

A Report of Scotland's Disabled People's Annual Summit

**International Day of Disabled People
3rd December 2015
Edinburgh International Conference Centre**



Image supplied by iStock

Getting our Rights right

- **Finding the way to disabled people's human rights and equality in Scotland**

Messages of support for the Summit

“The Commission very much welcomes today’s event, marking UN International Day for Disabled People. The focus on human rights and social justice is timely, with the Scottish Government currently consulting on the Delivery Plan for UNCRPD in Scotland. The event will help make the voices of disabled people heard as they move to claim their rights.”

Professor Alan Miller,
Chair of the Scottish Human Rights Commission

“We are delighted to have been invited to speak at this year’s Disabled People’s Summit and value the partnership with Independent Living in Scotland that we have been able to develop since the start of the project seven years ago. ILIS plays a valuable role in collecting and coordinating the views of disabled people in Scotland on a wide range of topics and providing expert advice and advocacy on issues which are fundamental to equality in 21st Century Scotland - independent living, equality and equal participation and citizenship.”

Kaliani Lyle, Scotland Commissioner,
Equality Human Rights Commission

“Human rights are an incredibly simple concept: by virtue of being human – no more than that – we are all entitled to basic rights and freedoms which respect everyone’s equal dignity and worth. Dignity isn’t to be earned. Our Human Rights Act understands this as well as you and I do.

Take Jan Sutton, winner of a Liberty Human Rights Award this year. Council cuts meant Jan was left without carers for her MS, leaving her bed-bound with no quality of life. Jan used the Human Rights Act to remind the council of its obligations to her and now receives the level of support she is owed.

Take Jacqueline and Jayson Carmichael who must sleep in separate bedrooms as Jacqueline requires a specialist bed. Their forced sleeping arrangements mean the Carmichaels have been hit by the bedroom tax. They are only able to challenge this discrimination in the Supreme Court next year thanks to our Human Rights Act.

The Human Rights Act is one of the few tools we can use to take the powerful to task for neglect and abuse – yet the Government intends to scrap it. Thankfully the Scottish Government sees the Act for what it is and has vowed to help us save it – not just for the people of Scotland, but for the entire United Kingdom. We will need your help too.

But the people of Scotland now have a further opportunity to secure real rights. The Scottish Government’s consultation on its draft Delivery Plan for the UN Convention on the Rights of Persons with Disabilities is open now (1). I would urge you all to have your say and directly influence the changes you want to see. Why wait for someone to suffer injustice in order to trigger positive change? Boiled down, our human rights can be summed up by three little words: dignity, equality and fairness – so be impatient for change, you are owed it.”

Shami Chakrabarti, Director
Liberty

(1) The consultation closed on 11th January 2016

Contents

1. About this report	4
2. Aims of the Summit.....	5
3. Setting the scene	6
4. The big questions	9
5. A poignant play by the PPP	11
6. The Scottish Government speaks	12
7. Disabled people speak	14
Workshop 1 - Rights to access the built environment and housing.....	15
Workshop 2 - Rights to participate in culture and sport	17
Workshop 3 - Rights to health and social care	20
Workshop 4 - Rights of disabled children.....	22
Workshop 5 - Rights to employment opportunities and income.....	24
Workshop 6 - Rights to equal recognition before the law and access to justice.....	26
Workshop 7 - Rights to communication and support for communication....	28
Workshop 8 - Rights of disabled women.....	29
Workshop 9 - Duties to raise awareness about disabled people’s rights	30
Workshop 10 - Transport Accessibility.....	31
8. Next steps	32

1. About this report

This report has four purposes:

- It serves as a record of the Summit, and the valuable contributions made by disabled people, their allies and key decision-makers towards the progressive realisation of disabled people's full human rights in Scotland.
- The Independent Living in Scotland (ILiS) project, which hosted the Summit, will provide a copy of this report to the Scottish Government as a submission towards the consultation on the draft Delivery Plan.
- It will be used by Disabled People's Organisations and others to help them to identify the priority themes for twice-yearly meetings of the Disabled People's Ministerial Advisory Group.
- It will also contribute to Scotland's National Action Plan for Human Rights (<http://scottishhumanrights.com/actionplan>) and the National Conversation on a Fairer Scotland (<http://fairer.scot/>).

2. Aims of the Summit

Besides providing an opportunity for disabled people to meet and learn from each other, the event's aims were that disabled people, their allies and key decision-makers would:

- Know about the rights disabled people hold and be aware of the state of these rights today.
- Identify actions that will both halt the regression and enable the progression of these rights.
- Explore and comment on the Scottish Government's draft Delivery Plan on the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) to progress disabled people's rights to equality and independent living.
- Be better connected so that progress can be made.

The Summit was also intended to be a celebration of the distance disabled people have travelled in recent years, their strength and togetherness.

