

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

## **The Scottish Government's Draft Delivery Plan 2016-2020**

### **SCOTTISH GOVERNMENT CONSULTATION**

**Launch date: 8 September 2015**

**Respond by: 4 January 2016**



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## About this consultation

The Scottish Government would like to hear your views on this draft delivery plan, which sets out our approach to implementing the UN Convention on the Rights of Persons with Disabilities (UNCRPD). A summary of the document is also available in the following formats on the consultation [webpage](#):

- BSL
- Easy read
- Word
- ebooklet (the document in its entirety)

The pdf format has an audio facility for people with a visual impairment. If you require a copy of this paper in any other format or a different language please contact [catherine.hewit@scotland.gsi.gov.uk](mailto:catherine.hewit@scotland.gsi.gov.uk), 0300 244 4000 (ask for Cathy Hewit) or Text Relay Service: 18001+ 0300 244 4000 (service for deaf people).

The consultation relates to the draft delivery plan, however, this is part of **a wider package of activity** by the Scottish Government and its partners, further information about which is provided in Annexes A-F for information.

This Scottish Government consultation is running alongside a consultation being carried out by the **Convention of Scottish Local Authorities (COSLA)**. The two are separate due to the different roles and responsibilities of the two organisations, which are reflected in the commitments made in each document. We would encourage respondents to consider and respond to both consultations if possible. The COSLA consultation is published [here](#).

### Issue Date

The consultation was issued on 8 September 2015.

### Deadline

The consultation runs until 4 January 2016.

## **How to respond**

A **respondent information form** and **questionnaire** are set out at Annex G.

The Scottish Government appreciates some people may have a particular interest in certain areas only so please do not feel you need to complete all questions. We welcome your response to any or all of those parts where you feel you have a contribution to make.

There are a number of ways that you can respond:

- You can respond **online** from the consultation [webpage](#).
- You can use the Word version of the questionnaire available on the consultation [webpage](#), and **email** it to [catherine.hewit@scotland.gsi.gov.uk](mailto:catherine.hewit@scotland.gsi.gov.uk).
- You can also respond in **writing**, by sending your response to:

Catherine Hewit  
Scottish Government Equality Unit  
Area 3H South  
Victoria Quay  
Edinburgh  
EH6 6QQ

- Please let us know if you would like to respond to the consultation in an **alternative format**.

The consultation questionnaire and respondent information form are built into the online response option. For all other types of response, the Scottish Government would be grateful if you could use the consultation questionnaire provided or can clearly indicate in your response which questions or parts of the consultation paper you are responding to, as this will aid our analysis of the responses received. Please do not forget to include your Respondent Information Form (ANNEX G) as your response cannot be accepted without it.

There may be opportunities to participate in events in your area to discuss the delivery plan. Please contact your representative organisation if you are a member of one, or Cathy Hewit [catherine.hewit@scotland.gsi.gov.uk](mailto:catherine.hewit@scotland.gsi.gov.uk) for further information.

## **Handling your response**

The Scottish Government needs to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. As stated above, please complete and return the Respondent Information Form as this will ensure that we treat your response appropriately (it is already built in to the online response option). If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library. You can make arrangements to view responses by contacting the Scottish Government Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

## **What happens next?**

Following the closing date, all responses will be analysed and we will publish a report of this analysis on the Scottish Government's website at: [http://www.scotland.gov.uk/  
Publications/Recent](http://www.scotland.gov.uk/Publications/Recent).

## **Scottish Government response**

The Scottish Government will respond to the consultation in April 2016. We will publish our final delivery plan – which will take account of consultation responses – in the summer of 2016.

## **Enquiries**

Any enquiries (including requests for alternative formats) or comments about the consultation process should be sent to [catherine.hewit@scotland.gsi.gov.uk](mailto:catherine.hewit@scotland.gsi.gov.uk).

The Scottish Government has an email alert system for consultations, [http://register.  
scotland.gov.uk](http://register.scotland.gov.uk). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces, Scottish Government distribution lists, and is designed to allow stakeholders to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

# Ministerial Foreword



At the heart of the Scottish Government's approach to tackling inequalities and delivering a strong economy is our ambition to build a fairer and more equal Scotland. We want to create a successful society where there are opportunities for all to flourish and where the barriers to equality of opportunity and independent living are removed.

As a Government, we are firmly committed to removing disabling barriers and enabling disabled people to enjoy equal access to full citizenship, so that they can maximise their potential and add to the success and prosperity of our communities and our country.

The Scottish Government has worked closely with disabled people and their organisations, and with the Equality and Human Rights Commission, the Scottish Human Rights Commission and the Convention of Scottish Local Authorities (COSLA) to develop the outcomes we are aiming to achieve, and the approach to developing our response.

Our draft plan is also complemented by a draft plan by COSLA – also published today – on behalf of the local authorities it represents. This will also give disabled people an insight of what local authorities are doing at a local level. I would encourage you to respond to the consultation on COSLA's plan as well as this Scottish Government plan.

We want to be the most open and accessible Government Scotland has ever had and for the consultation on this draft plan to reach those who don't normally engage with government. These are exciting times that we live in and this is an opportunity for us to do things differently.

We have provided funding to Disabled People's Organisations to engage with disabled people across Scotland about this plan as part of the consultation. We want to hear your views about the commitments we have made to help us make progress as we work to implement the UN Convention on the Rights of Persons with Disabilities (UNCRPD). We will use the consultation responses to finalise the UNCRPD delivery plan which will be published next summer.

Like most long-term change programmes, this delivery plan is likely to develop over time in the next few years from 2016 to 2020. We will link it to a range of other engagement policies that put disabled people at the heart of creating a fairer Scotland. We know that there is no quick or easy fix. Creating equal opportunity for disabled people is a complex and long-term goal, particularly at a time of major economic difficulty.

But we must achieve it because economic difficulty does not lessen our public duty to respect, protect and fulfil human rights, not just for the few, but for everyone.

We want everyone to live in a fairer, healthier and happier country, where all people are valued and able to achieve their potential.

A handwritten signature in black ink, appearing to read "Alex Neil".

**Alex Neil MSP**

Cabinet Secretary for Social Justice,  
Communities and Pensioners' Rights

# **1. Introduction**

# 1. Introduction

## 1.1 Our aim

The Scottish Government has a clear aim: for disabled people to have the same equality and human rights as non-disabled people. This means disabled people having the same freedom, dignity, choice and control over their lives as everyone else, with rights to practical assistance and support at home, at work and in the wider community. However, for many disabled people living in Scotland, this is still a long way off being a reality.

For several years now, the Scottish Government has been working to progress independent living for disabled people of all ages. We have done this in partnership with Disabled People's Organisations (DPOs) in Scotland, the Convention of Scottish Local Authorities (COSLA), and others.

The Scottish Government now needs to take practical, targeted action across all policy areas and services to deliver on the key outcomes that disabled people have identified as being important to making positive change. The UN Convention on the Rights of Persons with Disabilities (UNCRPD) is the framework we will use to deliver that change. Across government, we are working hard to build stronger relationships between policy makers and disabled people. By working with DPOs, we will better understand what disabled people need from our policies, and will work together to protect and promote full equality and human rights for all disabled people in Scotland.

This delivery plan sets out our approach to implementing UNCRPD in Scotland over the period 2016-20. It looks in detail at the outcomes – or changes – that we want to achieve and the evidence that supports the need for change. It details a range of the commitments for each of the four outcomes that we are aiming to achieve.

The Scottish Government worked in co-production with DPOs to gather the views of disabled people on the barriers that they face in accessing services. Together with the Equality and Human Right Commission (EHRC) and the Scottish Human Rights Commission (SHRC), we collectively provided policy officials in the Scottish Government with the relevant information to develop their commitments. They will continue to use and reference this information when they work with DPOs in future to design policy which better meets disabled people's needs.

We now seek your views on our commitments in this draft delivery plan. We will use the feedback we receive through the consultation to finalise the delivery plan, which we will publish in the summer of 2016 and reshape our final plan to be the best version it can be. This may include amended or new commitments.

To assist you with this consultation exercise, the [Independent Living in Scotland \(ILiS\)](#) project is working to support disabled people and their organisations and others to respond to the consultation and has produced a resource pack. It is aimed at organisations who will be arranging engagement events or surveys for their members but it can also be used by individuals to help them develop a response to send to the Scottish Government. The resource pack can also be used in response to the COSLA draft plan for the UNCRPD which is being published at the same time as this one.

The resource pack includes background to the consultations; what the UNCRPD means and obligations for governments; a list of 'asks and priorities' from disabled people which was shared with the Scottish Government. It also includes a report on events held with other public bodies and the Scottish Parliament highlighting what could be done to implement the UNCRPD.

The Scottish Government will keep this delivery plan under review, and will report on how we have progressed and highlight areas of good practice that we can share. There may also be gaps to address. It is likely that the commitments will evolve as new challenges and new opportunities emerge. It is also important to note that they will be linked to other projects, funding and activities ongoing across the Scottish Government<sup>1</sup>.

We will also link it to other policy initiatives that are happening across Government and that will place disabled people at the heart of creating a fairer Scotland. This includes our *Programme for Government*, *Scotland's Economic Strategy*, the Scottish Approach and a national conversation on Social Justice – a Fairer Scotland<sup>2</sup>. There are currently many innovative projects and investment programmes ongoing across the Scottish Government to improve the rights and lives of disabled people. Some of our successes and good practice are highlighted in the next section.

## **1.2 What we are doing to tackle inequality and advance disabled people's rights**

At the heart of the Scottish approach to social justice is our ambition to build a fairer Scotland.

As a Government we are strongly committed to promoting and protecting equality and human rights for disabled people. We want to ensure that disabled people can realise their rights, and be able to participate in society as full and equal citizens.

We recognise that there is more to do, and this plan sets out our commitments for the next four years.

Our new activity will build further on the firm foundations and progress we have already achieved:

- We are supporting disabled children and young people and their families from birth, through school and in to the world of work.
- We are helping disabled people who are disproportionately affected by welfare changes and cuts.
- We are taking action to remove barriers and improve access to housing and transport.
- We are determined to address specific inequalities experienced by particular groups.
- We are implementing the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

### **Disabled children and young people**

In March 2015 the Education (Scotland) Bill was introduced to Parliament. This Bill will move forward our commitment to recognise, respect and promote children's and parents' rights, including extending children's rights in existing additional support for learning legislation. It will also underpin our work to tackle educational inequality and improve educational achievements particularly among Scotland's most disadvantaged children – including disabled children and young people.

The Getting it Right for Every Child (GIRFEC) framework aims to ensure that all services and agencies working with disabled children are joined up and that there is a shared understanding of what wellbeing means along with the availability of appropriate support. The Children and Young people (Scotland) Act 2014 is part of the GIRFEC approach, and requires Scottish Ministers to comply with the United Nations Convention on the Rights of the Child (UNCRC).

1 These are detailed in ANNEX E and ANNEX F.

2 See ANNEX C for more information.

We are supporting work to promote access to the world of work by disabled young people. We are tackling the under representation of young disabled people in the Modern Apprentice Programme and are also developing and promoting supported employment. One example of this is our partnership with Momentum and Falkirk Council to develop Haven Enterprises Larbert which provides three supported businesses and the Centre for Training Excellence. We are also funding internship schemes for disabled graduates, providing varied employment opportunities in the third sector and in the Scottish Parliament.

And within the NHS, there are now several Boards delivering Project Search which is an employability programme for people with learning disabilities – NHS Lanarkshire, NHS Greater Glasgow and Clyde, NHS Ayrshire and Arran and NHS Lothian. Project Search is coordinated by the Scottish Consortium for Learning Disability.

### **Social security**

Disabled people already face higher living costs than non-disabled people and are more likely to live in poverty. The United Kingdom Government's welfare cuts and changes are having a disproportionate impact on the lives of disabled people. Tougher criteria for disability benefits, cuts in services and increased service charges mean that disabled people are losing support to participate in society.

The Scottish Government is taking decisive action with the resources and powers that we currently have to help disabled people who are disproportionately affected by welfare changes.

We are investing almost £300 million over the period 2013-16 to limit the damaging effects of the cuts and charges being imposed by Westminster. Since 2013, we have provided £90 million to local authorities to mitigate the bedroom tax which disproportionately affects disabled people – an estimated 80% of households affected by the bedroom tax contain a disabled adult. Disabled people often use an additional room to store equipment or for overnight carers. Although single adults can be allocated an additional room for care workers to stay under the regulations, those who rely on a partner or relative in the same property for care do not receive this allowance.

Since it was established in April 2013, the Scottish Welfare Fund has helped more than 150,000 households, providing community care grants to help people to live independently, and crisis grants to people in emergency situations. More than £65 million has been awarded to date, providing a safety net for vulnerable people on low incomes.

### **Health care and support**

We are also safeguarding the support for almost 2900 disabled people across Scotland by establishing a new Scottish Independent Living Fund, which from July 2015 will make payments to all existing Scottish Fund users. And we have committed an additional funding of £5 million to open up the scheme to new users for the first time in 2015-16.

In addition to this, a suite of new legislation will make a real difference in improving the provision of services to disabled people:

- The Social Care (Self Directed Support) Scotland Act 2013 gives disabled people greater control over the provision of their care and support needs and gives them as much control as they want of their individual budget. The Act and Self Directed Support strategy has been backed by £46.2 million over five years (2011-15).

