



COSLA

The United Nations Convention on the rights of People with Disabilities
(UNCRPD)

Scottish Local Government Delivery Plan

2015-18

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Section 1 – High Level Principles

- 1.1 COSLA's UNCRPD Scottish Local Government Delivery Plan is intended to set out the contribution of local government to supporting the rights of disabled people in Scotland. It focuses on the period from 2015/16 to 2018/19.
- 1.2 This delivery plan has been written in consultation with representatives of a range of organisations outside of the local government family, including Independent Living in Scotland, Enable, the Alliance, Glasgow Centre for Inclusive Living, Lothian Centre for Inclusive Living, Scottish Government, and it has been endorsed by the political leadership of COSLA.
- 1.3 At the heart of this plan lies two important observations: first, that the role of the local authority is to create an enabling environment to support disabled people to participate in society and live independently, with control, freedom, choice, and dignity; and secondly, that to do this, local authorities must work in coproduction with disabled people, as key stakeholders in supporting them to get the best outcomes for their communities. Disabled people make up a large number of the people who use the services councils provide and have very specific needs and rights – both as users and as planning partners.
- 1.4 The views of disabled people can help local authorities to understand where things are working and where they are not – but engaging with all disabled people individually can be difficult. That is why Disabled People's Organisations (DPOs)¹ are a valuable asset for local authorities. DPOs play a crucial role in bringing the direct lived experience of disabled people to the fore. As user-led organisations, they understand the issues facing disabled people every day, and they have a strong understanding of how best to involve disabled people. Furthermore, DPOs take a pan-impairment approach, meaning they can collect and bring a range of views and voices to the table; and; in taking account of their direct lived experience, and because they are run by disabled people, DPOs have the trust of individual disabled people themselves.
- 1.5 All human rights belong to disabled people. In developing this guidance, we therefore promote a human rights based approach, drawing on the PANEL² approach, to generate the following principles:
 - **Participation** in the development of local authority policies and decision-making, especially where these impact on disabled people. It also means supporting disabled people's participation in society more generally.
 - **Accountability** for the policies and decisions taken.
 - **Non-discrimination and equality** in the delivery of local authority services and policies.
 - **Empowerment** of individuals to ensure that they are able to engage with the local authority and in their local community
 - **Legality** in all decisions made, honouring the rights and entitlements of individuals within the context of the Human Rights Act and statute more generally.

¹ DPOs are organisations run by and for disabled people. This means that at least 51% on their boards are disabled people.

² UN endorsed approach to human rights

- 1.6 Councils must not act in ways which are incompatible with the European Convention on Human Rights (ECHR) under section 6 of the Human Rights Act 1998. Many of the Articles of the ECHR are relevant to this plan but in particular Article 8 (right to private and family life, including autonomy in decision making, the right to work and the right to live with dignity) and Article 14 (non-discrimination on a number of grounds, including “any other status”). Human rights compatible outcomes should therefore underpin the development of local authority activity.
- 1.7 This plan also draws on the principles of the European Charter of Local Self-Government, which was adopted under the auspices of the Congress of the Council of Europe. The Charter provides that local authorities, acting within the limits of the law, should be able to regulate and manage a substantial share of public affairs under their own responsibility in the interests of the local population. It considers that public responsibilities should be exercised by the authorities closest to the citizens. These ideas have been given more recent articulation in a Scottish context through the Commission on Strengthening Local Democracy.
- 1.8 It is recognised that tensions may arise between the local democratic decision making of councils and equity across different parts of Scotland. Nonetheless, if a human rights based approach (which includes working closely with communities of interest, such as disabled people) informs the development of policy at a local and national level, allied to a framework of cooperation between local authorities, then we believe that those tensions can be largely resolved.
- 1.9 As part of the focus on human and democratic rights, this plan also promotes the concept of coproduction. The involvement of people in the planning of the services they use (as well as the policies and guidelines associated with them) – and indeed in all decisions affecting their community – is a core principle in promoting equality and is at the heart of co-production. Being involved is not the same as being asked or consulted. It means people who use services as well as practitioners and policy makers working in partnership right from the start. It allows for the trading of skills, information and expertise and assists in achieving mutual objectives.
- 1.10 Co-production engages people who use services as equal citizens: to help create or improve systems and structures, to better inform planning and decision making processes, and to deliver better outcomes. In recognition of their role as ‘equal and expert partners’ local authority policies which affect disabled people should be developed in co-production with disabled people and their organisations.