3. Setting the scene

Stephen Naysmith, the Herald’s Social Affairs Correspondent, chaired the summit.



Stephen covers the public and voluntary sectors, and social issues, and writes leader articles for the newspaper. He has spent much of his career highlighting issues such as poverty, young people's issues, justice and social justice.

Stephen opened the event highlighting that it was the first ever Disabled People's Summit in Scotland and that it would become an annual event. He also reminded the audience of the challenges facing disabled people:

“In many ways the opportunities for disabled people to secure their rights and to live full and independent lives are not helped by recent developments in relation to welfare or social care charging or cuts being made by councils.

“Today is a vital opportunity, therefore, for people to put their heads together and to see what can be done to halt and reverse the regression of rights for disabled people.”

Dr James Elder-Woodward OBE gave the opening speech entitled ‘**A right state.**’



A renowned campaigner for disabled people’s rights, Jim has had life-long experience of disability, not only as a health and social service user, but also as a service provider, planner and researcher.

Jim opened by asking whether the cutbacks in welfare and social care have been applied fairly. Did they mean that we are living in a fair, just and equitable state? These questions served to highlight the importance of remembering that disabled people have rights, even if they are not yet the reality they should be.

“These **rights are obligations** – they are not discretionary”

Jim highlighted the importance of the Summit in delivering commitments to do things and to show they have been done, not to commit to listen or look into

things. He noted that the Scottish Government was listening but can only act within the powers devolved to Scotland. The new Scotland Act will, however, deliver certain extra powers in relation to, for example, welfare benefits.

He quoted Pope Francis, who highlighted the importance of both civil and political human rights, and economic, social and cultural human rights:

“Human rights are not only violated by terrorism, repression or assassination, but also by unfair economic structures that create huge inequalities.”

He also highlighted the impacts of the cuts to welfare benefits in England, estimated by the Centre for Welfare Reform (see note i) as follows:

- People who are in poverty will lose £2,195 per year
- Disabled people will lose £4,410 per year
- Disabled people needing social care will lose £8,832 per year

The result is people relying on food banks, a rapid reduction in social care services and a crisis in the NHS as social care services diminish.

Summing up, Jim noted the summit was not about making new rights; these already exist in the Equality Act and UNCRPD. Despite this, they are not always delivered as intended through every policy or service. 2015 marks the twentieth anniversary of the Disability Discrimination Act being enacted and Jim quoted Dame Jane Campbell, who campaigned for the Act:

“My message to disabled people today and in the future is not only to remember that you are enjoying the fruits of our labour and outrage, but to think about what needs to be done next. Our liberation is just beginning. There is so much to achieve.”

Alastair Pringle, National Director, Equality Human Rights Commission Scotland, then spoke on the subject **‘Is Scotland Fairer?’**



Alastair explained that the Equality and Human Rights Commission (EHRC) is the national equality body for Scotland, England and Wales. It works across the nine protected characteristics of the Equality Act. It also has a responsibility to promote and protect human

rights in Scotland with the Scottish Human Rights Commission (SHRC). The organisation is also part of the UK Independent Mechanism which has been designated under Article 33 of the UNCRPD as an independent mechanism to promote, protect and monitor its implementation.

The EHRC recently published its 'Is Britain Fairer?' report (see note ii), a follow up to their 2008 report, 'How Fair is Britain?' The new report reveals that, while for many life has become fairer over the past five years, for others progress has stalled and for many it's got much worse.

Alastair highlighted how Scotland has changed:

"We have a woman First Minister, a gender-balanced cabinet, openly gay politicians, ethnic minority MSPs. But for many disabled people the emancipation that was promised by the Disability Discrimination Act 20 years ago, the Life Chances Report and the many worthy and well-meaning initiatives, is still a dream."

The 'Is Britain Fairer?' report highlights, among other things, that:

- Disabled children have some of the lowest attainment rates at school.
- Employment of disabled people is 20% below average.
- Housing remains largely inaccessible.
- Social care and support is withering as social work budgets shrink.

The Scottish edition, 'Is Scotland Fairer?', will be published in January 2016 but is unlikely to show a more positive picture.

Alastair highlighted how the EHRC had, in the past, exposed the low rates (0.3%) of involvement by disabled people in Scotland's Modern Apprenticeships programme. He also noted how the 2012 London Olympics and last year's Glasgow Commonwealth Games were seen as a turning point for the inclusion of disabled people.

Despite some improvements, however, he concluded that disabled people 'remain locked out.' This risks disabled people becoming more invisible as consumers and participants, and society as a whole losing out on their valuable experience.