- The Public Bodies (Joint Working) (Scotland) Bill 2014 will result in more joined-up and seamless health and social care provision for individuals, including disabled people, and will ensure that people get the right care, in the right place, at the right time. The full integration of services across Scotland is expected by April 2016.

## **Access to transport and housing**

The freedom of many disabled people living in Scotland is often restricted by buildings and transport systems which are difficult to access. That's why we are taking action and providing investment to remove barriers and improve access to housing and transport, services and venues.

Housing adaptations make a vital contribution to supporting disabled people and older people to live safely, comfortably and independently at home. We have, therefore, committed to implementing the recommendations of the independent adaptations working group, and five pilot sites will run until 2017. We will issue new good practice guidance on housing adaptations after the pilot has been evaluated.

We have provided funding to the Glasgow Centre for Inclusive Living to develop a national register of accessible housing – Home2Fit – which will help disabled people find suitably adapted and accessible housing.

We are also investing heavily in making transport more accessible. Transport Scotland sponsors the Mobility and Access Committee Scotland to advise Scottish Ministers on improving the accessibility of public transport services for disabled travelers, and we have worked with a disabled access panel to managing the design of the new Queensferry Crossing.

Earlier this year Transport Scotland hosted a Transport Accessibility Summit which brought together disabled people and transport providers to discuss transport issues affecting disabled people in Scotland. The Summit highlighted the need to work together in partnership to improve journeys for disabled people on public transport.

The Blue Badge scheme helps people with restricted mobility to lead independent lives. It can, however, be misused by third parties. The Disabled Persons' Parking Badges (Scotland) Act 2014 provides local authorities with increased powers to tackle misuse and provides a review process for applicants who have been rejected.

## **Carers**

As a Government we are committed to ensuring that all carers are supported to manage their caring responsibilities with confidence and in good health. The Carers (Scotland) Bill was introduced to Parliament in March 2015 and will ensure better and more consistent support for carers and young carers so that they can continue to care, if they so wish, in better health and to have a life alongside caring.

## **Inclusive communication**

Disabled people need to be able to access information and services in a way that suits their needs in order to enjoy other rights and reduce the risk of exclusion and discrimination. In April 2013 we set eight equality outcomes to be delivered by April 2017 (as required by The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012). One of the outcomes that we've set is called *Equality and Diversity Matters*. The outcome focuses on raising staff confidence levels on equality and diversity issues, including raising awareness levels on inclusive communication.

We have started delivering, with Sense Scotland, a series of inclusive communication seminars for staff, and we are in the process of appointing Easy Read champions across the organisation.

In addition, we are funding a range of work through partners to improve inclusive communication across and beyond the Scottish Government:

- Partners in Communication – this project delivered by Sense Scotland is working to ensure that disabled people with complex communication support needs can exercise more choice and control over their lives.
- Creating Connections in Communication – the Scottish Disability Equality Forum (SDEF) is working with Access Panels and public bodies to increase the availability of inclusive communication formats and provide advice on good practice. SDEF have also introduced an Easy Read version of their consultation briefing responses to encourage greater engagement and understanding of policy issues amongst disabled people.
- Inclusive Communication Hub – with Scottish Disability Equality Forum, Scottish Accessible Information Forum (SAIF) are working towards improving their current website to create an online Inclusive Communication Hub. This will provide a shared space for Guidance and templates on accessible formats, inclusive communication practices accessible to all.

### **British Sign Language**

In 2011 the Scottish Government formally recognised BSL as a language. We recognise that while Deaf BSL users are covered by the Equality Act 2010 they still experience significant exclusion because they do not have linguistic access to information and services.

We fully support the British Sign Language (Scotland) Bill which was introduced to the Parliament in October 2014, and have been working to strengthen its provisions. The Bill will require Scottish Ministers to promote and facilitate the use and understanding of BSL, including tactile BSL, by publishing a BSL National Plan and a national progress report every six years, and requiring other listed authorities to publish BSL plans and to contribute to the progress report. The Bill will complete its passage through the Scottish Parliament in September 2015.

### **Our commitment to human rights**

Human rights are the basic rights and freedoms that we are all entitled to so that we can live with dignity, equality and fairness. They are universal and cannot be given or taken away.

Everyone has these rights and the UNCRPD sets out what governments have to do to make sure that disabled people have the same rights as everybody else. It is the framework that we use as a Government to improve the lives of disabled people.

We work closely with disabled people to shape our policies and services, and to raise awareness of UNCRPD across the Scottish Government. We will continue to work with disabled people and their organisations as we work to improve disabled people's lives in Scotland.

This draft delivery plan (2016-20) sets out how we are using the UNCRPD as a framework to improve the lives of disabled people, and forms the basis of Scotland's contribution to the formal reporting process to the UN Committee which is led by the UK Government as the State Party. It sits within the Scottish National Action Plan on Human Rights (SNAP) and reinforces our commitment as a Government to promoting and protecting human rights for all.

## 1.3 Defining disability

### The social model of disability

This delivery plan supports the social model of disability, which was developed by disabled people: activists who started the ‘Independent Living Movement’ (ILM)<sup>3</sup>.

Unlike the medical model, where an individual is disabled by their impairment, the social model views disability as the relationship between the individual and society. In other words, it sees the barriers created by society as the cause of disadvantage and exclusion, rather than the impairment itself. The aim, then, is to remove the barriers<sup>4</sup> that isolate, exclude and so disable the individual.

### Inclusive of all

Negative language carries many messages; it categorises, labels and stereotypes. It can demean and devalue; it can dehumanise and exclude and disempower. There are many examples of the misuse of language which debase disabled people and are outdated and offensive.

To remove the barriers created by negative language, we need to use and encourage appropriate language. Different countries have different guidelines. In some countries, the term ‘people with disabilities’ is commonly used. In Scotland, the term ‘disabled people’ is preferred. In other countries there isn’t yet a word for disabled.

Opinion can also vary between individuals or groups. For example, most deaf people who use British Sign Language identify themselves as a linguistic or cultural minority rather than as disabled people.

Language can also be positive, reinforcing the positive message of inclusion, defining a disability tool/phrase by ‘what it does’ rather than ‘who it is for’. ‘Disabled Parking’ is now ‘Accessible Parking’; Disabled Toilets are now ‘Accessible Toilets’. By using positive and empowering words we can change the way people see disability<sup>5</sup>.

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. We also have to understand how other characteristics such as age, sex, race, religion, sexual orientation, transgender identity or being a Gypsy Traveller can impact on a disabled person’s experiences and use this understanding to shape our actions.

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3 For more information on the Independent Living Movement please refer to ANNEX B.

4 Barriers can include negative attitudes, places that are hard to get to and move around in, how events are organised or communicated, transport that’s difficult to use and the cost of becoming involved and participating in society.

5 See Section 3 of the plan, and ANNEX F for more information on inclusive communication.

## 1.4 UNCRPD and Independent Living

A vital step in our work to promote independent living is making sure that people are clear about what it means. Article 19 of the UNCRPD is about the right to live independently and be included in the community, but there is still some confusion around what we mean when we talk about independent living in Scotland. It is not about living alone with no support.

Independent living means ‘disabled people of all ages having the same **freedom, choice, dignity and control** as other citizens at home, at work, and in the community. It does not mean living by yourself, or fending for yourself. It means rights to practical assistance and support to participate in society and live an ordinary life’. These rights are often denied to disabled people due to social, economic, financial or environmental barriers. So the definition of independent living we are working towards is much broader and covers most, if not all of the other articles in the UNCRPD such as a right to housing, education, employment, access to justice and equal recognition before the law.

For disabled children and young people, having choice and control means making sure that their wishes and feelings are listened to and their views taken into account. This is vital, particularly in assessments and decision making about issues that affect their lives. It is also important to support disabled children and young people to participate fully in daily life in their communities and in the way that they choose.

This delivery plan will help to reduce and remove some of the barriers which currently prevent disabled people of all ages from living an ordinary life, and create a Scotland where disabled people have full and equal access to:

- The built environment including buildings, parks and pavements
- Transport services at every stage of the journey
- Technical aids and equipment
- Advocacy, including peer advocacy
- Suitably adapted housing
- Personal assistance/social care
- Accessible information – when, where and how they need it
- Health care
- Education and training – including lifelong learning
- Employment
- Adequate income – in or out of work
- Information – when, where and how they need it
- Civic and political life
- The justice system

## **2. Outcomes and commitments**

## **2. About the outcomes and commitments**

This draft delivery plan groups the UNCRPD articles into four outcomes. These outcomes are based on the best available research and evidence and were agreed in co-production with Disabled People's Organisations, public authorities and service providers working together to promote independent living for disabled people in Scotland.

### **The four outcomes**

We want to live in a Scotland where disabled people have equal and inclusive communication and access to:

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

### **Themes**

Section 3 of the delivery plan outlines three 'cross-cutting' themes – which are ways of working – and which will support each of the outcomes to deliver change. The themes are:

- Disabled people are empowered to participate fully.
- Communication is accessible and inclusive of all.
- The barriers facing disabled people are known, understood and addressed.

## **CONSULTATION QUESTIONS**

**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?**

Agree

Disagree

Neither agree nor disagree

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

## **How we developed the commitments**

The commitments set out in this draft delivery plan are how the Scottish Government will deliver the outcomes and the UNCRPD articles that are relevant and fit with each outcome. The commitments are for the Scottish Government to deliver, but many have been developed with input from a wide range of partners. While this section focuses on new commitments, there is a wealth of existing work being carried out across the Scottish Government<sup>6</sup>.

Our approach to developing commitments was agreed with Disabled People's Organisations, who provided support to key policy directorates to help raise awareness of the UNCRPD, and to provide advice on disabled people's priorities and solutions. This process included:

- Hosting a Disability Symposium in March 2014 to discuss the Scottish Government's approach to developing this delivery plan, to explore priority areas for action and encourage the active involvement of the disability sector.
- A series of tailored seminars throughout summer 2014 with senior Scottish Government policy officials with responsibility for specific UNCRPD articles. These were co-produced with Disabled People's Organisations, the Equality and Human Rights Commission and the Scottish Human Rights Commission.
- Working with Disabled People's Organisations and the Human Rights Commissions to gather, analyse and share information about disabled people's priorities to inform the commitments.
- Funding disability-led organisations to make sure that a wide range of disabled people are supported to contribute to the development of the delivery plan.

The commitments themselves have been produced by the Scottish Government. The focus of the consultation is on the commitments and this provides an opportunity for disabled people and their organisations, and a wide range of delivery partners to comment on whether they think these will help us achieve the four outcomes that the Scottish Government has set out.

The commitments are set out in the next section together with the relevant consultation questions.

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<sup>6</sup> See ANNEX E for evidence about the gaps in these areas.

## **Outcome 1:**

**Equal and inclusive access to the physical and cultural environment, transport and suitable, affordable housing**

## **2.1 Outcome 1 – Environment, Transport and Housing**

Equal and inclusive access to the physical and cultural environment, transport and suitable, affordable housing.

### **Key objectives**

We want to see a Scotland where there is:

- Greater involvement by disabled people in designing services.
- Increased understanding of disabled people's needs.
- Equal choice over housing, transport, services and facilities.
- More participation of disabled people in society.

### **UNCRPD articles**

**These key objectives fit well with UNCRPD articles:**

- Article 5 – Equality and non-discrimination
- Article 6 – Disabled women
- Article 7 – Disabled children
- Article 8 – Awareness-raising
- Article 9 – Accessibility
- Article 12 – Equal recognition before the law
- Article 13 – Access to justice
- Article 18 – Liberty of movement and nationality
- Article 19 – Living independently and being included in the community
- Article 20 – Personal mobility
- Article 21 – Freedom of expression and opinion, and access to information
- Article 24 – Education
- Article 25 – Health
- Article 26 – Habilitation and rehabilitation
- Article 27 – Work and employment
- Article 28 – Adequate standard of living and social protection
- Article 29 – Participation in political and public life
- Article 30 – Participation in cultural life, recreation, leisure and sport
- Article 31 – Statistics and data collection

### **Where we want to be**

The Scottish Government wants to create a society where disabled people have equal access to housing, transport and services. This will be achieved by actively involving disabled people in service planning and design, so that their needs are properly understood and met.

## **Our commitment to Scotland's disabled people:**

### **Transport**

**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 ongoing)

### **Planning and Architecture**

**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)

**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)

### **Building Standards**

**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)

### **Housing and Independent Living**

**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)

### **Tourism and Business**

**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.

**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.

**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)

**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.

## Culture

**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)

**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)

**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)

## Sport and Physical Activity

**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 para-sport facility in Inverclyde. (opens in 2016)

**14. An Action Plan for disabled people** – In our commitment to equality, the Scottish Government and **Sports**cotland 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)

**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.

## 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).

## CONSULTATION QUESTIONS

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

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

Agree  Disagree  Neither agree nor disagree

**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.**

(Please refer to Section 2.1 for fuller descriptions of the commitments)

Commitment (outcome 1)	Comment
1. Transport accessibility	
2. Design for Ageing	
3. Raising awareness of accessible design	
4. Homes which are more accessible	
5. Accessible housing	
6. A new help guide aimed at boosting accessible design	
7. A new help guide to assist tourism businesses	
8. A new help guide setting out key accessibility hints and tips	
9. Access statement online tool builder	
10. Widening access and increasing opportunities for disabled people to engage in culture, 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	
13. Disability Inclusion in Sport	
14. Action plan to promote disabled people's participation in sport and physical activity	
15. sportscotland investments	

Commitment (outcome 1)	Comment
16. One Scotland awareness-raising campaign	

**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?**

## **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 and young people

## **2.2 Outcome 2 – Health, Support and Disabled Children and Young People**

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.

