

**Consultation on the Proposed Disability Commissioner (Scotland) Bill August 2022**

**RPS submitted response**

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

* Fully supportive
* Partially supportive
* Neutral (neither support nor oppose)
* Partially opposed
* Fully opposed
* Do not wish to express a view

Please explain the reasons for your response.

We welcome the creation of the disability commissioner if it results in the improved promotion and safeguarding of the rights of all disabled people. It is essential that this role is created as a unique position which does not duplicate the work carried out by other organisations. It is also imperative that clear structures are in place which explain how this role will work with and integrate into the other organisations mentioned within the Bill who already do work in this area. It would be essential that with this role there is an intersectional view ensuring work is being done to remove barriers faced by individuals with challenges in addition to disability.

**2. Which of the following best expresses your view on whether there is a need for a specific, dedicated commissioner focussing solely on people with a disability?**

* Fully supportive
* Partially supportive
* Neutral (neither agree nor disagree)
* Partially opposed
* Fully opposed
* Unsure

Please give the reasons for your response.

A specific disability commissioner will provide a stronger focus on the needs of people with a disability, ensure those needs are considered, and work to protect them from discrimination. They will also be able to explore the need to collect disability data to able to be to provide a fuller picture of how many people are affected. They would be able to advocate for and safeguards the rights of disabled people

We would also encourage ongoing work to ensure that there is a renewed focus on eliminating discrimination and reducing inequality for all those who belong to a group with a protected characteristic and ensure that everyone is treated fairly and with dignity.

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

### To have a significant impact and affect change the role would need statutory powers to ensure timely investigation, access to information and compulsion of co-operation that can only be conferred by law. It is also important that this new role is entirely independent to ensure that investigations can be carried out without undue influence by government or employers.

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

* Fully supportive
* Partially supportive
* Neutral (neither support nor oppose)
* Partially opposed
* Fully opposed
* Unsure

Please give reasons for your response, including how the commissioner could co-ordinate with the work of existing bodies/organisations who support people with these conditions.

It would be hard to separate these conditions and prioritise one over another, also the role would require an in-depth knowledge of all disabilities, the impact of having a disability and to be able to work with experts and relevant support organisations to be able to represent people effectively, investigate issues and listen to concerns. However, it would be important to ensure the role is able to work to cover all those conditions and represent them in an effective way.

**5. Which of the following best expresses your view of the Disability Commissioner having a role in reviewing laws and policies that might impact on disabled people?**

* Fully supportive
* Partially supportive
* Neutral (neither support nor oppose)
* Partially opposed
* Fully opposed
* Unsure

Please explain the reasons for your response.

The role of commissioner would require a working knowledge of the discrimination that disabled people face on a day-to-day basis. This knowledge could be enhanced through working with people with lived experience, and expert groups who can provide a view on the impact their disability has on daily life. All this knowledge brought together should enable the commissioner to provide insight to those writing laws on the potential impact of them on those with disabilities and will give a stronger voice to those living with a disability.

It may also encourage those writing the laws and policies to be more mindful of the impact of what they are producing on all those who have protected characteristics.

**6. Which of the following best expresses your view of the Disability Commissioner promoting best practice and learning from service providers, key stakeholders and third sector?**

* Fully supportive
* Partially supportive
* Neutral (neither support nor oppose)
* Partially opposed
* Fully opposed
* Unsure

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

Increasing people’s knowledge and raising awareness of the rights of disabled people would be an important role for the commissioner. However, this is not a task one person could undertake. It may be necessary for the commissioner to oversee a group of people undertaking this work and have in depth knowledge and a personal input or via extensive networking with relevant organisations.

**7. Which of the following best expresses your view of encouraging involvement of disabled people and DPOs (Disabled People’s Organisations) in the work of the Disability Commissioner?**

* Fully supportive
* Partially supportive
* Neutral (neither support nor oppose)
* Partially opposed
* Fully opposed
* Unsure

Please explain the reasons for your response. Please discuss how you think this would work in practise – would this be through focus groups, internships, paid roles etc.

The views and input of those with lived experience would be vital for certain aspects of the role. The role of commissioner should in some regards be a force for good and a voice for those living with disabilities but to accurately reflect that voice, the commissioner would need to listen first. Therefore, the involvement of disabled people and DPO’s would be essential.

For other aspects of the role, such as investigations, it may not be appropriate to have external input.

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

* Scottish Public Bodies
* Service providers (any person providing services for disabled people)
* Both Scottish Public Bodies and service providers
* The Commissioner should not have power to carry out investigations

Please explain the reasons for your response

All organisations should be knowledgeable about the rights of disabled people and take appropriate action to ensure that they are not knowingly discriminated against or excluded. It would be important for the commissioner to be able to investigate both Scottish Public Bodies and service providers to ensure consistency in the approach to how disabled people are considered. It is also important that the commissioner supports anyone it investigates to gain relevant knowledge on how to make improvements, to change their practice and make reasonable adjustments to remove the barriers to disabled people and ensure an inclusive environment for all.

**9. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?**

* a significant increase in costs
* some increase in costs
* no overall change in costs
* some reduction in costs
* a significant reduction in costs

Please explain the reasons for your answer, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

The financial burden would be on the public to fund the commissioner and the team of people required to support the role. There could also be a financial impact on those investigated if they were required to make changes to improve accessibility, however, if this is possible, it should have been carried out anyway.

The commissioner themselves must endeavour to be accessible to all and for there to be no financial impediment to accessing their services or co-operating with an investigation.

### 10. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation. What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

### As an organisation who are committed to inclusion and diversity, we feel this new role should and could improve the access patients with disabilities have to an individual or team responsible for championing their needs. There is an opportunity to enhance person centred care through this role by hearing individuals’ experiences, common themes and experiences of living with a disability and the impact that has had.

### There is a risk of introducing unconscious bias with the Commissioner or their team, as they would be an independent public leader, they need to provide a voice for all disabled people to ensure they are being considered and are not being unfairly discriminated against and having a poorer experience on a daily basis. They would need to make sure they are not introducing their own prejudices and biases into people’s stories and putting their own judgement on that individuals experience resulting in dismissal of the groups experience.

### We would also expect there to be processes in place to mitigate biases where possible such as undertaking Equality Impact Assessments when appropriate. Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

### There would need to assurances in place that the focus on other protected characteristics would not be diminished because of the creation of this post and that an intersectional view is considered acknowledging the additional barriers people with a disability may experience if they identify with additional protected characteristics.

### 11. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question) Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

### 12. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?