Independent Living

- 1.11 Over the course of the last five years, the Scottish Government, COSLA and representatives of the disabled people’s independent living movement have sought to put these ideals into practice. While there is clearly still more to do, the following shared vision, agreed in November 2012, still offers a strong over-arching perspective on what we want to achieve together.

Our Shared Vision for Independent Living in Scotland

This statement is jointly signed by the Scottish Government, CoSLA (Convention of Scottish Local Authorities), the Coalition for Independent Living in Scotland and NHS Scotland. It sets out our agreed vision, based on the core principle that disabled people across Scotland will have equality of opportunity.

Independent living is defined by the Independent Living Movement in Scotland as “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.”

The rights to independent living are enshrined within the United Nations Convention of Human Rights for People with Disabilities, the Human Rights Act 1998, and the Equality Act 2010 (the act).

The Scottish Government, Local Government, the Coalition for Independent Living in Scotland and NHS Scotland are committed to working together as equal members of the Independent Living Programme. Our shared commitment to independent living for all disabled people in Scotland is founded on our belief that it is the right thing to do, and it is in Scotland’s interest:

- It is right for the individual – to be free from prejudice and discrimination; and to participate within society as full and equal citizens;
- It is right for society as a whole – a more equal society will have greater strength and social cohesion; and
- It is right for our economy – the more diverse the economy, the more innovative and high growth it is; and the more successful it will be at recognising, attracting and growing talent.

We have much to learn from one another, and our working partnership is based on a model of co-production and inclusion from policy making to service design and delivery. We recognise that there is scope to deliver lasting change for disabled people living and working in Scotland. This can only be achieved by thinking and acting aspirationally; and by ensuring that the voices of disabled people are heard, understood, have equal weight and are well respected. This approach will help deliver our shared vision across our respective areas of responsibility.

Our vision and strategic approach fit with the National Performance Framework and with the ‘Statement of Ambition’ on Community Planning and Single Outcome Agreements (SOAs), agreed by the Scottish Government and COSLA.

Effective community planning arrangements will be at the core of public service reform. They will drive the pace of service integration, increase the focus on prevention and secure continuous improvement in public service delivery, in order to achieve better outcomes for communities. Community Planning and SOAs will provide the foundation for effective partnership working within which wider reform initiatives, such as the integration of health and adult social care and the establishment of single police and fire services, will happen.

Communities have high expectations of public services and have a key role to play in helping to shape and coproduce better outcomes within their communities. If community

planning partnerships are to unlock that potential, their foundations must be built on a strong understanding of their communities, and provide genuine opportunities to consult, engage and involve them.

We will work to make our outcomes inclusive of independent living principles and practices, so that disabled people can be an integral part of Scotland's future development as a country of equality of opportunity and quality of life for all of its citizens. We believe that by working in partnership we will be better equipped to identify the best approach to achieve agreed outcomes, making the most effective investment of resources and taking account of the priorities and needs of all local communities.

We will work in collaboration to deliver our strategic approach to independent living, with a cross sector plan of activity, which will support independent living for all people in Scotland.

Our overall objective is to deliver real choice and control for disabled people in all areas of life and all parts of Scotland, ensuring their dignity and respect at all times. We recognise that this will require continued effort by all partners and others across society. It will take time to achieve this vision, but this joint statement and our strategic approach is an important milestone in our journey to make independent living a reality.

- 1.12 Independent Living is commonly defined as “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”. For many disabled people, this practical assistance and support (such as access to the environment, advocacy, personal assistance, income, and employment), underpinned by the principles of independent living, *freedom, choice, dignity and control*, is essential for them to enjoy their human rights on an equal basis to non-disabled people.

