

Equalities, Human Rights and Civil Justice Committee

Disability Commissioner (Scotland) Bill Participation Session

The Scottish Parliament - 10 September 2024

Supported by external stakeholders: Inclusion Scotland and Disability Equality Scotland

- 9 participants
- 3 Committee Members

Suggested areas of discussion

- What barriers do you experience as a disabled person?
- What do you think of the idea of a Disability Commissioner to act as a champion for disabled people?
- What experience do you think the Commissioner should have of disability?
- How do you think the Commissioner should communicate with disabled people?
- And do you think the Commissioner should involve disabled people in their work?

General discussion throughout the session in order for people to share their views in a less structured manner. Main points from the session are noted below:

- A Disability Commissioner (DC) should have knowledge of disabled rights and know the law, including the Equalities Act. This is critical.
- They should represent all disabled people. We need a specific DC. The Human Rights Commissioner isn't representing us.
- It would be more meaningful/helpful if the DC was themselves a disabled person with lived experience, or at least have experience from a third sector organisation.
- The DC should be independent and have a team made up of, or including, others with different disabilities.
- The DC should work with the other commissioners.
- Concerns now re announcements in monetary cuts from the Scottish Government. Accessible resources and facilities are usually the first to go when costs are cut.
- A lack of carers/personal assistants has resulted in costly and inappropriate solutions.
- If a DC appointment goes ahead, it must be done properly.
- A DC needs to have the correct powers, more "teeth" to the role to be effective. In some ways, for example, the Scottish Human Rights Commissioner does not have enough powers.

- People make assumptions about disabilities. They see the disabilities first. Those with hidden disabilities are also judged or misunderstood.
- We are excluded from society as a culture in all aspects: building planning; housing planning; transport; Hospitals; social care; attendance at events or meetings; accessible toilets often do not have the required accessibility (i.e. interchangeable hoists). Accessibility is always an add-on but should be embedded in society.
- Every single aspect of life needs considered – it is huge.
- We need a DC. We need to be seen and represented.
- The Equality Act does not work for us.
- Do not put us in to boxes – advocate for us – we have lives to live. Advocacy desperately needs kept, we are losing that and yet they are a lifeline.
- DC role should cover as wide a range of disabilities as possible and help us on where to go for help. You do not always know where to go for help. Where are the pathways?
- We are always fighting for something. It is disheartening having to fight all the time. Even family don't understand sometimes. You've got to know the system, shout the loudest, but that is difficult when you don't know who to ask or turn to.
- It is tiring and exhausting having to fight all the time. We often don't know where to turn and are gaslit by GPs and social services. Sometimes we do not have the strength/energy to fight. It wears you down consistently. You accept the isolation.
- We want to live as independently as possible. Why can't it be equal for everybody? If some people get help, why can't others!?
- The system seems flawed and unfair. We aren't counted. Nobody wants to know.
- For a DC to work, we need the financial resources. It is a dire picture. Lack of support and resources means people are not getting the help they need.
- On a positive note, self-directed support is fantastic and it is really important this is available to people. It is life-changing, allowing independent living after a long, long wait. Having to move from Local Authority areas though to get support/recognised.*
- Advocacy services are amazing but they sometimes lack the legal knowledge which is required.
- DC needs to be a “one-stop shop”: where to go for help; signposting; advocacy; investigations. They must hold social work and social services accountable. One participant hasn't seen their social worker in person since 2018 – they are 154 miles apart.

- We are disproportionately negatively affected by social issues e.g. COVID and the cost of living crisis.
- The Government cuts and crisis will badly impact those with protected characteristics – we will be disproportionately affected.
- We need education on disabilities and inclusion in the early years so people understand the barriers we face. Public relations training on needs of disabled people.
- Where are the pathways? Where are the advocates? We are held back because we are “a hassle”. A DC would represent us; speak up for us; advocate for us and have the status to be listened to.
- It may take years but lets start the process. We need a Parliament and Government who is leading the way on the needs of disabled people.
- The DC must have the power to influence the Government and have powers to investigate breaches in human rights.
- The DC must have an accessible place for us to go in person; an appointment system to at least speak to an adviser on the correct pathway; be approachable and accessible for all disabled people.
- The DC must take the time to travel and meet people across Scotland to find out how they want to be represented. The cost of engaging with the DC should not fall on us.
- The DC should be accessible to every disabled person. Channels of communication should be inclusive and there should be multiple channels of communication available.
- If the DC’s role doesn’t encompass all aspects of our lives, it is not worthwhile and is a waste of money.
- If a DC is not established, the money should not be given to local authorities instead.

* One participant elaborated on this in writing following the meeting. They said:

“I moved to a different area, to be closer to specialist medical centre, and to live in a residential unit which had good facilities on site. I was for the first time living in my own flat beside MY peer group.

Problems arose when I left the establishment as I was not classed as an ordinary resident and five years later the [new] council are still not taking over my care package, even although I am renting a council house! That means my social worker and occupational therapist are 150 miles away.

Another problem is that when living in a care home environment, the local council does not accept you as needing council housing, as you have accommodation so you are not

homeless and stay on the register for years. Also, disabled people cannot easily move home to a different local authority (LA) as this LA is simply not cooperating with my old LA – a typical example of “guidance” being ignored.”