### **Key objectives**

We want to see a Scotland where there is:

- More support for independent living for disabled people, including disabled children and young people, with more say over how that support will be managed and provided.
- Health, social care and other support services working together to remove the barriers faced by disabled people including disabled children.
- Increased opportunities for disabled people to influence community development and service delivery.

### **UNCRPD articles**

These key objectives fit well with UNCRPD articles:

- Article 5 – Equality and non-discrimination
- Article 6 – Disabled women
- Article 7 – Disabled children
- Article 8 – Awareness-raising
- Article 9 – Accessibility
- Article 12 – Equal recognition before the law
- Article 17 – Protecting the integrity of the person
- Article 18 – Liberty of movement and nationality
- Article 19 – Living independently and being included in the community
- Article 20 – Personal mobility
- Article 21 – Freedom of expression and opinion, and access to information
- Article 23 – Respect for the home and family
- Article 25 – Health
- Article 26 – Habilitation and rehabilitation
- Article 27 – Work and employment
- Article 28 – Adequate standard of living and social protection
- Article 29 – Participation in political and public life
- Article 30 – Participation in cultural life, recreation, leisure and sport

## **Where we want to be**

The Scottish Government wants to shape a joined-up health and support system that has independent living at its core; a system that values the input of disabled people and actively creates opportunities for involvement in the design and delivery of services.

### **Our commitment to Scotland's disabled people:**

#### **Health: Care, Support and Rights**

**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)

**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)

**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)

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

**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)

#### **Allied Health Professionals and Independent Living**

**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)

#### **NHS Disabled Graduates**

**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)

## **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)

## **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)

## **Equality and Human Rights in NHSScotland**

**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)

## **Children's Rights and Wellbeing**

**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.

**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.

**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)

**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)

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

## **Mental Health Legislation**

**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.

## **Adults with Incapacity Act**

**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.

**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.

## **Care and Justice: Children's Hearings**

**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)

**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)

## CONSULTATION QUESTIONS

**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 and young people**

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

Agree  Disagree  Neither agree nor disagree

**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.**

(Please refer to Section 2.2 for fuller descriptions of the commitments)

Commitment (outcome 2)	Comment
17. Health Inequalities of people with learning disabilities data collection	
18. Advocacy	
19. The New framework for Hearing the Citizen Voice	
20. Routes to Inclusion – ‘Engaging disabled people and their organisations’	
21. Allied Health Professionals and Independent Living – delivery plan	
22. NHS – two-year internship for disabled graduates in partnership with NHSScotland and Glasgow Centre for Inclusive Living Equality Academy	
23. NHSScotland Learning Disability Employment Programme	
24. Disability Inclusion Promotional Campaign	
25. Measure compliance of NHS Boards on embracing equality diversity and human rights in the NHS in Scotland	
26. Child Rights and Wellbeing Impact Assessment (CRWIA) for all policy development affecting children	
27. Fund for projects to support disabled children and their families	
28. Information Hub	
29. Transitions Test of Change Project	

Commitment (outcome 2)	Comment
30. Child Internet Safety stakeholder group	
31. Review of inclusion of people with learning disabilities or autistic spectrum disorders under the Mental Health (Care and Treatment) (Scotland) Act 2003.	
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	
33. Review of policies on guardianship and consider circumstances in which supported decision making can be promoted	
34. An integrated children's rights and equalities impact assessment for the Scottish Children's Reporter Administration	
35. Enhanced learning and development framework for foster carers	

**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?**

## **Education, Paid Employment and Income**

### **Outcome 3:**

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

## **2.3 Outcome 3 – Education, Paid Employment and Income**

Equal and inclusive access to education, paid employment and an appropriate income whether in or out of work.

### **Key objectives**

We want to see a Scotland where there are:

- Equal opportunities for disabled people within education and paid employment.
- Greater awareness and understanding amongst employers and educators of disabling barriers.
- Benefits that meet the additional living and mobility costs for people with an impairment, disability or illness.

### **UNCRPD articles**

These key objectives fit well with UNCRPD articles:

- Article 5 – Equality and non-discrimination
- Article 6 – Disabled women
- Article 7 – Disabled children
- Article 8 – Awareness-raising
- Article 9 – Accessibility
- Article 12 – Equal recognition before the law
- Article 16 – Freedom from exploitation, violence and abuse
- Article 18 – Liberty of movement and nationality
- Article 19 – Living independently and being included in the community
- Article 21 – Freedom of expression and opinion, and access to information
- Article 24 – Education
- Article 27 – Work and employment
- Article 28 – Adequate standard of living and social protection
- Article 29 – Participation in political and public life
- Article 30 – Participation in cultural life, recreation, leisure and sport
- Article 31 – Statistics and data collection

### **Where we want to be**

The Scottish Government wants disabled people to have the same opportunities as everyone else in education and employment. This means the opportunity to learn and train, to take up further and higher education if they choose, to get a job in the profession of their choice, to feel valued at work and to have an appropriate income.

We want to see greater understanding amongst employers and educators of the value that disabled people can add, the issues facing them, and the funding and support available. We want to see improved access to paid employment across all sectors. We want to see inclusive schools, colleges and universities where the diverse needs of disabled students are recognised and catered for. We want a fair and simple social security system that provides responsive and personal support and care that recognises the rights of disabled people and treats people with respect.

## **Our commitment to Scotland's disabled people:**

### **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)

### **Strategy and Performance**

**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)

### **Youth and Adult Employability and Skills Development**

**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:

**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.

**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.

**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.

**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)

**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.

**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)

## Employment Tribunals

**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)

## Social Justice and Regeneration

**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)

## 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 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)

## CONSULTATION QUESTIONS

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

**Q9: Do you agree or disagree that the commitments (36-48) described above will help the Scottish Government make progress towards outcome 3?**

Agree  Disagree  Neither agree nor disagree

**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.**

(Please refer to Section 2.3 for fuller descriptions of the commitments)

Commitment (outcome 3)	Comment
36. Continued commitment to implement additional support for learning	
37. Anti-bullying – respectme and review and refresh of the 'National Approach to Anti-bullying for Scotland's Children and Young'	
38. Overarching commitment from Fair Work Directorate	
39. Investment in Developing the Young Workforce and further investment to support young people with barriers to employment including disability	
40. Supported Employment Model	
41. Supported Businesses	
42. Establishment of a Fair Work Convention	

Commitment (outcome 3)	Comment
43. Disability Employment Services in Scotland	
44. Ensuring flexible and integrated support is put in place to support individuals with particular needs, including disabled people into work	
45. Abolish fees for employment tribunals and consultation re barriers that disabled people face when raising a claim at an Employment Tribunal	
46. Disability Benefits Advocacy Support	
47. Future reform of local taxation will take into account the particular needs expressed by disabled people	
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	

**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?**

## **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

## 2.4 Outcome 4 – Justice

Equal and inclusive access to the justice system without fear of being unfairly judged or punished, and with protection of personal and private rights.

### Key objectives

We want to see a Scotland where:

- Disabled people can report a crime or discrimination without fear of being unfairly judged or punished in any way.
- Disabled people are treated as equal citizens within the justice system, whether as the victim or the person who is committing the crime.

### UNCRPD articles

These key objectives fit well with UNCRPD articles:

- Article 5 – Equality and non-discrimination
- Article 6 – Disabled women
- Article 7 – Disabled children
- Article 8 – Awareness-raising
- Article 9 – Accessibility
- Article 12 – Equal recognition before the law
- Article 13 – Access to justice
- Article 14 – Liberty and security of the person
- Article 16 – Freedom from exploitation, violence and abuse
- Article 17 – Protecting the integrity of the person
- Article 18 – Liberty of movement and nationality
- Article 19 – Living independently and being included in the community
- Article 21 – Freedom of expression and opinion, and access to information
- Article 23 – Respect for home and the family
- Article 25 – Health
- Article 27 – Work and employment
- Article 28 – Adequate standard of living and social protection
- Article 31 – Statistics and data collection

### Where we want to be

Disabled people have the same rights as everyone else – including the rights to a fully accessible justice system that promotes fairness and equality for all.

For this to happen, for our justice system to be accessible in all forms to all citizens, we need to consider the physical environment, advocacy and support, information and advice, and communication support.

## **Our commitment to Scotland's disabled people:**

### **Civil Law and Legal System**

**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)

### **Criminal Justice**

**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)

**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)

**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)

### **Disability Hate Crime**

**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)

### **Violence against Disabled Women and Girls**

**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)

## CONSULTATION QUESTIONS

**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**

**Q12: Do you agree or disagree that the commitments (49-54) described above will help the Scottish Government make progress towards outcome 4?**

Agree  Disagree  Neither agree nor disagree

**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.**

(Please refer to Section 2.4 for fuller descriptions of the commitments)

Commitment (outcome 4)	Comment
49. Review of legal aid contributions for disabled people	
50. Encourage reporting of hate crimes against disabled people	
51. Accessible information	
52. Accessibility of sites and services	
53. Develop and deliver a 'pilot' improvement project focusing on preventing and removing disability hate crime from society	
54. Engage with DPOs to explore extent of violence against disabled women and girls, in the context of our ambitions under <i>Equally Safe</i>	

**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?**

### **3. Delivering change**

### **3. Delivering change**

To bring about the changes we want to see in Scotland, and make rights a reality for disabled people, the Scottish Government must first make sure that we change the way we work and the way we engage with our communities.

Whatever the policy area or sector, whatever our individual area of responsibility, it's important that we do everything we can to ensure that these three themes are embedded into all that we do:

- Participation – disabled people are empowered to participate fully.
- Communication is accessible to, and inclusive of, all.
- Raising awareness – the barriers facing disabled people are known, understood and addressed.

#### **3.1 Disabled people are empowered to participate more fully**

For disabled people to be able to participate fully in all areas of daily and public life, whether individually or collectively, privately or in public, the right conditions must exist. This means safe, equal access to the physical environment and the provision of advice and support. It also means access to a society where politics, people and service providers support the social model of disability and recognise the value of removing disabling barriers.

If we achieve these conditions, disabled people will have more choice and control over their own lives, policies and services will be improved by the shared knowledge of the people who use them, and lasting, cost-efficient change will be realised<sup>7</sup>.

#### **3.2 Communication is accessible and inclusive to all**

Accessible communication is just as important as an accessible physical environment, and more than one million people in Scotland experience some form of communication barrier<sup>8</sup>.

This can include people with a learning disability, autistic spectrum disorders, dementia, neurological illness, stroke, cancer, head or brain injury, hearing impairment, visual impairment, people who are deaf or blind or who have a dual sensory impairment, as well as those who have aphasia, autism, motor neurone, cerebral palsy and mental illness.

Ensuring that information is accessible is a critical first step to accessing other rights. Plain English is a positive step, helping to communicate information in the clearest, most direct way possible. For those people whose first language is British Sign Language (BSL), the provision of information in BSL means that they too have full access to necessary information. Inclusive communication however, goes beyond this and includes all communication support needs. These range from the provision of palantypists and audio assistance, and use of alternative formats such as Easy Read and Braille.

Inclusive communication also means that policy makers and service providers need to ensure that views of people with communication support needs are fully heard, understood and valued and used to inform the development of policies and services.

<sup>7</sup> ANNEX F provides examples of where we are currently working to make this happen in the Scottish Government.

<sup>8</sup> Source: June 2010 Budget: Estimated impact on Scottish Households – Office of the Chief Economic Advisor <http://www.scotland.gov.uk/Resource/Doc/20768/0102586.pdf>; See Hear: A strategic framework for meeting the needs of people with sensory impairment in Scotland <http://www.scotland.gov.uk/Resource/0041/00417992>

### **3.3 Raising awareness**

A key element of this delivery plan – and a requirement of the UNCRPD itself – is raising awareness of UNCRPD, and of the barriers which prevent disabled people from enjoying their human rights. By being able to access their rights under this Convention, independent living will become a reality for many disabled people. The commitments set out in this draft delivery plan represent a significant step towards that end goal.

The UNCRPD aims to protect and promote disabled people's human rights not just in relation to accessing health and social care, but in relation to all aspects of daily living.

The Scottish Government will continue to raise awareness of disabled people's human rights and promote the UNCRPD during the lifetime of the delivery plan and beyond<sup>9</sup>.

### **CONSULTATION QUESTIONS**

**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?**

Agree

Disagree

Neither agree nor disagree

**Q16: Please comment here on your response above, or if you have any further comments on the themes.**

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<sup>9</sup> For further details on the work that the Scottish Government is currently doing to raise awareness, please see ANNEX F.