Section 2 – Legislative, Policy and Financial Context

Legislative Context

Human Rights

- 2.1 The role independent living plays in protecting human rights in this way is recognised and underpinned by international human rights and equalities obligations to which the UK and Scotland are party to - including the recognition that all of the rights outlined in the European Convention on Human Rights (ECHR) and Human Rights legislation belong to disabled people, and that these are further strengthened and contextualised by the rights set out in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The UNCRPD strengthens and contextualises the rights of disabled people. Article 19 of the UNCRPD indicates that to ensure disabled people equally enjoy the rights laid out in the ECHR states must ensure that “disabled people have a right to live in the community, with the support they need and can make choices like other people do”.
- 2.2 All of the human rights protected by the European Convention on Human Rights (ECHR), in the Human Rights Act and in subsequent ratified Conventions must be considered in decisions which affect the lives of disabled people.
- 2.3 Councils must not act in ways which are incompatible with the European Convention on Human Rights (ECHR) under section 6 of the Human Rights Act 1998. Many of the Articles of the ECHR are relevant to this Guidance but in particular Article 8 (right to private and family life, including autonomy in decision making, the right to work and the right to live with dignity) and Article 14 (non-discrimination on a number of grounds, including “any other status”).

Equality Act 2010

- 2.4 The Equality Act 2010 places both a general duty and a specific duty on local authorities. The general duty requires local authorities have due regard to the need to:
 - eliminate discrimination, harassment and victimisation,
 - advance equality of opportunity,
 - promote good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2.5 This duty relates to disability, age, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 2.6 As a result of the general duty local authorities must consider how to promote equality and ensure that no protected group is put at a disadvantage by their policies or practices. This includes taking steps to ensure policies and practises remove, or at the very least, minimise or mitigate, any disadvantage experienced by any people of a protected characteristic, ensuring their specific needs are met, rights upheld and encouraging participation in the development of relevant policies and practices.
- 2.7 The Equality Act 2010 also gives Ministers in Scotland the power to impose specific duties on local authorities. It is good practice for local authorities to carry out Equality Impact Assessments on policies in order to identify whether there is a disproportionate impact on people of a protected characteristic.

2.8 Equality Impact Assessments (EIA) can help local authorities to identify whether there is a disproportionate impact of a policy on people of a protected characteristic/group compared to those out with that group.

Policy Context

Public Service Reform³

2.9 The Scottish Government is working with COSLA to deliver an ambitious programme of reform that challenges public services in Scotland to reshape, integrate and deliver better services to those who need them and to drive improvement activity towards reducing inequalities in life/wellbeing outcomes for some of Scotland's most disadvantaged communities. Without such working, and without public services bringing their collective resources to bear, the challenges facing Scotland's communities will almost definitely persist. In the context of the increasing demands on public services and declining public expenditure, such working is critical to making prevention the defining feature of how public services work in Scotland and to supporting the delivery of better life outcomes for people and places, albeit there are a wide range of factors that contribute to life outcomes, not just public services.

2.10 Key to the reform agenda was the **Commission on the Future Delivery of Public Services (Christie Commission)**. The Commission, which was chaired by Dr Campbell Christie CBE, was established by the Scottish Government in November 2010 to undertake a strategic review of public service delivery in Scotland and to develop recommendations for the future delivery of public services. The Commission published its [report](#) in June 2011, and recommended that the **key objectives** of the reform programme must be to ensure that:

- **public services are built around people and communities**, their needs, aspirations, capacities and skills and work to build up their autonomy and resilience.
- public service organisations **work together effectively to achieve outcomes** – specifically by delivering **integrated services** which help to secure improvements in the quality of life and the social and economic wellbeing of the people and communities of Scotland.
- public service organisations **prioritise prevention, reduce inequalities and promote equality**.
- all public services constantly seek **to improve performance and reduce costs** and are **open, transparent and accountable**.

2.11 The Commission called on the Scottish Government and local authorities, together with all their partners and stakeholders to initiate the reforms suggested, with the goal being nothing less than a thorough transformation of Scotland's public services. Disabled people and their organisations are a key partner in supporting local authorities to do this. They can help them to understand what works and what doesn't, from the point of view of lived experience, as well as being well placed to offer strategic policy advice and support in this context. The prize for getting it right is a sustainable, person-centred system, achieving outcomes for every citizen and every community. The Scottish Government's response to the Christie Commission Report – [Renewing Scotland's Public Services: Priorities for Reform](#)

³ The following section on public service reform is taken from a wider piece of work on community planning produced by the Improvement Service

[in Response to the Christie Commission](#) – was positive and largely embraced its recommendations.