4. The big questions

'The view from here' saw a panel answering questions on the Scottish Government's draft Delivery Plan for the UNCRPD. It included:



Sally Witcher,
Inclusion
Scotland



Dennis
Robertson
MSP



Emma Ritch,
Engender



Professor
Jason Leitch,
Scottish
Government



Professor
Nick Watson,
University of
Glasgow

The session started with a discussion of **how realistic** the Scottish Government's draft Delivery Plan is. Panel members contributed that:

- If a government is serious about supporting disabled people, there has to be some redistribution of resources to them.
- It reads like a decent set of aspirations but hope is not a plan.
- It could go further in terms of setting out concrete actions and outcomes within it.
- It's probably a plan to develop a plan, rather than a plan in itself.

The discussion then moved onto **how disabled people can get action**. Panel members contributed that:

- The lesson from the adoption of equal marriage was that change can happen, but it needs continuous action to change public opinion, using the media as much as government.

There was a question about a gap in the **inclusion of mental health** in the draft Delivery Plan; Dennis Robertson MSP agreed to take the issue back to the minister who has mental health in their portfolio.

One of the themes, or 'ways of working', in the draft Delivery Plan is that 'the barriers facing **disabled people are known, understood and addressed.**' An audience member asked who, apart from disabled people, knows them,

understands them, and who will be addressing them? Panel members contributed that:

- Yes, they are known; yes, there is an understanding; but it was not clear if they're fully understood. We need to ensure that government and the wider community deliver; it's a much bigger issue than just government.
- There is money in the wrong places, and we need to be looking at what we actually think is most important and how we prioritise spending.
- It may not always be absolutely clear what the barriers are, or quite how to go about moving them; that is precisely why engaging and involving disabled people in a process of co-production is so critically important.

An audience member asked what the panel thought about '**shared spaces**' **urban design**, where barriers, traffic lights, etc. are removed and courtesy crossings introduced. Panel members contributed that:

- It doesn't take a genius to spot the fundamental flaws with the design proposal.
- It is completely disorientating; there are no landmarks for people who are blind or physically impaired. It is just nonsensical.

There was a question about the provision of **podiatry services**. Jason Leitch confirmed that there was no government policy to remove podiatry services from disabled people.

The final question was about **rights for disabled women who have children** and can't get the support they need, who can end up with their children being taken into care as a result. Panel members contributed that:

- Good health care and good health services go hand in hand with civil rights; we have to make sure we keep on top of both.
- There are omissions in the draft Delivery Plan relating to the right to personal space, the right to form relationships, the right to marriage and the right to have a personal life.

5. A poignant play by the PPP

After lunch the Glasgow Disability Alliance's **Purple Poncho Players** gave a performance entitled '**Change the way.**'

In 2011, Glasgow Disability Alliance (GDA) and the STUC worked together to support more than 100 disabled people to participate in the STUC People First March and Rally defending public services. GDA supplied rain ponchos in their purple colour to protect the disabled people from the rain and to help them identify each other in the crowd.

The solidarity of the experience inspired a group of GDA members to form the 'Purple Poncho Players'. The group gives them the opportunity to share the experiences of being disabled in a fun, accessible and thought-provoking way. It also helps to take their messages to a wider audience.

They first performed in February 2012. In 2015 they received a grant from the Scottish Government to support the development of the Purple Poncho Players Project, building resilience and inspiring change.

Their performances at the Summit highlighted:

- How together, disabled people can fight injustice and ensure they have a voice and raise awareness. They can educate the educators, and show the world that disabled people are givers, not takers.
- The ridiculous number of repeated health and social care assessments disabled people face.
- How non-disabled people would react if their world included as many petty rules and immovable barriers as disabled people do on a daily basis.
- The irony of disabled people not being able to participate in discussions about independent living due to having insufficient support, at the right time, to get dressed.
- The ridiculous processes and timescales for ordering, from the NHS or local authority, something as important as a commode.
- How the Department for Work and Pensions appears to believe disabled people are being miraculously cured when they undergo assessments for welfare benefits.

6. The Scottish Government speaks

Marco Biagi MSP, Scottish Government Minister for Local Government and Community Empowerment, gave the **keynote speech** and answered questions from the audience.



The Minister explained that the Summit was the result of a meeting in 2014 between disabled people and Shona Robison MSP, who at that time was responsible for equalities. One of the outcomes was the establishment of a Ministerial Advisory Group and an annual Disabled People's Summit.

“As a government we're committed to a fairer more equal Scotland. It shouldn't need said but there are some governments that perhaps aren't.”

The Minister explained that the Scottish Government wants a country where disabled people are empowered to participate in public life, where information is accessible and where the UNCRPD is realised and people know about it.

He stated that the UK Government's action on welfare benefits was hitting disabled people the most. When combined with the facts that disabled people face higher living costs than non-disabled people, and are more likely to live in poverty already, the welfare cuts were only making the situation worse. Action had been taken to mitigate the effects of the ‘bedroom tax’ and the Scottish Welfare Fund was providing financial assistance.

