the implementation of the commitments.”

**Public Body - Social Work, Dundee City Council**

“Alzheimer Scotland believes that the Draft Delivery Plan to meet the UNCRPD is comprehensive and addresses some key themes for people who face barriers to fully exercising their rights and playing an active roles in the communities in which they reside. In addition, we believe the delivery plan identifies a broad range of work which is currently being undertaken to improve the experience and outcomes for people with disabilities. However, we believe that the delivery plan does not include some key pieces of work which have been particularly effective in ensuring that a rights-based approach is taken to deliver care and support for people with dementia, their families and carers.”

**Third sector / equality organisation - Alzheimer Scotland**

“There are many aspects of the delivery plan which we welcome. However, we have serious concerns that the plan lacks overall cohesion and clarity, and that in its current format it will do little to help make disabled more aware of their rights or able to claim them.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

“There is much to welcome in the Plan and I appreciate the work that has gone into this document and the support given to disabled people’s organisations to ensuring that the Plan reflects their concerns. In my submission, I have referred to a number of Government policies and funded projects which have helped to make a real difference to the lives of disabled children and young people. Many of these need to be **built upon and taken forward.**”

**Public Body - Children and Young People's Commissioner**

“In addition, many of the commitments relate only to a specific group or community. Although disabled people do not fit into one homogenous group, the rights contained in the CRPD are universal to all disabled people and the delivery plan must reflect this.”

**Third sector / equality organisation - HIV Scotland & NAT (National AIDS Trust)**

“Inclusion Scotland looks forward to being involved in the successful delivery of the final Delivery Plan, subject to the suggested changes being made. We would like the final Plan to contain much more concrete commitments where we have noted vagueness, and further detail on what they entail where necessary.”

**Third sector / equality organisation - Inclusion Scotland**

Some comments were made about the terminology used within the delivery plan, with objections being raised about the use of the phrase “disabled people” when this was not thought to be consistent with the UNCRPD usage and was felt to have negative connotations. Comments were also made about the model of disability used in the delivery plan. Some consultees called for the model to be expanded beyond the “social model” of disability to a “human rights” model of disability, whilst another commented that some of the wording of the delivery plan was not consistent with the social model, but seemed to be more consistent with the medical model.

“In relation to ‘disabled people’, Enable, the UN’s world programme of action concerning persons with disabilities, in relation to the UNCRPD, specifically notes that the term ‘disabled people’ should not be used as it has negative connotations.”

**Individual**

“We would also direct the Scottish Government’s attention to the human rights model of disability, which is the model of disability supported and promoted by the UNCRPD. This builds upon the social model of disability and recognizes that it is the legal, physical, attitudinal, social, cultural and communication barriers within the community, rather than impairments within the individual, that exclude persons with disabilities. These barriers are discriminatory and using human rights and a rights-based approach can help to overcome them.”

**Third sector / equality organisation - Members of the Rights for Life Steering Group**

“Together would like to draw attention to Section 1.3 which seeks to define the ‘social model’ of disability. It includes that: “If we are to achieve our aim of full equality and human rights for disabled people in Scotland, then we must take account of all disabled people, including disabled children and young people and older people, whether they are disabled by impairment or long-term condition from birth or acquire it during the course of their life.” This seems contradictory to a social model of disability, which does not define a disability by impairment or long-term condition but through the barriers created by society as the cause of disadvantage and exclusion rather than the impairment itself. Together



recommends that the above sentence is re-worded to ensure clarity in defining the social model of disability.”

**Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

### **Engagement**

The importance of meaningful engagement and co-production with disabled people and disabled people’s organisations was highlighted as essential if the delivery plan is going to meet its aims.

“Proper co-production with disabled people takes time and requires additional resources. For commitments to work best, and in the spirit of the Christie Commission recommendations made in 2011, it is crucial that such planning and co-production with disabled people and via their organizations, is central to this Delivery Plan, too. Inaccessibility of design, services or discriminatory policy comes about because plans are made without disabled people’s barriers in mind and without their first hand involvement. Alternatively, co-production and preventative spending saves on retro-fitting these things.”

**Third sector / equality organisation - Inclusion Scotland**

### **Evaluation**

The importance of evaluation and monitoring, and involving disabled people was emphasised, as was the need for accurate and up-to-date data relating to the number of disabled children and young people in Scotland. (This was believed to be a deficiency in the data.)

“Leonard Cheshire welcomes the principles and commitments in this plan. If implemented effectively, they have the potential to have a significantly positive impact on disabled people in Scotland. However, we believe it is important that details of how the commitments are implemented receive the same level of scrutiny and consultation as the action plan itself. As the plan is implemented, we would strongly support further opportunities for the involvement of disabled people and disabled people’s organisations (DPULO’s) in all aspects of the plan’s delivery.”

**Third sector / equality organisation - Leonard Cheshire Disability**

“Together recommends that included within the Delivery Plan is a commitment to provide an update of progress made/gaps in progress... Such a Delivery Plan progress report should review the extent to which outcomes have been met against specific SMART actions (specific, measureable, achievable, relevant, time bound).”

**Third sector / equality organisation - Together (Scottish Alliance for Children's Rights)**

## Satisfaction with the consultation

Respondents who used Citizen Space were asked “How satisfied were you with this consultation?” Only twenty consultees answered this question. Of those who did answer, three-quarters (15) were slightly or very satisfied, only two were slightly or very dissatisfied, and the remaining three were neither satisfied nor dissatisfied.