2.12 Both the Christie Commission’s report and the Scottish Government’s response recognised that to be effective in responding to communities’ needs, public service reform must build on the framework of Community Planning and SOAs. Both set the context for the Scottish Government and COSLA to jointly review and refresh the Community Planning and SOA process in Scotland.

2.13 The [Scottish Government/COSLA Statement of Ambition for Community Planning and SOAs](#) (March 2012) stated that:

“Effective Community Planning arrangements will be at the core of public service reform. They will drive the pace of service integration, increase the focus on prevention and secure continuous improvement in public service delivery, in order to achieve better outcomes for communities”.

2.14 The Statement of Ambition places CPPs at the centre of public service reform and emphasises the important role they have to play in delivering better outcomes for communities by:

- planning and providing services better to meet the differing needs of local people and to reduce inequalities within populations and between areas.
- changing the way services are provided so that they are more focused on preventing problems rather than dealing with them when they happen.
- getting local communities more involved in planning and providing local services.
- providing the foundation for local oversight of implementation of the Scottish Government’s wider public service reform initiatives, for example, health and social care integration.

2.15 [The Community Empowerment \(Scotland\) Bill](#), which was introduced to the Scottish Parliament on 11 June 2014, sets out new expectations and duties for CPPs. The Bill provides a strategic framework which will *“support an increase in the pace and scale of Public Service Reform by cementing the focus on achieving outcomes and improving the process of community planning”* ([Community Empowerment \(Scotland\) Bill Policy Memorandum](#)). The measures in the Bill put CPPs on a **statutory** basis with defined roles and responsibilities, and place **new duties on public sector partners** to play a full and active role in community planning and the resourcing and delivery of local priority outcomes.

2.16 The Bill requires Community Planning Partners to come together in each local authority area to form a CPP. The role of a CPP will be to prepare a **local outcome improvement plan**, which is currently the Single Outcome Agreement (SOA), in consultation with community bodies and others. These outcomes are to be consistent with the national outcomes determined by the Scottish Ministers under Part 1 of the Bill. The CPP must publish the plan and monitor and report annually on progress.

The **three main aims** of Community Planning can be described as:

1. Making sure people and communities are genuinely engaged in the decisions made by public services which affect them.
2. A commitment from organisations to work together, not apart, in providing better public services.
3. Developing an overarching framework of priorities in the area focused on improving outcomes through prevention and reduction of inequalities.

Commission on Strengthening Local Democracy

- 2.17 In May 2013 Scotland's 32 councils adopted a local government vision called '[Local Matters](#)' which focuses on improving local democracy as the route to improving lives in communities. COSLA subsequently established Scotland's first Commission on Strengthening Local Democracy to explore this vision and to parallel the Referendum debate about powers for Scotland with an assessment of the opportunities to strengthen local services and accountability.
- 2.18 The Commission was chaired by the COSLA President, and brought COSLA's political Group Leaders together with an equal number of senior figures from across civil society including the STUC, voluntary sector, disability rights movement and academia. It met for the first time in late October 2013.
- 2.19 Having diagnosed that local democracy was under pressure, the Commission then sought to outline a route map that could begin to arrest the current direction of travel and enable stronger local democracy to take root. All of that thinking has been captured in an overriding set of seven principles that the Commission considers must underpin Scotland's democratic future:

- **The principle of sovereignty:** *democratic power lies with people and communities who give some of that power to governments and local governments, not the other way round*

- **The principle of subsidiarity:** *decisions should be taken as close to communities as possible, and local governance has to be right shape and form for the people and the places it serves*

- **The principle of transparency:** *democratic decisions should be clear and understandable to communities, with clean lines of accountability back to communities*

- **The principle of participation:** *all communities must be able to participate in the decision making that affects their lives and their communities*

- **The principle of spheres not tiers of governance:** *different parts of the democratic system should have distinct jobs to do that are set out in 'competencies', rather than depend on powers being handed down from 'higher' levels of governance*

- **The principle of interdependency:** *every part of the democratic system has to support the others, and none can be, or should seek to be, self-contained and self-sufficient*

- **The principle of wellbeing:** *the purpose of all democracy is to improve opportunities and outcomes for the individuals and communities that empower it*