The draft Delivery Plan wasn't intended to be a document that argued that the Scottish Government was complying with the UNCRPD. Instead, the Minister explained, it sets out the extra actions that would need to be taken in order to deliver that.

There were challenges, the Minister noted, with the ambitious Self Directed Support strategy and he remained committed to working with disabled people to overcome them.

The Minister also highlighted Scottish Government funding to promote disabled people's access to elected office and announced that Remploy were the latest business to sign up for the Business Pledge (see note iii). One of the actions to address hate crime targeted at disabled people was the establishment of an independent advisory group on hate crime, prejudice and community cohesion.

The Minister was asked:

- How the Scottish Government will ensure local authorities implement the Self Directed Support Act. He explained that local authorities should be allowed to find local solutions for local problems but they should not erode the Act's fundamental purpose. He agreed to raise the issue with them and strengthen the law if it isn't strong enough.
- To deliver disability law centres; he agreed to look further at this request.
- To deliver a national awareness campaign around disability. He explained that the Scottish Government is defending those who receive welfare benefits, including disabled people. It is also funding the One Scotland campaign to raise awareness of everyone covered by the Equality Act, including disabled people.

The Minister acknowledged that the issues facing disabled people hadn't changed. He saw the draft Delivery Plan as being the best way to bring all of the concrete actions for the Scottish Government together.

Hilary Third, from the Scottish Government's Equality Unit, gave an **overview of the UNCRPD draft Delivery Plan**.

Hilary also reminded people of two commitments made in 2010 by the Scottish Government about the UNCRPD:

- Firstly, that the Scottish Government welcomed the UNCRPD; they continue to use it enthusiastically and proactively and, in many ways, are doing more than the UN process requires.
- Secondly, that the input of disabled people would be critical to the success of the UNCRPD. The Scottish Government has stayed true to the commitment of involving disabled people and will continue to do so as they work to finalise the draft Delivery Plan.



7. Disabled people speak

With delegates briefed on the draft Delivery Plan, they were given the opportunity to discuss the commitments it contained. They were also asked to consider what other actions are needed to help realise disabled people's rights in Scotland.

There were ten workshops, each with a facilitator and a notetaker. They addressed the following rights and duties:

Workshop 1. Rights to access the built environment and housing

Workshop 2. Rights to participate in culture and sport

Workshop 3. Rights to health and social care

Workshop 4. Rights of disabled children

Workshop 5. Rights to employment opportunities and income

Workshop 6. Rights to equal recognition before the law and access to justice

Workshop 7. Rights to communication and support for communication

Workshop 8. Rights of disabled women

Workshop 9. Duties to raise awareness about disabled people's rights

Workshop 10. Transport Accessibility

In workshops 1 - 9 the delegates were asked:

- Their opinions of the relevant commitments in the draft Delivery Plan.
- What they thought was missing from these commitments.
- To agree three actions that would improve rights in relation to their workshop's subject area.

Workshop 10 was run by Transport Scotland. Delegates were asked 'what is happening now?', 'what more needs to be done?' and 'who else do we need to talk to in order to agree a commitment to take the necessary actions?'

The reference numbers in the following pages refer to the commitments as they appear in the draft Delivery Plan. A summary of the discussion in each workshop has been included. The quantity varies according to the amount of discussion on each commitment and the level of detail recorded.

Workshop 1 - Rights to access the built environment and housing

Planning and Architecture

2. Design for Ageing – considering research into how the rising numbers of older people will affect design and planning

This was not seen as a commitment to action, but an intention to consider the scope for research into an area already well understood.

What should be added to the draft Delivery Plan?

- More detail is required about the focus of the research, how its scope will be decided, and how its findings will be used.

3. Raising Awareness of Accessible Design – via the Scottish Awards for Quality in Planning

The award was supported. It needs to address practice in new and existing buildings, in rural and urban areas, and not just address physical access.

What should be added to the draft Delivery Plan?

- The Government, professional and education bodies should ensure that inclusion, and accessible design, are a core element of the education of architects and designers.
- Disabled people should be encouraged to join the profession; this could help ensure accessibility issues are better understood.

Building Standards

4. Homes that are more accessible: work with house builders/local authorities

This was felt to be a good idea.

What should be added to the draft Delivery Plan?

- The Scottish Government should consult with disabled people and the building industry on a subsidy scheme to encourage the building of more accessible housing across all tenures.
- Building standards should meet JRF 'lifetime home' standards and have affordable internet connectivity built in; the standards are currently a compromise because of all the parties involved.

Housing and Independent Living

5. Accessible Housing – looking more closely at the issues raised by DPOs

It is clear that there is insufficient accessible housing. Housing associations, in particular, need to be more creative in meeting need. New build accessible housing for both families and individuals is crucial; accessibility can be built in much easier and cheaper than in old buildings, where insufficient grant monies are available to finance adaptations.