## **4. Measuring our progress**

## 4. Measuring our progress

As with any delivery plan, it's important that progress can be measured at regular intervals. That way, we can identify what's working and if anything needs to change so that we make a positive difference to the lives of disabled people living in Scotland. The Scottish Government is also required to report through the UK as a state party, to the UN Committee on how we are implementing the articles of the UNCRPD and how we are involving disabled people in this process.

Responsibility for measuring progress of the Scottish Government commitments will be with the lead Scottish Government policy officials, who will be held to account through the reporting structures of the UNCRPD and Public Sector Equality Duty (PSED) requirements. The Leadership Panel overseeing Scotland's National Action Plan for Human Rights (SNAP) also have an interest in the progress of implementing the UNCRPD. Ultimately, we will be held to account by disabled people in Scotland and their organisations and we will fully involve Disabled People's Organisations in work to review our progress during the lifetime of the delivery plan.

In addition, the Scottish Government will work with Disabled People's Organisations and the UK Independent Mechanism (UKIM)<sup>10</sup> to continue to gather and share information about priority needs with the relevant policy areas to make the progress we all want to see and – in the spirit of continuous improvement – to strive to do more to address these needs. We will of course respond separately to any specific comments about the Scottish Government's work to implement the UNCRPD raised by the UN Committee as part of the examination of the UK.

Throughout the lifetime of the plan, and into the future, we will continue to engage with disabled people and their organisations to strengthen our policies so that they better meet disabled people's needs. While relevant policy leads will be responsible for ensuring delivery of their own commitments, the Equality Unit (as the named focal point for co-ordinating implementation of the UNCRPD in Scotland) will review overall progress, highlight best practice and identify gaps. We anticipate that during the lifetime of the delivery plan, further commitments will be proposed and it is likely that some may evolve as new opportunities and funding becomes available.

The data that our partners also collect is invaluable and we are committed to working with others to build a stronger evidence base to support the delivery of the outcomes we want to achieve.

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<sup>10</sup> UKIM is made up of the Equality and Human Rights Commission and the Human Rights Commissions from other UK countries. In Scotland, this is the Scottish Human Rights Commission.

## Measuring how UNCRPD is implemented

The Scottish Government has a responsibility to collect, measure and share information in line with the following UNCRPD articles:

- Article 31 – Statistics and data collection
- Article 32 – International cooperation
- Article 33 – National implementation and monitoring
- Article 34 – Committee of Rights of Persons with Disabilities
- Article 35 – Reports by state parties
- Article 36 – Consideration of reports
- Article 37 – Cooperation between state parties and the Committee
- Article 38 – Relationship of the Committee with other bodies
- Article 39 – Report of the Committee
- Article 40 – Conference of state parties

## Where we are now

Some of the structures and sources of information that the Scottish Government have in place to help us measure the success of our commitments and progress in realising the aims of the UNCRPD are as follows:

- **Evidence-based Reporting** – reporting progress on outcomes and our commitments relies on data and evidence. Significant progress has been made to improve the equality evidence base in Scotland. The 2011 census is the richest source of data and has provided new information on the life circumstances for a number of equality groups including disabled people and how they do in the labour market, education, health, housing and transport.
- **Equality Analysts Network** – is made up of social researchers, statisticians and economists from across the Scottish Government's Analytical Services Divisions who contribute to the Equality Evidence Finder and to the delivery of the Equality Budget Statement.

The Equality Unit will be responsible for co-ordinating the Scottish Government's response to the UNCRPD and reporting this to the UN Committee via the UK Government. We will reflect how our commitments have been measured and the impact these have had on improving the lives of disabled people.

Other examples of studies that we can use to inform our progress from other parts of the Scottish Government are:

- **Rates of participation in physical activity** – we will publish an equalities evidence review and annually monitor how disabled people are participating in sports.
- **Integration of health and social care** – in the Routes to Inclusion Project, we will gain evidence of what is actually happening in three locations including how well effective local service planning is, if community voices are being heard, and how valuable the lived experience is of the individual to the development of strategy. We will use this evidence to make recommendations on how to measure progress.

- **Health Inequalities of people with learning disabilities** – we will work with NHS Boards Public Health Leads and others to support the use of data for people with learning disabilities in NHS action plans to improve health services and to reduce early mortality.
- **Widening access and increasing opportunities for disabled people to engage in culture and heritage** – the Scottish Household Survey is an annual publication on cultural engagement which includes a section on the numbers of disabled people engaging in culture and heritage. We will work with Creative Scotland and Historic Environment Scotland to outline how they have been supporting this commitment.

## 5. The next steps

This delivery plan progresses our work to make UNCRPD a reality for disabled people in Scotland. It outlines the Scottish Government's strategic approach, our key outcomes and the commitments which will help us make progress towards them over the lifetime of the plan.

The Scottish Government is determined to make real and lasting progress towards realising disabled people's human rights, and we believe that delivering the commitments set out in this draft plan will help. We are committed to working with disabled people and their organisations, and with our delivery partners over the months and years ahead. In doing so, we will reduce the inequalities and social injustice experienced by disabled people, enable them to make their full contribution to their communities and to our country.

Disabled People's Organisations will be crucial in helping to gather the views of disabled people across Scotland as part of the consultation on this draft plan, and this will help inform the final plan, which we will publish in the summer of 2016.

Initial contacts have now been forged between policy areas and Disabled People's Organisations to begin the long-term conversation on how disabled people can build on the commitments that have been made by the Scottish Government. In turn, policy areas should take on board the views and needs of disabled people to develop and shape new initiatives as the delivery plan develops over the next few years. It is important that Disabled People's Organisations are connected to the policy drivers that will bring about significant and lasting change.

## **CONSULTATION QUESTIONS**

**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?**

**Q18: Are there any other comments you would like to make on the overall delivery plan, to inform its further development and implementation?**

# **ANNEXES**

## **Background Information**

## **ANNEX A**

### **The wider equality agenda**

There are a number of key pieces of legislation which aim to promote equality and human rights for disabled people:

#### **The Disability Discrimination Act 1995**

The Disability Discrimination Act (DDA) 1995 made it unlawful to discriminate against disabled people in employment, in the provision of goods, facilities and services or education or transport. It made provision for the employment of disabled people and established a National Disability Council. It also introduced reasonable adjustments requiring employers and service providers to take steps to remove barriers to disabled people's participation in society.

#### **The Human Rights Act 1998**

The Human Rights Act 1998 came into force in 2000 and certain core human rights and freedoms that are included in the European Convention on Human Rights became part of UK domestic law.

This has made it possible for human rights cases to be dealt with in a UK court or tribunal and means that all new legislation must reflect the Convention rights wherever possible.

#### **Equality Act 2010**

After the DDA 1995, the Equality Act 2010 was introduced in law to protect people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws, helping to make the law clearer and easier to understand, along with strengthening protection in some cases. It also enabled Scottish Minister's to place specific duties on public authorities. By April 2013, listed authorities were required to publish equality outcomes and a mainstreaming report showing how the organisation integrates equality into its everyday business, including information on the recruitment, retention and development of staff. Authorities with at least 150 employees are also required to report on gender pay gap information and equal pay statements. Initial reports applied only to men and women but these will extend to disability and racial equality by April 2017.

Included within Act is the Public Sector Equality Duty (PSED). It requires public authorities to have due regard to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people who share a relevant protected characteristic and those who do not. Disability is a relevant characteristic.

#### **United Nations Convention on the Rights of the Child (UNCRC)**

The UNCRC is an international treaty that sets out the rights that all children and young people have and it places human rights in a context that is meaningful for children.

Children and young people require special attention in respect of their rights because of their vulnerabilities, their evolving capacity as they grow and their reliance on adults to give effect to their rights. Article 23 of the UNCRC states that a disabled child has the rights to enjoy a full and decent life in conditions that ensure dignity, promote self-reliance and facilitate the child's active participation in the community. Under part 1 of the Children and Young People (Scotland) Act 2014 Scottish Ministers have a duty to comply with the UNCRC.

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

Perhaps the most important of all has been the UNCRPD, signed by UK Government in 2007. It recognises that disabled people have the same rights as everyone else to freedom, respect, equality and dignity.

It also supports the social model of disability, viewing discriminatory attitudes, inaccessible environments and lack of accessible communication and support as the factors that disable a person – not a person's impairment. It places a duty on government to remove those barriers to ensure that disabled people have the same rights as other citizens.

### **Taking these forward**

With human rights at its core, this delivery plan also complements the work of Scotland's National Action Plan for Human Rights (SNAP) – a programme of action that aims to realise human rights in all areas of life.

## **ANNEX B**

### **The Independent Living Movement in Scotland**

As part of the wider equality agenda, the Independent Living Movement in Scotland has grown over recent decades.

The Scottish movement began in the 1980s when small local groups of primarily physically or sensory impaired people began joining forces, campaigning for a greater say over the services and support needed to live their lives more fully.

Today many of these groups now serve as important user-led support organisations providing services to, and campaigning on behalf of, disabled people.

For example, the Lothian Centre for Inclusive Living provides specialist advice on self-directed support, payroll services, training and employment. The Glasgow Centre for Inclusive Living also offers support finding suitable housing. These are just two of the many user-led organisations working to help disabled people take more control over their own lives.

Other Disabled People's Organisations don't provide services but advocate for the rights of disabled people, highlight disabled people's needs and priorities, and to help ensure that the voice of disabled people is included in policy development and service delivery. These are run by disabled people for disabled people and provide a voice for disabled people, channelling their collective power into action for change.

Together, this network of Disabled People's Organisations, individual disabled people and other organisations who work for disability equality is known as the disabled people's Independent Living Movement (ILM) in Scotland.

#### **Key milestones**

In 2007, the Disability Rights Commission in Scotland launched a detailed report on what it considered was needed to progress independent living, and the Scottish Government responded by setting up a strategic advisory group, which has continues to play an important role<sup>11</sup>.

Following on from that, the UK Government ratified the UNCRPD on 8 June 2009 on behalf of all administrations, including Scotland within the UK.

This Scottish Government took a combined approach to promoting independent living for disabled people and to realising disabled people's human rights through the UNCRPD. Crucially, this included providing funding to make it easier for Disabled People's Organisations to actively participate in the development and delivery of a cohesive programme of work, using the UNCRPD as a framework.

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<sup>11</sup> The group was initially known as the Independent Living Core Reference Group, and was restructured in 2011 to become the Independent Living Partnership Board.

With basic human rights at its core, Independent Living Partnership Board co-produced a set of aims, which are integral to our delivery plan. These are:

1. Changing negative attitudes and breaking down cultural and physical barriers to independent living.
2. Making sure that the practices and principles of independent living are included in policy decisions and service provision.
3. Giving disabled people the support to participate as full and equal citizens, including access to inclusive communication.

The best way of achieving these aims is to work in co-production with disabled people and their organisations, to identify solutions which better meet their needs. We are committed to working in co-production as we finalise and implement the delivery plan.

## **ANNEX C**

### **Scottish Government Policy**

Scottish policy should contribute to, and benefit from, reducing inequalities, supporting independent living and implementing the UNCRPD. A number of high-level policies contribute to these aims.

#### **Scotland's Economic Strategy and the National Performance Framework**

The Scottish Government's purpose is "To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth."

The Strategy is based on boosting competitiveness and tackling inequality and is supported by four key areas: Investment, Innovation, Internationalisation and Inclusive Growth.

Delivery of the Scottish Government's purpose is monitored through the National Performance Framework with five strategic objectives and 16 national outcomes for the public sector.

Removing the barriers that stand in the way of independent living fits well with three of these strategic objectives which are:

- Wealthier and fairer
- Healthier
- Smarter.

It also fits well with many of the national outcomes, including:

- We have tackled the significant inequalities in Scottish society.
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- Our public services are high quality, continually improving, efficient and responsive to people's needs.
- We realise our full economic potential with more and better employment opportunities for our people.
- Our people, including disabled people, those with long-term conditions or those who are frail are able to live, as far as reasonably practicable independently at home or in a homely setting in their community.
- We live our lives free from crime, disorder and danger.

#### **Single Outcome Agreements**

Helping to deliver the National Performance Framework are Single Outcome Agreements (SOAs) between Scottish Government and local level Community Planning Partnerships (CPPs).

SOAs originated from an agreement (concordat) between national and local government in 2007. This helped the Scottish Government to set out its policy direction and key outcomes. Local authorities can decide how best to deliver those outcomes to suit their own for local circumstances and priorities.

In 2012, the Scottish Government and COSLA reviewed the CPP and SOA Framework, producing a Statement of Ambition. It set out key principles for future community planning, stating that SOAs must:

- Make real improvements to people's lives
- Deliver clear performance commitments and cost-effective models
- Prioritise outcomes, interventions and resources
- Promote early intervention and prevention approaches.

SOAs will provide a strong foundation for effective co-production towards independent living and real opportunities for disabled people to have their say and improving our understanding of local needs.