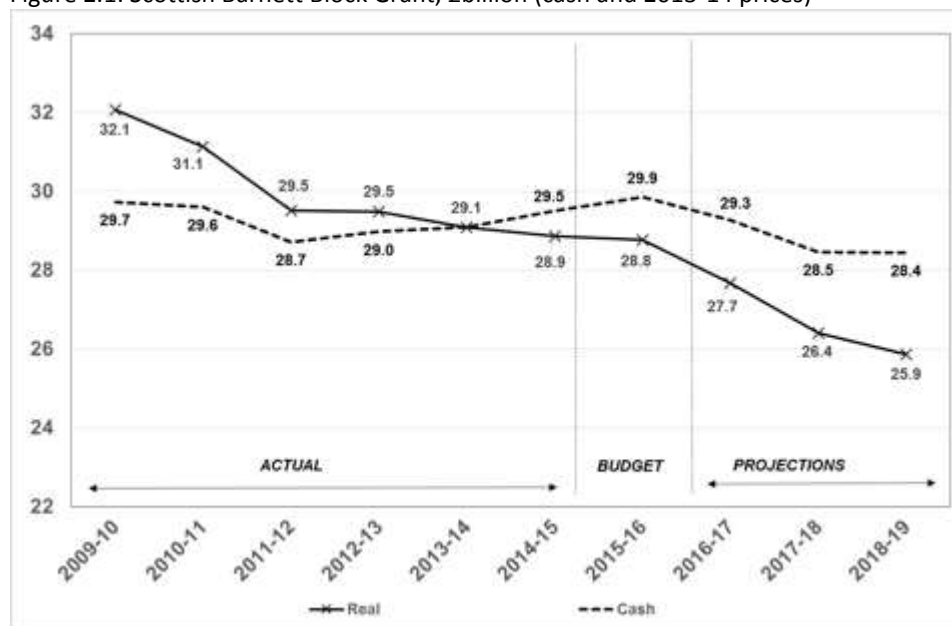
2.20 The Commission also qualified this view with two factors. First, it has said that fundamental rights must be respected, and that these fundamental rights cannot vary from locality to locality. Second, it has been clear that the principle of subsidiarity also means that localism has to be practically feasible and linked to whether it matters that something is local or not. It has suggested, therefore, that strong local democracy, if it is to be effective, needs to be supported by appropriate aggregation and sharing. Indeed, the international experience suggests that the most extensive decentralisation is made possible by combining or sharing capacity between highly decentralised units of local government.

Financial Context

Local Authorities

2.21 Since 2009-10, public expenditure has faced a long period of restraint, with revenue funding for Scottish local government falling in real terms:

Figure 2.1: Scottish Barnett Block Grant, £billion (cash and 2013-14 prices)



Source: Actual and Budget - Scottish Government; Projections

2.22 The latest analysis by Fiscal Affairs Scotland indicates that projections from 2015-16 to 2018-19 have the Scottish Barnett Block grant falling by -1.6% a year in cash terms and -3.5% a year in real terms, which is almost the same rate of decline as experienced in the first two years of austerity. While most of the intended cuts to the Capital budget in Scotland happened in the first two years of austerity (2010-11 and 2011-12), for revenue budgets, the biggest cuts are still to come.

2.23 Local authorities are having to accommodate significant efficiencies within this context. There is good evidence that local authorities have sought to protect spending in core service areas like social care, meaning that cuts to service provision have been less severe than might otherwise have been the case. Furthermore, the next few years will be more challenging still, making it more important than ever for councils to work with disabled people to discuss how best to meet challenging budgetary settlements.

Social Work Spend and Income from Charging

- 2.24 In addition to receiving support from local authorities, many disabled people make direct and indirect contributions to local authority funds. In common with all citizens, disabled people who can afford to do so will be asked to pay council tax. However, unlike other citizens, disabled people may also be asked to pay directly for some services and support arrangements, such as social care and blue badges.
- 2.25 Local authorities recognise that many disabled people feel that it is wrong to be charged for services that enable them to engage as equal citizens but there is an inevitable trade-off from a local authority's perspective between the burden of direct charges to residents as against the impact of lost income on the reach and depth of services provided. This matter is picked up in more detail in section 6.
- 2.26 Local authority financial returns for 2012/13 (the latest available) indicate that a total of £3.8 billion was spent on social work services in Scotland in that year. Of this, £2.8 billion was spent on older people and adults, of which £1.3 billion was recorded as being spent on residential care and £1.6 billion on non-residential services for people living at home. Gross expenditure on children and families social work was £847 million, of which £597 million was non-residential.
- 2.27 Total income from charges to social work service users for non-residential services was £52.7 million in 2012/13, of which £25.4 million was for services for older people, £24.7 million for adults aged 18-64, and £2.7 million was for children and families social work:

Figure 2.2: Council charging income from people who use non-residential social work services, 2008/09 to 2012/13

	2008-09	2009-10	2010-11	2011-12	2012-13	Change in last year	
	£'000	£'000	£'000	£'000	£'000	£'000	%
Children and Families	1,441	1,543	1,665	2,323	2,680	357	15%
People aged 18-64, with:							
physical or sensory disabilities	3,279	3,663	3,444	3,571	4,708	1,137	32%
learning disabilities	11,513	12,366	13,934	14,631	16,899	2,268	16%
mental health problems	681	687	806	1,365	2,757	1,392	102%
addictions/ substance misuse	863	681	620	887	303	-584	-66%
HIV/ AIDS	2	0	0	0	0	0	0%
Subtotal: people aged 18-64	16,338	17,397	18,804	20,454	24,667	4,213	21%
Older Persons	25,478	25,241	23,068	24,782	25,355	573	2%
Criminal Justice social work services	1,812	1,368	1,299	179			
Service Strategy	29	126	79				
TOTAL SOCIAL WORK	45,098	45,675	44,915	47,738	52,702	4,964	10.4%
<i>Of which:</i>							
ADULT SOCIAL CARE	41,816	42,638	41,872	45,236	50,022	4,786	10.6%

Source: LFR3 analysis, Social Work Scotland (December 2014)

- 2.28 Income from non-residential charges for all Social Work services increased overall by nearly £5 million (10.4%) between 2011/12 and 2012/13. Income from Adult Social Care charges increased by nearly £4.8 million (10.6%), a larger percentage change than the previous year (8%). Most (88%) of the additional income from Adult Social Care non-residential charges came from adults with disabilities or mental health problems: the total increase between 2011/12 and 2012/13 for adults aged 18-64 was 21%.

Disabled people

Disabled people rely on benefits more than non-disabled people⁴. Only 45% of disabled people are in work (compared with 70% of non-disabled people).⁵ Just 63 out of 25,691 (0.2%) Modern Apprenticeships went to young disabled people⁶. Disabled people spend £550 more per month than non-disabled people, because of the extra costs of being disabled⁷. All of this means that 47.5% of disabled people live in poverty;⁸ they are three times more likely to use doorstep loans and twice as likely to have debt that is equal to half their income, than non-disabled people.

⁴ Inclusion Scotland; "The Broadest Shoulders? Disabled People and Welfare Reform", 2014

⁵ <http://www.scotland.gov.uk/Topics/People/Equality/Equalities/DataGrid/Disability/DisabLab>

⁶ Skills Development Scotland, 2014

⁷ <http://www.scope.org.uk/media/press-releases/july-2014/disabled-people-pay-more>

⁸ "Destination Unknown"; Demos report, 2010

Section 3 – Local Democracy and Promoting Equality

Improving Democratic Participation and Representation

3.1 As indicated above, the Commission on Strengthening Local Democracy set out a prospectus around the opportunities to strengthen local services and accountability. While all of the principles outlined within this work have a material connection to our work with disabled people, this plan focuses on participation and representation.

3.2 In respect of Political representation, COSLA has recently signed up to the 'One in Five' campaign, which calls on political parties and organisations to sign up to a charter which pledges to encourage, empower and increase political participation amongst disabled people in Scotland. One in five people of working age in Scotland has a disability, and this campaign aspires to political representation that reflects our wider society. In signing up to this campaign, COSLA has committed to the following five pledges:

- We will ask all elected members of the Convention and accompanying officers about their individual needs, the feedback from which will be actioned to ensure inclusion
- Meetings will be held in accessible venues
- Material will be made available in a variety of formats
- Organisational tasks and responsibilities will be clearly defined yet remain flexible enough to involve individual members with different abilities
- COSLA will seek to increase the awareness and understanding of issues affecting disabled people and strives to include and empower all members

Action 1: COSLA will publish a short annual report outlining what measures it has taken to comply with the pledges of the one in five campaign, set within a broader ambition to improve the participation of disabled people in local politics.