What should be added to the draft Delivery Plan?

- Realistic, hard targets should be set for accessible housing e.g. accessible/adaptable housing quotas that are proportional to the number of houses being built.
- More money should be provided for adaptations and made available for those with all impairments, like children with autism, and not just those with physical impairments.
- Grants should be provided for housing associations, and subsidies for private developers, to ensure both build more accessible homes.

Criminal Justice

52. Accessibility of sites and services – site audits by the seven main criminal justice organisations

There is a need for the audits to include all buildings a disabled person may encounter when dealing with a criminal justice issue. Addressing just government buildings is insufficient if equal access to justice is the goal. The audits will need to address all impairments, including sensory impairments, and not just provide physical accessibility.

What should be added to the draft Delivery Plan?

- The feasibility of extending the ability of people to take part in court action online, instead of in person, should be assessed.
- There is a need for improved information about the justice system for disabled people.

Workshop 2 - Rights to participate in culture and sport

Tourism and Business

6. A new help guide aimed at boosting accessible design will be published

This commitment seemed better suited to the Planning and Architecture section.

Architects were felt to have enough guidance to make sure all public buildings and accommodation is accessible for all, including people who have hearing loss. It was recognised as being challenging, from a design and bureaucracy point of view, to create accessibility in historic buildings. Good practice should be recorded in this respect, particularly in relation to acoustics, as well as in the design of new build properties.

What should be added to the draft Delivery Plan?

- Disabled people, including people with hearing loss, need to be included at the planning stages of buildings and services so that business premises are accessible.

7. A new help guide to assist tourism businesses – creating more innovative and accessible websites

8. A new help guide setting out key accessibility

9. Access Statement online Tool Builder – refreshing the current tool

The tourism commitments were seen to be good as far as they go but they weren't seen to cover new ground. It was agreed that websites are not designed with disabled tourists in mind.

What should be added to the draft Delivery Plan?

- The lack of awareness of disability equality and equalities legislation in many hotels needs to be tackled, and the opportunities presented by the 'disabled pound' should be highlighted.
- Guidance should consider disabled people as business owners and as performers and organisers, not just as consumers.
- More resources are required to ensure a wider provision of 'Changing Places' - fully accessible toilets that provide changing facilities for those who need support.

Culture

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

11. Recording and reporting of workforce diversity information

12. Improving access to the historic environment and collections relating to the historic environment

There is little culture that is disability focussed, whether it is exhibitions, historic documentary or performances. Disabled people are consumers, performers and have a history too. What little there is is not mainstreamed so it stays in the ownership of disabled people.

What should be added to the draft Delivery Plan?

- Creative Scotland should demonstrate that it is reaching a diverse audience by, for example, performing outreach events that are accessible and inclusive to disabled people, and reporting on the outcome of its equal opportunities monitoring of grant funding.
- There should be more volunteering opportunities for disabled people when it comes to culture, such as Deaf BSL users acting as guides for other Deaf BSL users in museums and other attractions.
- Creative Scotland should offer Disabled People's Organisations support to take disabled people's performances and actors into schools to help remove the stigma of disability.

Sport and Physical Activity

13. Disability Inclusion in Sport – via the £6 million committed towards a new para-sport facility in Inverclyde

14. An Action Plan for disabled people

15. SportScotland - the national agency for Sport

There is a lack of access in sporting venues and physical activity centres. Even those with an accessible building rarely have accessible changing facilities or full access to the activities available for non-disabled people. Deaf BSL users face particular barriers in both mainstream and para events, neither of which accommodate their communication needs.

Lessons can be learned from the 'Try Rugby' programme; the Scottish Rugby Union could share their learning with other fields of sport in Scotland.

What should be added to the draft Delivery Plan?

- Scotland's sporting bodies should review strategically their support for disabled competitors and disabled spectators in both mainstream and disability sport to make sure they are inclusive for all.
- There should be a fund for communication and language support for disabled people who wish to attend community sporting events and take part in mainstream or para sports.
- Sporting venues at a local, as well as national, level need improved access for disabled people who are participating as well as spectating.

Workshop 3 - Rights to health and social care

Health: Care, Support and Rights

17. Health Inequalities of people with learning disabilities data collection

18. Advocacy – the Scottish Government working in partnership with advocacy partners

19. The new framework for Hearing the Citizen Voice

Integration of Health and Social Care

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

Allied Health Professionals and Independent Living

21. A two-year Active and Independent Living Improvement

NHS Disabled Graduates

22. A two-year internship for disabled graduates

Learning Disability Employment Programme

23. An NHS Scotland Learning Disability Employment Programme

Disability Inclusion Promotional Campaign

24. A promotional campaign for NHS Scotland Human Resource leads, service managers and staff

Equality and Human Rights in NHS Scotland

25. The Scottish Government will measure the compliance of NHS Boards

Mental Health Legislation

31. Learning disabilities and autism spectrum disorders – a review of the Mental Health (Care and Treatment) (Scotland) Act 2003

Many of the commitments above were felt to be weak; the rights of disabled people do not come across in a number of them. Others represent a continuation of things that are already happening.