### **Ongoing reform programmes**

In addition to the National Performance Framework and SOAs, there are a number of ongoing reform programmes that support the aims of UNCRPD. These include:

- **Healthcare Quality Strategy** – launched by the Scottish Government in 2010, the Strategy aims to deliver the highest quality healthcare to the people of Scotland to ensure that the NHS, local authorities and the Third Sector work together, with patients, carers and the public towards a shared goal of world-leading health care.
- **Social Care (Self-Directed Support) Scotland Act 2013** – came into force in April 2014. It places a duty on local authorities to give people eligible for support, choices to meet their care and support needs. Information and advice should be made available to people to make those choices. A range of options should be offered for how much control a person wants over decision making. Our financial investment has helped specialist organisations ensure that disabled people, including children and young people are able to direct their own support if they wish to.
- **Integration of Health and Social Care** – the Scottish Government has integrated health and social care to improve outcomes for individuals by person-centred planning and quality, sustainable care services, including those for disabled people.
- **Independent Living Fund (ILF)** – following closure of the UK ILF in June 2015, a new Scottish ILF has been established by Scottish Ministers to safeguard the interests of existing ILF users living in Scotland. ILF Payments offer disabled people with highest needs the flexibility they may not otherwise have to live an independent life in the community rather than residential care. This also includes taking up employment or education and being able to socialise like any other citizen. From 1 July 2015 payments to all existing Scottish Fund users have been made by ILF Scotland, the new independent company set up to administer the Scottish Fund. The Scottish Government has also made a commitment of additional funding of £5 million to open up the scheme to new users for the first time since 2010. It has committed to co-produce the scheme for new users along with disabled people, Disabled People's Organisations and statutory partners in 2015.
- **Welfare Funds (Scotland) Act 2015** – will come into force in April 2016 placing the Scottish Welfare Fund into law and putting a duty on each local authority to maintain a welfare fund. It helps people on low incomes with essential household goods and living costs in a crisis. The Scottish Public Services Ombudsman has new powers to scrutinise local authorities' decisions on behalf of people who apply for help from the fund. Prioritisation will be given to applicants with additional needs, which includes disabled people and those with terminal illnesses.

- **Education (Scotland) Bill** – was introduced to Parliament in March 2015 to progress the Scottish Government's commitment to recognising, respecting and promoting children's and parental rights including extending children's rights in existing additional support for learning legislation. The Bill will require local authorities to reduce the attainment gap and report on progress.
- **The Getting it Right for Every Child (GIRFEC) approach** – aims to join up public sector services for children, young people and their families, ensure that there is a shared understanding of what wellbeing means and that appropriate support is available to any child, young person and their families if needed. The Children and Young People (Scotland) Act 2014 is part of the GIRFEC approach and puts a number of initiatives into law including the 'named person' and the 'child's plan'.
- **Carers (Scotland) Bill** – the Scottish Government is committed to ensuring that all carers are supported to manage their caring responsibilities with confidence and good health. The introduction of the Carers Bill to the Scottish Parliament in March 2015 is a significant step in recognising the contribution that carers make to their family, friends, communities, and to the wider economy. The Bill will widen access to support for both adult and young carers, and the support delivered under the Bill will be centred on achieving the outcomes that the carer wishes to achieve. We expect it to be passed before the end of this parliamentary session in March 2016.
- **British Sign Language (Scotland) Bill** – the Scottish Government formally recognised British Sign Language as a language in 2011. We acknowledge that while Deaf BSL users are covered by the Equality Act 2010, they still experience significant marginalisation because they do not have linguistic access to information and services. For this reason, we fully support the BSL (Scotland) Bill and have been working to strengthen its provisions. The Bill will require Scottish Ministers to promote and facilitate the promotion of the use and understanding of BSL, including tactile BSL. The Scottish Government will be required to publish a BSL National Plan covering 40 national public bodies. It will set out our strategy for promoting BSL and our expectation of what other public bodies should do.

### **Creating a Fairer Scotland**

At the heart of the Scottish Government's approach to Social Justice is our ambition to build a Fairer Scotland. The Scottish Government has launched a national discussion on how we can tackle deep-rooted inequalities that prevent people from achieving their full potential. We will be engaging with communities and individuals across the nation.

Success as a nation depends on us working together to deliver a strong economy whilst supporting a fairer society. These go hand in hand and we cannot have one without the other. Our approach to creating a more productive and fairer Scotland is set out in *Scotland's Economic Strategy*.

The Fairer Scotland conversation is about showing that we are a Government that listens to peoples' views and takes action as a result. Tackling inequality, including disability, is relevant across all government portfolios as described earlier in this section in the Programme for Government. We are going to use this process to start to change the way we do work in Government.

We are already taking action to prevent poverty and inequalities through developing and delivering our anti-poverty work including child poverty; developing our new approach to race equality in Scotland to tackle racism; and responding to the impact of the UK Governments welfare reforms.

By supporting Fair Work, we will lead the way in gender equality. We have funded the Poverty Alliance to promote take up of the Living Wage Accreditation Scheme and are providing 30,000 new modern apprenticeships every year by 2020. The Scottish Government are aware that we need to encourage employers and disabled people to take on modern apprenticeships (MAs) and increase representation and are tackling this through our work on Developing the Young Workforce. We will develop an Equalities Action Plan by autumn 2015 to address equalities issues across the MA programme, including specific improvement targets for MA participation among disabled people. For more information on what we are doing to tackle unemployment, please refer to outcome 3.

In the lead up to the Referendum and again in the election, people all over Scotland were talking about what a better Scotland would look like. This year will see a move from early conversations to a series of more structured events with a wide range of people across Scotland. This will result in recommendations on how we can create the fairer Scotland we all want to live in.

## **ANNEX D**

### **A rights-based approach and co-production**

#### **What are human rights?**

Human rights are the basic rights and freedoms that we are all entitled to so that we can live with dignity, equality and fairness to develop and reach our potential. Human rights are universal and cannot be given or taken away. They are interdependent, meaning the loss of one impacts on all of them.

Everyone has these rights, no matter what their circumstances are and the UNCRPD confirms and articulates the significance of these rights for disabled adults and children. Under international law, Governments are bound to respect, protect and fulfil human rights.

#### **A rights-based approach**

A rights-based approach supports equality, human rights and inclusion and recognises that in many cases it is disabled people rather than professionals or policy makers who know best what practical steps and improvements would make the biggest difference to them. Public bodies and decision makers should work therefore directly with Disabled People's Organisations.

Barriers to independent living take many different forms across many different sectors and services. The best way to remove those barriers and deliver lasting change for disabled people is by ensuring that disabled people have ownership and empowerment.

A human rights-based approach uses human rights international standards to ensure that people's human rights are put at the centre of policies. It empowers people to know and claim their rights and increases the ability of organisations, public bodies and businesses to fulfil their human rights obligations. The PANEL principles show what a human rights based approach means in practice. PANEL stands for Participation, Accountability, Non-Discrimination, Empowerment and Legality.

With our partners, we need to think and act with inspiration, learning from one another to build capacity and capability, and to build better structures which make this shared learning continue long term. This way of working aims to ensure that national outcomes make a difference at local level.

In many instances, disabled people have been treated as passive recipients. This means people who receive services or whose lives are affected by policies but who don't have a say in those services or policies are designed, planned or delivered.

It's important that we change the way we work by building more meaningful partnerships with disabled people at the right time, and in a way which enables them to be informed and confident contributions.

This includes creating genuine opportunities – not to mention accessible information and environments – for disabled people to get involved and feel included. In children's services, this is also called participation. It's important to note that Scotland's population of disabled people is very diverse in terms of impairment type, long and short-term conditions, the barriers faced and other factors such as age, race, sexual orientation, religion, location and family set up.

## **Working in co-production**

Co-production is a way of working that can reflect these differences, encouraging a wider range of disabled people and organisations to contribute to our shared work on independent living.

Co-production won't always deliver a situation that everyone is happy with. Negotiation and compromise therefore, are critical. So too are openness, honesty and trust.

But what it will ensure is that the skills, knowledge and experiences of each partner are equally valued and respected when reaching a consensus on the best way forward.

Achieve it and we'll go a long way to ensuring that we're making the biggest difference where it's needed the most.

## **ANNEX E**

### **Evidence to support the outcomes**

#### **Outcome 1 – Environment, Transport and Housing**

##### **What evidence tells us**

Having the freedom to choose how and when we travel, where we want to live and what we want to do with our day – from popping to the shops, Post Office or health centre is part of everyday life. So is getting involved in the community and participating in social, cultural or sporting activities. Or at least, it is for some people.

For many disabled people living in Scotland their freedom is restricted by inaccessible public spaces and transport systems, buildings that were built before current legislation and standards, unsuitable housing and lack of adequate information and support.

The Scottish Housing Conditions Survey 2012 summarises that 62,000 households in Scotland require specially adapted baths or showers and don't have them. 8000 houses need ramp access and 17,042 wheelchair users in Scotland lack appropriate accommodation. In total 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 leading to isolation, health problems and a lack of self-esteem'.

The report also highlighted that revised building standards for Scotland were introduced in 2007. These set out improved accessibility measures for all kinds of buildings. They also enable homes to be more readily adapted for use by disabled people. However, as a result of the economic downturn there have been fewer homes built to these standards than anticipated.

The Scottish Accessible Transport Alliance (SATA) reports that the main issues affecting disabled transport users in Scotland are availability and accessibility of public transport. Lack of consistency and poor attitudes – mainly from taxi drivers and bus drivers – were also noticeable and there were differences in the services provided in urban and rural areas. This means that rural communities experience problems in accessing health, social care and leisure because of poor transport services and links and inconsistency of local authority funding. Capability Scotland found that 40% of Scotland's local authorities are ignoring the needs of disabled people by not including an accessibility requirement in taxi licensing regulations.

These examples demonstrate that disabled people are discriminated against and disadvantaged, unable to enjoy the same freedom, choices and opportunities as other citizens. These barriers can lead to feelings of isolation and, if left unaddressed, depression.

##### **Where we are now**

The Scottish Government has been working to improve access to housing, transport, services, venues, information and facilities which includes the following:

##### **Housing**

- **Help to buy (Scotland)** – helps people on any income to buy a new build home up to the value of £250,000 from participating house-builders. This scheme has potentially positive impacts on lower income households and characteristics such as disability, age and gender.

- **Housing Adaptations** – the Scottish Government has committed to implementing the recommendations of the independent adaptations working group. Five pilot sites will run until 2017 and after evaluation, new guidance on good practice will be issued.
- **Housing (Scotland) Act 2014** – includes some measures that will assist disabled people such as the Private Rented Sector Tribunal. This will be helpful for people who find it difficult to engage with court procedures. Ending the Right to Buy will help prevent the sale of up to 15,500 social houses over a 10 year period and protect the existing stock of social rented homes. Social landlords to help the many people in need of social housing.
- **Home2Fit** – is developed by Glasgow Centre for Inclusive Living with funding from the Scottish Government. This is a national register of accessible housing which helps disabled people find suitably adapted and accessible housing.

## Transport

- **Community Transport Policy 2015** – in March 2015, the Scottish Government published the findings of a research project which highlighted the social, economic and health benefits of community transport and is considering how to provide further support for the sector in the coming years.
- **National Concessionary Bus Travel Scheme** – provides free bus travel across Scotland to people living in Scotland aged 60 and over and eligible disabled people. In addition, residents of Orkney, Shetland and the Western Isles can have two return ferry journeys to the mainland every year.
- **Queensferry Forth Replacement Crossing Team** – an access panel including the Mobility and Access Committee Scotland, Scottish Disability Equality Forum, Disabilities Fife and access champions meet regularly to manage the design of the new bridge project.
- **Scottish Rail Accessibility Forum** – brings together the Scottish Government, rail industry representatives and Disabled People's Organisations. This Forum ensures the views and needs of disabled people are heard when discussing rail passenger accessibility.
- **Mobility and Access Committee Scotland (MACS)** – is sponsored by Transport Scotland to advise Scottish Ministers on issues on improving the accessibility of public transport services for disabled travellers.
- **Increasing step-free access** – work is underway through the Access for All Programme to increase the number of rail stations that provide step free access to disabled people.
- **The 'Roads for All' Forum** – has produced a good practice Guide on inclusive roads design.
- **The Ferries Accessibility Fund** – encourages ferry and harbour operators to bid for money for accessibility projects for improvements that go beyond statutory requirements.
- **Disabled People's Parking Places (Scotland) Act 2009** – under the Act, local authorities now have a duty to enforce all disabled street parking places.
- **The Disabled Persons' Parking Badges (Scotland) Act 2014** – provides increased powers to local authorities to tackle misuse of blue badges and provides a review process for applicants who have been rejected.

- **Transport Scotland Summit** – working with disability-related groups, Transport Scotland brought together disabled people and transport providers to discuss key transport issues affecting disabled people in Scotland. In addition, Scottish Disability Equality Forum held consultation events across Scotland for Access Panels to inform the Transport Scotland Summit.