Comments from those who said they were very satisfied included:

“I am glad that I had the opportunity to put forward some of my views which I hope will be considered.”

**Individual**

“Appreciated the use of an online version.”

**Individual**

“The online form is well-designed and easy to use”

**Individual**

Amongst those who were neither satisfied nor dissatisfied and those who said that they were slightly satisfied, comments related to their doubts about whether or not what was being consulted on would actually be implemented.

“I would love to be able to write “very satisfied” in the knowledge that all would be implemented but because of the experience and lack of implementation of other laws concerning the disabled person I am unable to do this.”

**Individual**

The consultee who was very dissatisfied, stated that the consultation was too long and complex, and required specialist knowledge to complete.

A further 19 consultees who responded using the Citizen Space online consultation tool responded to a question asking how satisfied they were with Citizen Space. The majority (16) stated that they were slightly or very satisfied, two were neither satisfied nor dissatisfied and one was slightly dissatisfied.

The majority of consultees did not use Citizen Space to respond. Some thought that the consultation could have been more user-friendly. Others appreciated the provision of the consultation documents in an Easy Read format, and the extension to the consultation deadline to allow groups to consult with members prior to responding. It was also observed that it would have been helpful had the Easy Read version been available at the same time as the original consultation documents.

## 10. Conclusion

Ninety-one responses to the consultation were received., a number of which came from third sector/equality organisations, some of whom had engaged in consultation with their members prior to responding.

Consultees were generally supportive of the disability delivery plan and its aims, outcomes and themes. They did, however, frequently express the wish for it to go further, and there were calls for commitments which referred to specific groups (such as particular disabilities, workforces, localities, ages or genders) to be extended to encompass all disabled people.

Consultees noted a number of key omissions in the plan. The lack of focus on mental health, children and young people and social care were regarded as being particularly problematic. It was also thought that there should be a stronger focus on human rights within the delivery plan.

Certain themes were repeatedly raised in relation to a number of the questions asked. These included: the necessity of meaningful on-going engagement with disabled people, and the importance of inclusive communication (which should include, but also go beyond providing, information in BSL, Braille, and Easy Read formats) to enable disabled people with communication support needs to understand and participate. Raising awareness of disabling barriers was also emphasised, as not all barriers faced by disabled people are physical barriers. Poor attitudes, stigma and discrimination were often cited as being the most significant barriers to equality of opportunity and independent living in disabled people's experience. The Scottish Government recognises that these three cross-cutting themes should be part of all that it does to help implement the UNCRPD. Consultees believe that more still needs to be done in connection with these three themes.

# Annex A – List of groups/organisations who responded

Aberdeen City Council (1- Business Hub)<sup>1</sup>

Aberdeen City Council (2 - Equalities Team)

Action on Hearing Loss Scotland

Alzheimer Scotland

British Deaf Association

Capability Scotland

Centre for Mental Health and Incapacity Law, Rights and Policy - Edinburgh Napier University

Children and Young People's Commissioner

College Development Network

College of Occupational Therapists

Community Transport Association

Disability Agenda Scotland

Downs Syndrome Scotland

Dundee Learning Disability & Autism Strategic Planning Group

East Ayrshire Council

Enable

Equality Human Rights Commission and Scottish Human Rights Commission

Free Church of Scotland

Glasgow Centre for Inclusive Living

HIV Scotland & NAT (National AIDS Trust)

Inclusion Scotland

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<sup>1</sup> Two responses were received from Aberdeen City Council, these were treated as separate responses, as they were submitted by different people within different parts of the organisation and contained different viewpoints. One Aberdeen City Council respondent, for example, agreed with the four outcomes, whilst the other did not. As such, it was not possible to amalgamate the two responses into one overall response for Aberdeen City Council.

Independent Living Fund Scotland  
Independent Living in Scotland Project  
Lead Scotland  
Leonard Cheshire Disability  
Living Streets Scotland  
Lothian Centre for Inclusive Living (LCiL)  
Members of the Rights for Life Steering Group  
Mental Welfare Commission for Scotland  
Moray Disability Forum  
National Autistic Society Scotland - Young Campaigners Group  
National Deaf Children's Society  
NHS Forth Valley (Women and Children's Sexual Health)  
NHS Health Scotland  
PAMIS  
Paths for All  
People First (Scotland)  
Perth and Kinross Council  
RCPsych in Scotland  
Royal College of Physicians of Edinburgh (RCPE)  
Royal College of Speech and Language Therapists  
SACRO  
Saving Down syndrome  
Scottish Commission for Learning Disability  
Scottish Courts Tribunal Service  
Scottish Disability Equality Forum  
Scottish Learning Disabilities Observatory  
Scottish Trade Union Congress

Self Directed Support Scotland

Sense Scotland

Social Work Scotland Ltd

Social Work Students BA (Hons), School of Education & Social Work

Social Work, Dundee City Council

Society for the Protection of Unborn Children (SPUC) Scotland

Stirling Area Access Panel

Stirling Council

The Electoral Commission

The Health and Social Care ALLIANCE Scotland (The ALLIANCE)

The Law Society of Scotland

Thistle Foundation

Together (Scottish Alliance for Children's Rights)



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