3.3 There is also work that elected members – and in particular council leaders – can do to improve the participation of disabled people in politics. Senior politicians within local government are in a good position to demonstrate leadership and take action which challenges prejudice and negative attitudes towards disabled people, and inspires others to do likewise.

Action 2: Elected members should build and deepen connections with local disabled people's organisations; to speak up with them as well as for them; and to support them by opening up opportunities for them to speak up for themselves.⁹

Action 3: Elected members should encourage, mentor and support disabled people to stand as councillors. They should also take practical steps to improve the political representation of disabled people within their own parties and/or wards.

3.4 The Commission on Strengthening Local Democracy also recognised that representative democracy on its own will not necessarily improve levels of engagement with disabled people – and that participative democracy will be as important to ensure that disabled people feel connected to mainstream democratic processes. Participatory democracy strives to create opportunities for all members of a population to make meaningful

⁹ The ILiS Coproduction toolkit can support this process

contributions to decision-making, and seeks to broaden the range of people who have access to such opportunities. The concept of participatory democracy is aligned with the idea of coproduction, which promotes the involvement of people in the planning of the services they use. This is a principle of first importance to local authorities and is at the heart of the public service reform agenda.

- 3.5 One way for local authorities to improve participative democracy and enhance coproduction is to build capacity within Disabled People's Organisations (DPOs). DPOs are normally run by and for disabled people and have an important role in facilitating engagement between public bodies and disabled people; provide peer support and advice; develop policy and ideas and lobby for change; support routes into employment and volunteering; challenge and change perceptions; and provide disabled people with a stronger voice in the local community.
- 3.6 DPOs often develop organically and draw down on a range of funding sources – however, they are struggling with capacity and funding in many areas the local authority is an important partner within this context. DPOs have roots in local disabled people's communities. These connections are a valuable asset to local authorities and thus they should help build capacity where it is lacking.

Action 4: Each local authority should map and compile a directory of local DPOs. This directory should include contact details, services provided and any other relevant details, and it should be widely promoted.

Action 5: Local authorities should develop and maintain the capacity building of local DPOs to enable them to assist in the development of policies designed to support independent living; as well as disabled people's quality of life, and participation in society at large

Tackling Inequalities

- 3.7 However we define terms, disabled people are subject to higher levels of inequality than the population more generally:
- Only 40% of those with a limiting long-term condition report being in good health and they have significantly lower mental wellbeing scores;¹⁰
 - people who have experienced homelessness are more likely to be disabled¹¹
 - 74% of disabled adults experienced restrictions in using transport compared with 58% of non-disabled adults¹²
 - Women with learning disabilities die on average 20 younger than the general population;¹³
 - 20% of families with a disabled adult live in relative poverty (versus 14% of families with no disabled adults).¹⁴
- 3.8 There are a number of areas of state support that impact on the relative inequality of disabled people, but the most significant from a local authority perspective are: the health

¹⁰ Scottish Government online 'Equality Evidence Finder'

¹¹ Macpherson, S. and Bond, S.(2009) *Equality issues in Scotland: a review of research, 2000-08*. EHRC.

¹² The Life Opportunities Survey"; Office of National Statistics, 2010

¹³ The Confidential Inquiry into premature deaths of people with intellectual disabilities in the UK: a population-based study (2013)

¹⁴ Scottish Government online 'Equality Evidence Finder'

and social care system; employment opportunities and social security. These areas of public policy are picked up in detail in sections 4 and 6 of this document. When well accessed by disabled people, these areas of support not only contribute to better equality but prevent people from falling out of society at a cost to communities.

Promoting Equalities

3.9 Local authorities are working to improve and build on their impact assessment processes in line with the public sector equality duty. A number of local authorities are now taking steps to integrate human rights into their impact assessment models. Equality & Human Rights Impact Assessments (EQHRIAs) are an important instrument for enabling equality and human rights considerations to be embedded into policies, practices, procedures and priorities of local authorities. There is a strong business, legal and moral case for adopting an EQHRIA model, for example:

- Achieving better local outcomes, which aim to improve the quality of life and opportunities for all people across Scotland.
- Improving performance in delivering services as efficiently, effectively and economically as possible as they will ensure they are responsive to people's circumstances at the point of delivery.
- Demonstrating accessibility and accountability through meaningful involvement of communities.
- Ensuring compliance with the law by preventing violations before they require redress and added expense.
- Ensuring the most vulnerable to disadvantage, inequality, discrimination and poverty are supported to live as fulfilled lives as possible.