## Culture and Tourism

- **Historic Scotland Accessibility** – the website provides access details for disabled people along with brief descriptions of the types of display and tactile qualities of the artefacts. An access guide to attractions is available on alternative formats on request.
- **VisitScotland Accessible Tourism Programme** – is a free, online training programme for tourism businesses, giving practical advice on how to better cater for disabled people and their travelling companions.
- **Access Statements** – VisitScotland has worked with VisitEngland to offer a free online tool for tourism businesses to complete an access statement to benefit disabled people and older people.
- **Accessible Glasgow and Lanarkshire pilot project** – VisitScotland is leading a pilot project which aims to create an accessible ‘destination’ within Scotland. The pilot is in Glasgow and Strathclyde Country Park and involves a range of tourism services, including tourist accommodation, tourist attractions, hospitality establishments and transport providers.
- **Creative Scotland** – supports disabled people through funding, development and advocacy. Core funding is across visual art, theatre, music and dance, all disabilities and Deaf/hearing impairment. It is developing accessibility in arts venues and provides additional costs for access where required.
- **Arts Programmes** – include Indepen-dance an inclusive dance company for disabled people; Solar Bear is Deaf theatre including a Deaf youth theatre. Birds of Paradise is an award-winning disabled-led theatre company and Project Ability is visual arts for people with learning disabilities and mental health issues.
- **BSL Theatre** – the Scottish Government is funding a symposium in Glasgow in late 2015 to celebrate Deaf theatre in Scotland and to launch the first BSL in Theatre course in Europe.
- **Time to Shine – Scotland’s first National Youth Arts Strategy 2013-23** – Time to Shine was developed for young people and, through the youth advisory group, Youth Arts Voice Scotland, is being led by young people. A key focus is on tackling inequalities and removing barriers. These include physical, social or economic barriers that prevent young people realising their potential through the arts as creators, professionals or young enthusiasts. The Youth Arts Hub developments are building upon the local cultural infrastructure to ensure that young people, including those who are disabled are able to access arts.
- **Age Impairments** – Luminate is an accessible arts programme for older people and Macroberts arts centre is a dementia-friendly venue.
- **Autism Access Awards** – is a new autism-friendly standard for buildings and facilities. The Scottish Parliament became the first award holder in Scotland.

## Sports and Physical Activity

- **Commonwealth Games Legacy** – aims for a more active Scotland; Building a legacy from the Commonwealth Games is a programme with more than 50 national legacy 2014 programmes including some for disabled people. £2 million of funding has been provided by the Scottish Government to work with partners to ensure that we capitalise on the inspiration that the games provided.
- **Improving access to sports and physical activity** – the Scottish Government is working with the Equality and Human Rights Commission and stakeholders on recommendations to improve access to sports.
- **National Strategic Group for Sport and Physical Activity** – the Scottish Government will continue to work with COSLA in this group to ensure that planning activities are aligned with their work to support access for disabled people.

## Outcome 2 – Health, Support and Disabled Children and Young People

### What evidence tells us

We are concerned about poverty levels amongst the disabled population and the negative effects this can have on health. From the evidence in the Inclusion Scotland ‘Social Protection and Disabled People in Scotland’ Report, disabled people are twice as likely to live in poverty as non-disabled people and 30% already live in relative poverty. The report further reveals that the UK Government’s welfare reforms are making the poverty and poor health already experienced by Scotland’s disabled people much worse. While it is too early for a substantive analysis, GPs have warned that the UK ‘may be on the brink of a health and social care crisis the like of which has not been seen for a generation’.

Independent living relies on having fit-for-purpose support services that are responsive to specific needs – not just in terms of social care, but health and support services as a whole.

So whilst direct financial support represents a huge step forward in enabling disabled people to get the support they need and in the way they want, it can only ever be truly effective if the services exist at local level to meet those needs and wants.

‘The Social Protection and Disabled People in Scotland’ Report expressed concern that the impact of the UK Government’s welfare reforms, reduced support services and increased charging will make it harder for disabled people to live independently and participate in the community. These measures are taking away the financial resources and services they rely on to do so.

The report goes on to say that disabled people are pleased that the Scottish Government listened to their views and decided to keep a Scottish Independent Living Fund open, for new applicants too. The Independent Living Fund for the rest of the UK has been closed.

### Where are we now

Work is already happening to ensure that disabled people have access to flexible, self-directed health and community care services. This includes:

- **2020 Vision** – the Scottish Government is committed to the 2020 Vision for health and social care, ensuring our healthcare system is able to adapt to the changing needs of the people of Scotland. The Vision is designed to empower service users; drive service improvement and improve understanding of equality issues. The key themes of a 10-15 year plan will be scoped out in 2015 with a wide range of stakeholders.

- **Self-Management** – is critical to the Scottish Government's Quality Strategy which sets out a 2012 Vision for a safe, effective and person-centred health service. Self-management enables people living with long-term conditions to take control and manage their own health.
- **Self-Management Fund** – administered by the Long Term Conditions Alliance Scotland, this Scottish Government Fund has provided over £6 million in small grants to voluntary sector groups to share good practice and the develop of new approaches to self-management.
- **Integration of Adult Health and Social Care** – aims to improve the quality and experience of services for service users, carers and their families. Each integration partnership is legally bound to consult and involve people who use their services in planning, including children and young people who represent a third of users. Disabled People's Organisations are represented on the Cross Sector Group which oversees implementation and delivery.
- **Charging Guidance Working Group** – the Scottish Government will continue to work with COSLA and other stakeholders to improve the consistency of the charging system for social care. We are supportive of the working group set up to consider improvements to charging guidance and that continuous improvement is delivered through co-production.
- **Building the capacity of Disabled People's Organisations** – Inclusion Scotland is working with other Disabled People's Organisations to ensure that the views of seldom heard groups such as minority ethnic (BME) disabled people are heard by policy makers and service providers.
- **Keys to Life** – the successor policy to 'The Same as You' – this national strategy by the Scottish Government and COSLA aims to ensure that people of all ages with learning disabilities are well supported and able to participate fully in society.
- **Adult Support and Protection** – a number of national level projects are ongoing to improve the support and protection to adults at risk of harm. This includes financial harm, adult protection in Care Homes, and adult protection in A&E, national data collection and service users and carer engagement. We have developed an audit tool and training package for A&E staff and guidance for care homes, compiled first stage of data and information and are working on a national strategy on financial harm.
- **Adult Protection Awareness** – in 2015 the Scottish Government launched a media campaign to increase awareness of adult protection issues with a strong focus on how vulnerable people can be targeted for money.
- **Child Protection Disability Guidance** – in 2014 a toolkit was launched to enable practitioners to better target protection support to disabled children.
- **Short Breaks Fund** – funding of over £14 million has been provided by the Scottish Government to Shared Care Scotland to manage on behalf of National Carer Organisations. The following are a sample of short breaks on offer:
  - **Better Breaks** – funded by Scottish Government, Better Breaks provides grants to the third sector organisations to develop creative short break opportunities for disabled children, young people with additional support needs, and their families and carers.
  - **Take a Break Fund** – the Scottish Government has invested £8 million in this initiative which is administered by the Family Fund. Each grant enables a family caring for a disabled or seriously ill child or young person up to the age of 20 to choose a break to improve quality of life, health and wellbeing for the whole family.

- **Creative Breaks** – part of Scottish Government's commitment to short breaks for the benefit of carers and those they care for, the Creative Breaks Grant Programme is improving the range, choice and availability of short breaks.
- **Carer Positive Kitemark** – encourages employers to be more carer friendly and recognises those who have a supportive environment where carers are valued. It also supports carers who want to return to and remain in work.
- **Equal Partners in Care** – are principles to increase workforce knowledge and skills so that carers and young carers play an equal role in planning and decisions. The EPiC framework supports workforce learning in health, social services and other sectors with a role in identifying and supporting carers of all ages.
- **Friendship events** – is funded by the Scottish Government and is a programme launched by equal futures and partners throughout Scotland to encourage people with learning disabilities to meet new friends and form relationships.
- **Family Fund Trust** – is part of the Scottish Government commitment to poverty relief following welfare benefits cuts. £3 million annually supports families of severely ill or disabled children on low incomes in Scotland. Grants and other assistance are to help with the additional pressures they face and lead a normal life as is possible by having the same choices and opportunities as other families.
- **Services for Disabled Children** – Scottish Government funding to Children in Scotland and for Scotland's Disabled Children (fSDC) is to increase the involvement of parents and carers in their work, promoting rights and justice for disabled children and improving public policy and practice.
- **Sleep Scotland** – Scottish Government funded Sleep Scotland to provide essential sleep advice and counseling to disabled children and young people. Early intervention to improve the quality of sleep of a child or young person with additional support needs will improve their overall life outcomes, enabling children to achieve their potential educationally, physically and mentally. It also gives parents and carers back control over their lives to continue to support their families.
- **Capability Scotland** – the Scottish Government has commissioned a research project with young disabled people on how they can be involved to make decisions about their lives and how practitioners can support them to do this. Resources will be developed to help organisations such as local authorities.
- **The Health and Social Care Alliance (The ALLIANCE)** – the Scottish Government has funded a project for informing professionals, children and young people about Getting it Right For Every Child (GIRFEC) with publications produced in accessible formats. It will have ongoing engagement with Community Planning Partnerships.
- **Sense Scotland** – the Scottish Government has funded an early years project which provided support for families of disabled babies and children with profound and multiple communication needs. (ongoing)

## **Outcome 3 – Education, Paid Employment and Income**

### **What evidence tell us**

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) Salamanca Statement Framework for Action states, “Inclusion and participation are essential to human dignity and to the enjoyment and exercise of human rights”<sup>12</sup>.

But still, many disabled people living in Scotland don't have the same opportunities as non-disabled people when it comes to education and employment and training, leading to feelings of isolation, lack of self-worth and in some cases, poverty.

In 2012-13 20% of individuals in families containing a disabled adult were in relative poverty and for families with no disabled adult the figure was 14%.

Within education, negative attitudes can be every bit as disabling as the physical environment. However, we are seeing improvements. Attainment for disabled school leavers has been improving over the last two years with data on secondary and special school disabled leavers showing an increase in average. The rate of exclusions has also dropped for disabled pupils and non-disabled pupils. But in 2012-13 disabled pupils were twice as likely to be excluded as pupils without a disability. There is also an improving picture on leaver destinations as disabled pupils moving on to an initial positive destination has increased by 3.2% from 81.8% in 2011-12 to 85% in 2012-13. In the Programme for Government, improving school attainment for all and improving the attainment gap is a Scottish Government priority.

Inclusion Scotland's report 'Social Protection and Disabled People in Scotland' indicates that tougher criteria for disability benefits, cuts in services and increased service charges mean that disabled people are losing support which makes their access to indoor and outdoor facilities and transport difficult and not on equal terms with non-disabled people. Using the Department of Work and Pension's projections, it is estimated that by 2018 over 80,000 disabled people in Scotland will lose some or all of the help with mobility costs that they were previously entitled to do from Disability Living Allowance. Of this, 47,000 will no longer qualify for 'higher rate' mobility and one in three who currently receive higher rate mobility use it to lease Motability vehicles and now face losing that vehicle.

To qualify for Personal Independence Payment (PIP) mobility, a person must be unable to walk 20 metres unaided. This was previously 50 metres. Essential services such as transport can rarely be accessed within 20 metres of a disabled person's home. PIP excludes young people under 16 and older people over 64 years of age.

The UK Government launched its Digital by Default Strategy in 2013 with the aim of having the majority of applications for benefits made online. This excludes people who have a learning disability, a visual impairment or no internet access at home. It also excludes disabled people who are not able to travel to a location with internet access, have the money to pay for internet access and those who are unable to complete a form in the restricted time allowed by public computers.

Added to this, patients who cannot read or write and have significant health problems, while those with mental health problems, addictions and cognitive impairments find the welfare system confusing, difficult to navigate and damaging to their health. Disabled people are concerned that adequate support to help them find and stay in suitable employment is not provided. Disabled people of working age are only half as likely to be in employment as non-disabled people and the situation is worse for certain impairment groups, for example only 13% of adults with learning disabilities who are of working age are in full-time employment or training in Scotland.

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12 <http://www.csie.org.uk/inclusion/unesco-salamanca.shtml>

There has also been a recent introduction of fees for employment tribunals by the UK Government creating a financial barrier resulting in a 46% year-on-year reduction in disability cases since the introduction of these fees. The success rate of disability discrimination cases at employment tribunals is very low, 3% in 2011-12.

Appropriate careers guidance – or lack of it – is another area of concern, with nearly a quarter of disabled young people saying they hadn't received enough information to help them make the right choices for their future<sup>13</sup>.

According to one 2011 study the situation is getting worse, estimating that the disability employment penalty – the extent to which disabled people are less likely to have a job than otherwise similar non-disabled people – was 28% in 2000, compared with 17% in 1987<sup>14</sup>.

## Where we are now

Ongoing work to improve access to education, employment and income includes:

### Education

- **Scotland's Schools for the Future** – this £1.13 billion programme will help education authorities replace or refurbish schools in bad condition. Local authorities will receive funding for buildings that are fully accessible to disabled people and where education is accessible for pupils with additional support needs. By 2020 it is expected that 110 schools will have been rebuilt or refurbished.
- **Attainment Advisors** – Education Scotland is appointing a new advisor for each local authority and an Education Bill was introduced in March 2015 aimed at improving children's rights. Local authorities will need to reduce the attainment gap and report on progress.
- **The Scottish Attainment Challenge** – was launched in 2015 backed by a £100 million fund over four years to drive forward improvements in educational outcomes in the most disadvantaged communities. The Scottish Government will work closely with local authorities to ensure improvement plans meet their specific needs.
- **Young Deaf Learners** – two successful conferences were held for young Deaf learners in Glasgow by Education Scotland.
- **respectme** – is managed by the Scottish Association for Mental Health in partnership with LGBTI Youth Scotland. This national anti-bullying service equips adults involved in the lives of children and young people with the practical skills to help those who are bullied or who bully others. The service also campaigns at national level to raise awareness of the impact that bullying can have and the help available.
- **Developing the Young Workforce** – *Scotland's Youth Employment Strategy*<sup>15</sup> will improve employer engagement to support recruitment of young disabled people; creating Career Information, Advice and Guidance and Work Experience standards which recognise the inequalities faced by young disabled people and provide a supported work experience programme for young disabled people.