Health dominates the actions whilst there are no actions specifically addressing social care. This parallels disabled people’s life experiences;

they do not get access to the social care they need, while health gets significant funding.

The delivery of social care is a significant issue. The system is still based on Direct Payments, despite the Self Directed Support (SDS) legislation. There is also concern that this legislation has been used to dilute the link between need and provision.

The implementation of social care remains variable across Scotland in relation to, for example, complaints, eligibility and charges. This creates a barrier to people moving between local authorities.

Commitment 17 was specifically criticised because the collection of data on health inequalities has been happening for 20 years; this action would therefore simply represent going back to square one. Commitment 18 was criticised as being only a commitment to listen to people, rather than to empower them.

What should be added to the draft Delivery Plan?

- An Independent Living Act is needed that sets out a Scotland-wide entitlement to minimum levels of support and eligibility.
- A commission should be established to look at abolishing community care charges; these can lead to people not taking up their right to social care.
- A user-led Centre for Inclusive Living or SDS organisation should be funded within every local authority.
- An education campaign within health bodies about independent living, the social model of disability, etc. is needed as part of a programme creating joined-up actions between health and social care.
- Disabled people and Disabled People's Organisations should be better represented on joint integration boards to ensure their voices are heard.
- Disability law centres and independent complaints advisers are required to address failings in social care.

Workshop 4 - Rights of disabled children

Children's Rights and Wellbeing

26. The Children and Young People (Scotland) Act 2014

27. Funding for projects to support disabled children and their families

28. Information Hub

29. Transitions Test of Change Project

30. Child Internet Safety Stakeholder Group

There was seen to be a lack of direct actions, resources or timescales in the commitments above. The question was raised as to whether disabled children and young people were involved in the development of the commitments, and whether they would be encouraged to respond to the consultation?

The Information Hub was seen as a start. Families of disabled children and young people still have difficulties finding out where to access support, then have to fight for it. They need advocacy as well as knowledge.

The introduction of the 'named person' was seen as an opportunity to improve support for young disabled people.

One of the main priorities of young disabled people is friendship and social life; being able to go out. On leaving school the lack of support can lead to the reverse, to isolation.

Extending GIRFEC to adult services is not going to join up services and tackle the service gap on transition.

What should be added to the draft Delivery Plan?

- More free hours of childcare should be provided for disabled children, as their families have to pay a lot more for such support. Currently there is only additional free childcare for children aged two if a parent receives disability benefits. This should be extended if the child themselves is disabled or qualifies for disability benefits.
- Access to independent advocacy for young people during their transition from formal education should be extended.

- Legislation should be changed so that children with high support needs can utilise Self Directed Support in place of residential care they have been offered, without receiving less money.
- Action should be taken to reduce exclusion from leisure activities.

Care and Justice: Children's Hearings

34. An integrated children's rights and equalities impact assessment for the Scottish Children's Reporter Administration

35. Improving the support for all looked after children, including disabled children through an enhanced learning and development framework for foster carers

Additional Support for Learning

36. Continued commitment to implement additional support for learning

Strategy and Performance

37. Anti-Bullying

The Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 requires local authorities, grant-aided schools and independent schools to produce an accessibility strategy. These are often not produced, or of poor quality; there needs to be better enforcement and more resources applied by Education Scotland.

The attainment agenda in education, and National Standards, doesn't take Additional Support Needs into account sufficiently. More of this budget should be targeted at young people with Additional Support Needs.

What should be added to the draft Delivery Plan?

- A proportion of the Scottish Attainment Challenge monies held by local authorities should be ring-fenced to focus on addressing the attainment gap that disabled young people face.

Workshop 5 - Rights to employment opportunities and income

Youth and Adult Employability and Skills Development

38. Overarching commitment from the Fair Work Directorate

39. Developing the Young Workforce

40. Supported Employment Model

41. Supported Businesses

42. Establishment of a Fair Work Convention

43. Disability Employment Services in Scotland

44. Commitment to ensuring flexible and integrated support is put in place to support individuals with particular needs

The proportion of Scottish disabled people of working age in employment is falling, and those with an active mental health condition and learning disabled people face particular discrimination. Scotland therefore requires a specialist employability service that promotes disabled people's right to work, as enshrined in the UNCRPD, in environments that are open, inclusive and accessible.

The commitment to support and promote the model of supported employment is welcomed but one model should not dominate. A variety of models for supported employment are needed in Scotland, as is individualised tailored support which is responsive to changing needs.