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13 Source: All things being equal? Equality and diversity in careers education, information, advice and guidance, Equality and Human Rights Commission Research, 2011.

14 Source: Trends in the Employment of Disabled People, Richard Berthoud, Institute for Social & Economic Research, 2011.

15 <http://www.gov.scot/Publications/2014/12/7750/downloads>

## Paid Employment

- **Fair Work Convention** – was confirmed in the Programme for Government. It will provide independent advice to the Scottish Government on innovative and productive workplaces, industrial relations, fair work and the living wage.
- **Modern Apprenticeships** – under representation by young disabled people in our Modern Apprenticeship Programme is a key priority for the Scottish Government and Skills Development Scotland. We are working to address this with Barnado's, and other industry and delivery partners. This is part of the National Programme for Developing Scotland's Young Workforce and the Programme for Government.
- **Moving it On** – funded by the Scottish Government, this project in the Scottish Borders brings together third sector and public sector to increase access to training and employment amongst people with learning difficulties and other vulnerable adults.
- **The Scottish Consortium for Learning Disabilities** – runs Project Search, a supported employment programme to help young people find and keep a job. The Scottish Government are also funding Falkirk Council to develop a local model of supported employment with employers.
- **Disability Equality: Tomorrow's Employers** – funded by the Scottish Government, the Scottish Disability Equality Forum is working to promote awareness of disability equality. Schools, youth enterprise projects and business start-ups, to Business Gateway, Access to Work and Access Panels are involved.
- **Limelite Equality and Action Programme** – providing training, mentoring and work placements in mainstream theatres, this project is creating pathways for employment within the performing arts for people with impairments.
- **My Skills, My Strengths, My Right to Work** – by challenging and changing employers' perceptions of people living with long-term conditions, this Alliance project is working to reduce discrimination and increase sustainable employment opportunities.
- **Supported Employment** – following the closure of the Remploy factories and businesses in Scotland, the Remploy Stakeholders Advisory Group was established and chaired by the Minister for Business, Energy and Tourism, Fergus Ewing. The group worked with Haven, a leading not-for-profit organisation providing rehabilitation, training and care services for disabled and socially excluded people throughout the UK. The formal opening of Haven Enterprises Larbert provides three supported businesses and the Centre for Training Excellence. This is a pilot project with Momentum, Falkirk Council and the Scottish Government to support disabled people to access quality, sustainable employment.
- **Access Panels and the Third Sector** – the Scottish Government is enabling SDEF, as the umbrella body for Access Panels in Scotland, to establish links and partnerships with the third sector across Scotland.
- **Community Jobs Scotland** – this partnership between the Scottish Government and the Scottish Council for Voluntary Organisations is supporting young people into sustainable employment through meaningful, paid work experience in the third sector.
- **Parliamentary internships for disabled graduates** – the Scottish Government funded an access to elected office pilot parliamentary internship scheme through Inclusion Scotland. This provided opportunities for seven disabled graduates to gain experience of working in the Scottish Parliament. An additional five places have been funded for 2015-16.

- **Equality Internship Programme** – an Equality Internship Programme was created. It is being taken forward in conjunction with the Scottish Council for Voluntary Organisations, BEMIS, CEMVO, Inclusion Scotland and the Scottish Disability Equality Forum. It provides employment opportunities for disabled people in Scotland. A total of 75 internships were created in 2014 with a further 34 opportunities underway in 2015.
- **Disabled Graduates in the NHS** – a two-year Professional Careers Programme for disabled graduates is being developed in partnership with the NHS in Scotland (NHSS), Glasgow Centre for Inclusive Living Equality Academy and the Scottish Government. The scheme aims to provide employment opportunities for disabled graduates in the NHSS and increase the representation of disabled people in professional training positions across the NHSS. It will also provide valuable work experience to help secure permanent employment at the end of the two-year placement.

### **Income and Assistance**

- **Welfare Funding** – the Scottish Government is working with a range of groups including Disabled People's Organisations to lessen the impact of the UK Government's welfare reforms. This includes providing £7.9 million for advice and support services; committing £40 million with local government to plug the gap in Council Tax funding; committing £33 million to the Scottish Welfare Fund and allocating £400,000 to help the transition to the new system.
- **First Minister's Poverty Adviser** – in a wide-ranging remit, Naomi Eisenstadt, the First Minister's poverty adviser will work across all policy areas within the Scottish Government recommending actions needed to tackle poverty and holding the Government's performance to account. This new role fits in the Scottish Approach, the discussions on a Fairer Scotland and will also help lead the debate on addressing poverty in Scotland. The Poverty Adviser will raise awareness of the realities of living in poverty and report to Ministers on how these problems might be reduced.
- **Fuel Poverty Strategy** – older and disabled households struggle to pay their fuel bills. The Scottish Fuel Poverty Forum is working with the Scottish Government to ensure that no one is living in fuel poverty by November 2016.
- **Home Energy Efficiency Programmes (HEEPS) for Scotland** – over the past five years the Energy Assistance Scheme (EAS) has provided 46,000 vulnerable households with heating and insulation. This programmes particularly helps reduce energy bills for older and disabled people and children under five years of age living in fuel poverty. The Scottish Government has announced a contract of up to £224 million over the next seven years for a national fuel poverty scheme.

## Outcome 4 – Justice

### What evidence tells us

In its publication *Rights and Reality: Disabled People's Experience of Accessing Services*, Leonard Cheshire Disability found that 70% of disabled people know little or nothing about their rights under the Disability Discrimination Act. This is compounded by a lack of independent advocacy in Scotland and that there are very few places for disabled people to go for targeted legal advice.

We know that more disabled people than non-disabled can experience hate crime or be affected by discrimination – for example, being discriminated against at work, or for having a mobility aid such as a hearing or seeing dog.

The Equality and Human Rights Commission report on disability hate crime, *Hidden in Plain Sight* states:

“Disabled people are more likely to be victims of hate crime than other citizens. A culture of disbelief exists around this issue.”<sup>16</sup>

We also know that only a small minority of disabled people are prepared to report discrimination or a hate crime for fear of being unfairly judged or punished.

Making matters worse, those who do proceed through the justice system are often subject to inequality and unfair treatment.

### Where we are now

Some ongoing work in this policy area includes:

- **Criminal Justice Disability Project Team** – has been tasked by the Justice Equality and Diversity Group to deliver an action plan of 81 recommendations to increase access to criminal justice for disabled people. Its members are from the main criminal justice organisations. This group will report to the Justice Board which oversees the outcomes in the strategy for Justice in Scotland.
- **Victims and Witnesses Act 2014** – brings a number of changes into law to improve the experience of victims and witnesses of Scotland's justice system, including giving victims automatic access to screens and video links when giving evidence.
- **Video Conferencing** – as part of the Justice Digital Strategy, video conferencing is being piloted in courts, prisons and police stations and will benefit disabled people and those who live in institutions and rural areas.
- **The Letter of Rights** – is provided by Police Scotland to enable people to understand exactly what their rights are when they are detained in a police station. Versions in Braille, British Sign Language and Easy Read are available.
- **Out in the Open: A Manifesto for Change** – is the follow-on report by the EHRC to the Disability Harassment Inquiry. Out in the Open outlines the actions which Scottish Government, local authorities, social care organisations, criminal justice agencies and others have committed to eliminate the harassment of disabled people.
- **Empowering Deaf Communities** – funded by the Scottish Government, this project led by the British Deaf Association empowers Deaf people by equipping them with the skills and knowledge to contribute to developments in equality policy such as independent living and addressing disabled hate crime. They are now working with public bodies to better understand and meet the needs of Deaf and Deafblind BSL users.

16 <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-disability-related-harassment/hidden-in-plain-sight-the-inquiry-final-report/>

- **Open Your Mind** – this anti-bullying project funded by the Scottish Government focused on learning plans for schools to tackle the underlying causes of hate crime, teacher support to deliver lessons and the national Learning Disability hate crime awareness campaign.
- **Third Party Hate Crime Reporting Centres** – Scottish Disability Equality Forum is working with Police Scotland to support Access Panels to become third party reporting centres, and has worked closely with Police Scotland to deliver events about hate crime to disabled people.
- **Speak Up Against Hate Crime** – launched in 2014, this first Scottish Government social media hate crime campaign urged victims of hate crime to make their voice heard and report incidents to Police Scotland.
- **Scotland – No Place for Prejudice** – is Police Scotland's campaign launched in August 2015.
- **Who Do I Turn To?** – the Scottish Consortium for Learning Disability was funded by the Scottish Government to raise awareness of disability hate crime among adults with learning disabilities through an innovative play co-performed by professional actors and people with learning disabilities.
- **2015 Hate Crime Summit** – the Scottish Government will host a summit of key stakeholders to take stock of the progress made and discuss how we can identify next steps to tackling hate crime, ensuring violence against Scotland's minority communities is prevented and eradicated.

## ANNEX F

### Delivering Change – current activity on the cross-cutting themes

Three cross-cutting themes should be part of all that we do in the Scottish Government to help us implement the UNCRPD.

For disabled people to be able to participate fully in life, whether individually or collectively, privately or in public, the right conditions must exist. From safe, equal access to the physical environment and the provision of advice and support, to a society where politics, people and service providers support the social model of disability and recognise the value of removing disabling barriers.

#### 1. Disabled people are empowered to participate more fully

##### Where we are now

- **The Smith Commission report** – recommends that powers over social security for disabled people and their carers be devolved to the Scottish Parliament. The process transferring these powers is happening now and the Scottish Government will develop and implement the policy and systems that will deliver the benefits. Scottish Ministers have already committed to meaningful engagement and participation of people and organisations that have an interest, co-producing an approach in Scotland for the differing needs of disabled people. The guiding principles in the UNCRPD will be similar to the principles of this approach. We will work with COSLA and other partners in addressing inequality in the development and design of future social security systems.
- **The Community Empowerment (Scotland) Act** – provides a legal framework that will promote and encourage community empowerment and participation. It creates new rights for community bodies and places new duties on public authorities.
- **Transport Accessibility** – Transport Scotland has been engaging with the Mobility and Access Committee for Scotland, Disabled People's Organisations, Scottish Government policy colleagues, transport providers and local government on accessibility of door-to-door journeys in Scotland. A summit was organised in co-production and a steering group evolved from this to develop a national Transport Accessibility Plan. COSLA has also aligned their work with this which reflects a collaborative approach.

There are a number of other good practice examples which are working in this way, for example:

- **Criminal Justice Disability Advisory Group** – 15 organisations representing disabled people are on this group which supports the Criminal Justice Disability Project Group as a 'critical friend'. It responds to the ILiS report 'Justice is Served' that justice organisations and disabled people should be better connected and the justice profession would benefit from the expertise of Disabled People's Organisations.
- **Scotland's Electoral Future** – the Scottish Government recognises the importance for elections to be accessible for voters including disabled people. Responses to the recent consultation on improvements to how elections are run in Scotland are being analysed in the context of the high levels of engagement at the referendum on independence and the UK Parliament elections.
- **Electoral Reforms** – are expected to take place because of the devolution of further powers by the UK Government to Scotland. The Scottish Government has met with the British Deaf Association, the Royal National Institute for Blind People and Enable Scotland to discuss improving the experience disabled people in all stages of elections.

- **Your Child, Your Choices Project** – the National Deaf Children’s Society has received funding from the Scottish Government to develop resources to help parents understand how to communicate with their deaf baby or toddler from birth through to starting school. It will support families and provide language skills for the child at a critical age.
- **Strengthening Access Panels Project** – Scottish Disability Equality Forum are working with local Access Panels to improve access and equality across Scotland. The Access Panel Network is the only pan-disability volunteer-led network of groups in Scotland. As the Umbrella Body for access panels, SDEF provide training, tools and guidance to increase their capacity and capability to promote access and equality in their localities and on a national level.
- **Scottish Disability Equality Forum BALE Project** – (Building Accessible Living Environments) is a website which is being developed to promote good practice in accessible design for architects, planning professionals and those who employ them. The website aims to encourage design in a way which respects disabled people’s right to independent living and to freedom of movement.
- **Public Boards and Corporate Diversity Programme Board** – has been set up to improve Board diversity in private, public and third sector organisations and to make Ministerial public appointments more representative of the communities they serve. Whilst the initial focus is on women, the Scottish Government will draw on the lessons learned from this work for other groups including disabled people. There is much to do for increased representation from disabled people. Currently we have developed an accessible application pack to ensure that people are not inadvertently excluded. We are planning to provide pre-application support to assist in the application process.
- **Charter for Involvement** – the Scottish Government funded the National Involvement Network who are a group of people with learning disabilities to write a Charter consisting of 12 statements about people with learning disabilities being involved in decisions about their lives. It puts them at the heart of any plans that affect them.

## **2. Communication is accessible and inclusive to all**

For disabled people to achieve their rights in terms of the UNCRPD, they need to access information and services – in a way that suits their needs. Without it, they can face widespread exclusion and discrimination.

### **Where we are now**

Some of the work already underway in the Scottish Government to address this is:

- **Equality and Diversity Matters** – one of the eight equality outcomes that the Scottish Government set in 2013 focuses on increasing confidence and knowledge levels of the Scottish Government staff on equality and diversity matters. This includes ensuring that staff are better able to engage with a diverse range of stakeholders. Being able to communicate in an inclusive way is a key requirement to be able to reach all stakeholders. We need to be more confident when engaging with partners and stakeholders to bring about change and improvement. We will start a series of inclusive communication seminars with Sense Scotland in October 2015, and intend to roll these out further with other partners to adopt the principles across the organisation from 2016 onwards. Embedding inclusive communication principles across the organisation will not only be important for disabled people, but will also assist in addressing the needs of some older and minority ethnic people.

- **Assisted Digital** – the public sector will deliver all services online that can be delivered in this way. Reasonable adjustments must be in place to ensure equality of access and opportunity. Alternatives to online engagement must be clear as around 20% of the population are not online. This will include consideration of software and applications that help disabled people to transact with public services. The Scottish Government will work with the UK Government, COSLA and others to produce a high level standard and develop guidance to support a consistent approach.
- **Pass IT On – passitoncomputers** have been funded by the Scottish Government. A small charity working with severely disabled people on a one-to-one basis, it adapts donated second hand equipment to specifically meet the needs of individuals. The impact they have is far reaching and whilst they concentrate on improving the quality of life of the disabled person, many carers have benefited from their work. The core staff work with disabled volunteers.
- **Digital Participation Challenge Fund** – the Scottish Government fund a digital participation team in the Scottish Council of Voluntary Organisations and a £200,000 Challenge Fund. Third sector organisations can bid for funding to support projects that will increase digital participation amongst disadvantaged and excluded groups.
- **Digital Participation Charter** – on behalf of the Scottish Government, the Scottish Council of Voluntary Organisations manage this charter where organisations across all sectors can sign up to it, ensuring that all of their employees have basic digital skills. Alternatively, organisations can offer support through mentoring, volunteering, providing equipment etc to other organisations that need to gain these skills.
- **Digital Interns** – 50% of charities lack basic digital skills. With support from the Scottish Government, digital interns in the Scottish Council of Voluntary Organisations assist third sector organisations with support on digital marketing which helps improve sustainability and explores new ways of working with disadvantaged and excluded people.
- **See Hear: Joint Sensory Impairment Strategy** – this strategy includes six key recommendations to improve how people with sensory impairments use services over a 10-year period.
- **National Standards for Community Engagement** – the Scottish Government is working in partnership with the Scottish Community Development Centre and What Works Scotland to review the National Standards for Community Engagement. This will include an Easy Read version which will be produced collaboratively with the Glasgow Disability Alliance.
- **Historic Scotland Access for all** – free entry to all sites is given for one to one carers accompanying disabled visitors and assistance dogs are welcomed. Large print scripts are available and portable handsets on all audio tours. Where possible accessible parking and blue badge holders take priority.
- **A Right to Speak** – guidance for supporting individuals who use Alternative & Augmentative Communication contains eight recommendations, and a model of service delivery.
- **Lip Reading Strategy Group** – consisting of representatives from health boards, third sector and Scottish Government, this group has re-established the lip reading tutors course, with work also underway on referral pathways and a communication strategy.
- **Partners in Communication** – building upon the principles of inclusive communication (PIC) and the aims of the Independent Living Movement, this Sense Scotland project is working to ensure that disabled people with complex communication support needs can exercise more choice and control.

- **Creating Connections in Communication** – the Scottish Disability Equality Forum is working with Access Panels and public bodies to increase the availability of inclusive communication formats and provide advice on good practice. SDEF have also introduced an Easy Read version of their consultation briefing responses to encourage greater engagement and understanding of policy issues amongst disabled people.
- **ContactScotland-BSL** – is a new Scottish Government-funded service unique to the UK and means that BSL users can now speak to public services, such as their local council, doctors surgery etc without someone having to call on their behalf. This represents a major step forward in terms of improving access to information and services for Deaf citizens.
- **Inclusive Communication Hub** – with Scottish Disability Equality Forum, SAIF are working towards improving their current website to create an online Inclusive Communication Hub. This will provide a shared space for Guidance and templates on accessible formats, inclusive communication practices accessible to all.

### **3. Raising awareness**

The Scottish Government needs to promote that the work ongoing around implementation of UNCRPD and independent living is not nice-to-have or a good thing to do – it's a matter of equal rights. By raising awareness of UNCRPD, the barriers that disabled people experience in day to day living will be known, understood and addressed. By being able to access their rights, disabled people will be supported to live independently.

#### **Where we are now**

A number of initiatives are underway to raise awareness of disabling barriers and the need to remove them. These initiatives include:

- **Scotland's Electoral Future** – the recent consultation is being analysed in the context of the high levels of engagement the referendum on Scottish Independence and our response will be published in due course.
- **Accessible Elections** – the Scottish Government recognises how important it is for disabled people that elections are accessible and that the experience of elections at all stages should be improved for disabled voters. We are exploring this with the British Deaf Association, the Royal National Institute for Blind People Scotland and ENABLE Scotland, in the broader context of the ongoing electoral reforms expected to take place in the devolution of further powers.
- **Civil and Community Engagement** – the Scottish Government has funded Deafblind Scotland to boost the capacity of an innovative new project enabling Deafblind people with dual sensory loss have the skills, confidence and communication support to participate in civic and community engagement.
- **Finding the Solutions** – Independent Living in Scotland (ILiS) was funded by the Scottish Government to stage three Solutions Series events each year. These are a series of pop-up think tanks that bring people together in co-production to identify solutions to disabling barriers. Topics so far have included the representation of disabled people in the media, their participation in sport and their involvement in political life.
- **Independent Living in Glasgow** – the Scottish Government has funded Glasgow Disability Alliance to build the capacity of disabled and Public Sector Community Planning Partners to work together to reform services.

- **Creating the Conditions** – the Independent Living in Scotland project is working to increase understanding amongst decision makers of the concept of independent living and the importance of disabled people's views to achieving it.
- **Making the Connections to Enable Change** – working with Disabled People's Organisations, public bodies and other partners, Independent Living in Scotland is promoting the benefits of more meaningful partnerships between public bodies and disabled people using successful case studies to inspire replications.
- **Who Do I turn to?** – the Scottish Consortium for Learning Disability was funded by the Scottish Government to raise awareness of disability hate crime among adults with learning disabilities through an innovative play co-performed by professional actors and people with learning disabilities.
- **A strategy and action plan for Gypsy/Travellers in Scotland** – the Scottish Government is developing an overarching strategy in 2015 and will consider actions to support this community. 28% of this community are disabled and 15% have bad or very bad health which increases the importance for them to be able to access to health services and good quality accommodation.
- **Making the most of human rights** – Inclusion Scotland is providing a report to the UN on disabled people's views on implementation and monitoring of the UNCRPD. Alongside this, Inclusion Scotland is also working to raise awareness of UNCRDP amongst seldom-heard groups, along with exploring ways to increase the legal advice and representation on offer to disabled people seeking to assert their human rights.
- **The Deaf Sector Partnership** – the Scottish Government has provided funding of £415,000 to this partnership which is made up of five deaf organisations. The Deaf Sector Partnership will support engagement with the BSL community at national and local level so that they can make a meaningful contribution to the development of National and Authority BSL Plans. The Scottish Government is committed to continuing to fund the Deaf Sector Partnership to support implementation of the BSL (Scotland) Bill (if passed) so that it makes a lasting difference to the lives of BSL users in Scotland.
- **Awareness sessions for Scottish Government staff** – Sense Scotland will deliver a series of sessions to Scottish Government policy officers in 2016 to raise awareness on the principles of inclusive communication.

## **ANNEX G - RESPONDENT INFORMATION FORM**



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

**Consultation on the Scottish Government's Draft Delivery Plan 2016-2020**

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

### **1. Name/Organisation**

**Organisation Name (if applicable)**

**Title**  **Mr**  **Ms**  **Mrs**  **Miss**  **Dr**

(Please tick as appropriate)

**Surname**

**Forename**

### **2. Postal Address**

<b>Postcode</b>	<b>Phone</b>	<b>Email</b>

### 3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes  No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

## **CONSULTATION QUESTIONS**

### **Outcomes**

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

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?**

Agree

Disagree

Neither agree nor disagree

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

### **Commitments**

The following section invites your comments on the commitments the Scottish Government is making to help achieve the four outcomes.

There are a lot to consider and there is no requirement for you to provide an opinion on all of them if you don't wish to.

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

**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?**

Agree

Disagree

Neither agree nor disagree

**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.**

(Please refer to Section 2.1 for fuller descriptions of the commitments)

<b>Commitment (outcome 1)</b>	<b>Comment</b>
1. Transport accessibility	
2. Design for Ageing	
3. Raising awareness of accessible design	
4. Homes which are more accessible	
5. Accessible housing	
6. A new help guide aimed at boosting accessible design	
7. A new help guide to assist tourism businesses	
8. A new help guide setting out key accessibility hints and tips	
9. Access statement online tool builder	
10. Widening access and increasing opportunities for disabled people to engage in culture, 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	
13. Disability Inclusion in Sport	
14. Action plan to promote disabled people's participation in sport and physical activity	
15. <b>sportscotland</b> investments	
16. One Scotland awareness-raising campaign	

**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?**

**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 and young people**

**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?**

Agree  Disagree  Neither agree nor disagree

**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.**

(Please refer to Section 2.2 for fuller descriptions of the commitments)

<b>Commitment (outcome 2)</b>	<b>Comment</b>
17. Health Inequalities of people with learning disabilities data collection	
18. Advocacy	
19. The New framework for Hearing the Citizen Voice	
20. Routes to Inclusion – ‘Engaging disabled people and their organisations’	
21. Allied Health Professionals and Independent Living – delivery plan	
22. NHS – two-year internship for disabled graduates in partnership with NHSScotland and Glasgow Centre for Inclusive Living Equality Academy	
23. NHSScotland Learning Disability Employment Programme	
24. Disability Inclusion Promotional Campaign	
25. Measure compliance of NHS Boards on embracing equality diversity and human rights in the NHS in Scotland	

Commitment (outcome 2)	Comment
26. Child Rights and Wellbeing Impact Assessment (CRWIA) for all policy development affecting children	
27. Fund for projects to support disabled children and their families	
28. Information Hub	
29. Transitions Test of Change Project	
30. Child Internet Safety stakeholder group	
31. Review of inclusion of people with learning disabilities or autistic spectrum disorders under the Mental Health (Care and Treatment) (Scotland) Act 2003	
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	
33. Review of policies on guardianship and consider circumstances in which supported decision making can be promoted	
34. An integrated children's rights and equalities impact assessment for the Scottish Children's Reporter Administration	
35. Enhanced learning and development framework for foster carers	

**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?**

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

**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?**

Agree  Disagree  Neither agree nor disagree

**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.**

(Please refer to Section 2.3 for fuller descriptions of the commitments)

<b>Commitment (outcome 3)</b>	<b>Comment</b>
36. Continued commitment to implement additional support for learning	
37. Anti-bullying – respectme and review and refresh of the ‘National Approach to Anti-bullying for Scotland’s Children and Young’	
38. Overarching commitment from Fair Work Directorate	
39. Investment in Developing the Young Workforce and further investment to support young people with barriers to employment including disability	
40. Supported Employment Model	
41. Supported Businesses	
42. Establishment of a Fair Work Convention	
43. Disability Employment Services in Scotland	
44. Ensuring flexible and integrated support is put in place to support individuals with particular needs, including disabled people into work	
45. Abolish fees for employment tribunals and consultation re barriers that disabled people face when raising a claim at an Employment Tribunal	
46. Disability Benefits Advocacy Support	
47. Future reform of local taxation will take into account the particular needs expressed by disabled people	

Commitment (outcome 3)	Comment
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	

**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?**

**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**

**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?**

Agree  Disagree  Neither agree nor disagree

**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.**

(Please refer to Section 2.4 for fuller descriptions of the commitments)

Commitment (outcome 4)	Comment
49. Review of legal aid contributions for disabled people	
50. Encourage reporting of hate crimes against disabled people	
51. Accessible information	
52. Accessibility of sites and services	
53. Develop and deliver a ‘pilot’ improvement project focusing on preventing and removing disability hate crime from society	
54. Engage with DPOs to explore extent of violence against disabled women and girls, in the context of our ambitions under <i>Equally Safe</i>	

**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?**

### **Themes**

Section 3 of the delivery plan outlines three ‘cross-cutting’ themes – which are ways of working – and which will underpin all that we do to deliver each of the outcomes. The themes are:

- Disabled people are empowered to participate fully.
- Communication is accessible and inclusive of all.
- 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?**

Agree  Disagree  Neither agree nor disagree

**Q16: Please comment here on your response above, or if you have any further comments on the themes.**

## **Next steps and any 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?**

**Q18: Are there any other comments you would like to make on the overall delivery plan, to inform its further development and implementation?**



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