A supported employment programme also needs to support disabled people in work as well as those looking for work. It must address the problem of employers failing to take on workers once they've reached the 12 week barrier.

What should be added to the draft Delivery Plan?

- Employers' negative attitudes towards disabled people, and the stigma disabled people face, need to be actively challenged by the Scottish Government, possibly through the Fair Work Convention.
- The numerical and fiscal imbalance between the current employability programmes for disabled people, which favours the

Work Programme, must be resolved in any new disability employment programme.

- Access to Work, whilst a reserved responsibility, should be better publicised as part of an integrated employability strategy.
- An employment advice service dedicated to supporting disabled people and their employers with workplace issues is required in Scotland. 40% of the callers to Disability Rights UK's service are from Scotland, suggesting a significant need for a Scottish service.
- DPOs should have a route to feed into the Ministerial Advisory Group on employability.
- The linking of community benefit clauses and the employment of disabled people for public sector contracts should be investigated.

Employment Tribunals

45. Abolishing fees for employment tribunals

Social Justice and Regeneration

46. Disability Benefits Advocacy Support

Reform of Local Taxation

47. Future reform of local taxation will take into account the particular needs expressed by disabled people

Social Security Policy and Delivery

48. Social Security for Disabled People

The commitment to create a system of benefits for disabled people in Scotland built on dignity and respect was welcomed, if seen as being somewhat vague.

In any design process for these benefits, discussions need to happen not just with professionals supporting benefit claimants but with disabled people with lived experience of the benefits system. Many participants found claiming benefits demeaning and demoralising and have had to repeatedly appeal to get the benefits they were entitled to.

The Scottish Government needs to use its devolved powers over disability benefits to ensure that disabled people can meet the additional costs of disability they face. Any new system should avoid requiring disabled people to undergo unnecessary assessments.

Workshop 6 - Rights to equal recognition before the law and access to justice

Adults with Incapacity Act

32. Consult on the Scottish Law Commissions review of the Adults with Incapacity Act's compliance with Article 5 of the European Convention on Human Rights

There should be a focus on ensuring communities welcome disabled people as Scottish citizens.

What should be added to the draft Delivery Plan?

- There should be new legislation that supports disabled people being viewed as citizens, supports their decision making and no longer refers to disabled people as 'mentally disordered'; they are not.

33. Review policies on guardianship and consider circumstances in which supported decision making can be promoted

The review of guardianship policies is welcomed. There needs to be more education and awareness within the system to ensure human rights are respected if someone is subjected to guardianship. There is also a need for more advocacy to be available.

Civil Law and Legal System

49. Review of legal aid contributions for disabled people

Disabled people need access to both legal advice and legal aid. As it stands, someone may get advice but not necessarily 'representation'. Peer support is also important for disabled people accessing legal aid.

Justice needs to include civil justice as well as criminal justice; a more holistic approach is required. The legal system in general needs to be more responsive to the particular issues affecting disabled people. Disabled people should, for example, experience less difficulty in obtaining advice and representation on social care and welfare rights.

What should be added to the draft Delivery Plan?

- A national disability law centre is required along with local high quality disability law advice; the latter will require more funding for local organisations.

- There needs to be more clarity about the difference between legal aid and legal advice, and work to enable disabled people to better understand the process required to get legal aid.

Disability Hate Crime

50. Encourage reporting of hate crimes against disabled people

Criminal Justice

51. Accessible information

Please see Workshop 7.

52. Accessibility of sites and services

Please see Workshop 1.

53. A pilot improvement project focusing on preventing and removing disability hate crime from society

A separate campaign on hate crime is needed for disabled people that shows positive images of disabled people. More disability awareness and equality training is required broadly across services and society.

Hate crime incidents need to be better recorded and the sharing of information needs to improve. Local authorities should be required to offer more assistance to disabled people who have reported such incidents.

Workshop 7 - Rights to communication and support for communication

51. Accessible information

People with communication support needs still feel excluded. There needs to be widespread understanding of the economic, legal and policy arguments for quality-assured communication practice.

Physical accessibility and access to communication support are equally important. Deaf people may also have literacy issues but information for deaf people is often not easily digestible. Overall, it should be more straightforward for people to ask for support with communication, with greater clarity provided around the funding for interpreters.

Accessible information requires staff to have the right skills, knowledge and resources, not just the production of leaflets. People communicate in lots of ways, including using body language, pictures and signing. Staff need to be confident in using not just language, but other methods too.

Putting information online doesn't make it accessible; significant work is required to ensure the information prepared can be understood.

Websites need to be interactive rather than lists of information. BSL and Easy Read should be used in the websites referenced in commitment 51.

What should be added to the draft Delivery Plan?

- A shared vision of what an inclusive communication nation looks like is needed, along with a comprehensive national inclusive communication strategy and a radical commitment to make inclusive communication a legal requirement.
- Disabled people's differing needs in relation to communication should be researched and existing tools and resources publicised.
- There is a need for greater recognition of Deaf people's issues, including the poor supply of interpreters, a failure to recognise the differences between interpreting and communication support, and poorly used or maintained technology such as induction loops.
- The 'inclusive communication hub' being developed by SAIF and SDEF should be supported.

52. Accessibility of sites and services

Please see Workshop 1.

Workshop 8 - Rights of disabled women

Civil Law and Legal System

54. Violence against Disabled Women and Girls

It's important that disability organisations recognise feminist issues; there's a danger that other important issues, such as welfare benefits or social care, can dominate their focus. Disabled organisations often grew up around men's actions and there are not seen to be many female leaders. There is a need to ensure gender balance.

It is equally important that women's organisations recognise the specific needs of disabled women, who may be more subject to violence for different reasons. Disabled women must be able to access support at the time of reporting violence and continue to receive support after the event. Emergency resources, such as shelters, need to be able to meet the needs of a disabled woman with any impairments.

It is important that disability organisations learn about disabled women's experiences and create a space for disabled women to speak without disabled men present. The challenge of encouraging disabled women to speak up when they may not realise the abuse they are receiving isn't normal was recognised.

What should be added to the draft Delivery Plan?

- Commitment 54 should include engaging with women's organisations at an operational and policy level.
- The Scottish Government should ensure that a disabled person is not forced to rely on a partner, or family member, for personal care as this can lock people into a violent or abusive relationship.
- There needs to be more public awareness generated of the specific issues affecting disabled women.
- Education on sexual health, sexuality and relationships in schools should be relevant to disabled young women and resources should be available for family members too.

Workshop 9 - Duties to raise awareness about disabled people's rights

Planning and Architecture

3. Raising Awareness of Accessible Design – via the Scottish Awards for Quality in planning.

Please see Workshop 1.

Awareness raising Campaign

16. One Scotland Campaign – a future phase to focus on disabled people

Integration of Health and Social Care

24. Disability Inclusion Promotional Campaign

The focus should be on a strategy about changing attitudes, rather than raising awareness, particularly in relation to people with learning disabilities. A programme along the lines of See Me is needed to highlight issues using the 'social model of disability' rather than locating the problem with the individual.

Any campaign or awareness raising programme should be led by disabled people, be long term and should result in more disabled people in leadership positions and in politics.

The unreasonably long target date of 2017 for commitment 16 was seen as suggesting a lack of a real commitment to address the issue.

It was felt that any campaign should start in the education system, with children, and continue throughout the education system. There is a need to build on learning rather than keep starting again with a new campaign. This education programme needs to be far reaching, ensuring the kind of toys that children play with involve disabled people, for example.

Workshop 10 - Transport Accessibility

1. Transport Accessibility

Good, as well as bad practice, should be shared in identifying barriers for disabled pedestrians. Obstructions including wheelie bins present hazards and the design of roads is as important as pathways. Shared spaces are seen as dangerous for disabled people.

More engagement with disabled people is also required, particularly when services such as passenger assistance are to be moved. Better reporting and accountability to disabled people is required.

What should be added to the draft Delivery Plan?

- There should be a consistent, Scotland-wide design standard for the accessibility of roads and streets, and a review of streetscapes to tackle obstructions
- Transport bodies should have better, and more accountable, methods for engaging with, and addressing the needs of, both individual disabled people and Disabled People's Organisations

8. Next steps

This report doesn't only serve as a record of the Summit, and the valuable contributions made by disabled people, their allies and key decision-makers.

It will be submitted by the Independent Living in Scotland (ILiS) project, which hosted the Summit, to the Scottish Government as a submission to their consultation on the draft Delivery Plan.

It will be used by Disabled People's Organisations and others to help them to identify the priority themes for twice-yearly meetings of the Disabled People's Ministerial Advisory Group.

It will contribute to Scotland's National Action Plan for Human Rights (<http://scottishhumanrights.com/actionplan>) and the National Conversation on a Fairer Scotland (<http://fairer.scot/>).

And lastly, it will serve as a benchmark from which progress in the realisation of disabled people's rights can be measured at each annual Scotland's Disabled People's Summit.

“We want a country where disabled people are empowered to participate in public life, where information is accessible and where the UN Convention on the Rights of Persons with Disabilities is realised.”

Marco Biagi MSP
Minister for Local Government and Community Empowerment

Notes

(i) www.centreforwelfarereform.org/library/by-date/briefing-on-how-cuts-are-targeted.html

(ii) EHRC (2015) *Is Britain Fairer? The state of equality and human rights 2015*

(iii) This is a voluntary commitment made by companies in Scotland to uphold modern business practices and to embrace the principles of fairness, equality, opportunity and innovation. See <https://scottishbusinesspledge.scot/about/>