Action 6: Each local authority should work towards integrating human rights into their impact assessment models, if they are not already doing so. They should work with DPOs to do this.

3.10 Scotland's National Action Plan for Human Rights (SNAP) is a roadmap for the realisation of all internationally recognised human rights. It is based on evidence and broad participation. SNAP's aim is to build a better human rights culture throughout Scotland, where people understand and can affirm their rights and where organisations are able and accountable for putting them into practice. One of SNAP's key commitments is to hold Innovation Forums on 'How to Embed a Human Rights Culture', which will bring together a wide range of people from public, private and voluntary bodies to share good practice and experience from across Scotland and beyond. A number of local authorities have expressed an interest in hosting a pilot forum, which will explore innovative models and approaches to achieving a better human rights culture.

Action 7: COSLA will disseminate the outcomes and learning from SNAP's pilot and encourage local authorities to use the learning from this model to contribute to developing a culture of human rights in Scotland.

3.11 The 2010 Equality Act places duties on public authorities to reflect the pivotal role they can play in reducing inequality and increasing positive outcomes for all. The public sector equality duty covers the 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. Those bodies subject to the general duty are required to demonstrate 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

3.12 Under the Scottish specific duties, which came into force to assist public bodies in meeting the general duty, listed public authorities are required to:

- Report on mainstreaming the equality duty.
- Publish equality outcomes and report progress.
- Assess and review policies and practices.
- Gather and use employee information.
- Publish gender pay gap information.
- Publish statements on equal pay.
- Consider award criteria and conditions in relation to public procurement.

3.13 Listed authorities were required to publish a set of equality outcomes, gender pay gap information and statements on equal pay by April 2013 and to publish an equality duty progress report by 30 April 2015. Local authority progress reports can provide important information on how local authorities are contributing to the UNCRPD.

3.14 Disabled people and their organisations can support local authorities to meet their obligations under the Equality Act. They can bring the lived experience to the table, highlight where things work and where change or focus is needed. Local authorities should work with DPOs to access this support.

Action 8: COSLA, in partnership with the Scottish Councils Equality Network (SCEN), will take stock of local authorities' contribution to the UNCRPD by analysing disability in their equality outcomes, progress reports and work that is going on below these strategic reports. This analysis will also provide a benchmark for progress on the guiding principles of the UNCRPD.

Community Planning and Outcomes

3.15 At the heart of the community planning agenda is a focus on outcomes. For some time, local authorities have been shifting towards measuring impact over input, and we will continue on that journey with disabled people. Disabled people have also been pushing for an outcomes-focused approach, best illustrated by the shift towards a personal outcomes approach enshrined within the Self-Directed Support reforms.

3.16 A criticism often levelled at traditional approaches to measuring the effectiveness of services is that they narrow-in on a small number of output or capability measures (e.g. number of interventions made, or a focus on 'need') as a means of rationing who accesses services rather than taking a more rounded outcomes focus (e.g. a focus on personal goals and ambitions, or at a system level, sustainable employment or educational attainment).

3.17 COSLA and our member councils are committed to the further development of an outcomes ethos – and we want to spread that ethos within a community planning framework. COSLA and member councils recognise that working with disabled people and their organisations can help local authorities to set the right outcomes and understand where they have been successful (or not).

Section 4 – Employment, Economy and Education

Local Government as an Employer

- 4.1 Scottish Local Authorities employ over 250,000 people across the country. In every region, the Council is one of the biggest employer in terms of numbers of jobs. Our workforce is diverse, and includes many of society's most valued workers, including those who help our children grow and learn, those who protect our communities and care for people with support needs and those providing the essential day-to-day services that allow people to work, live in or visit our communities.
- 4.2 Reflecting on the findings of the Christie Commission and the more recent Mather Review, we recognise that our workforce has a 'public sector worker' identity and ethos, characterised by a well led, properly motivated and trained workforce, that is valued and empowered to take responsibility for its work, and which creates a climate which reduces failure demand and secures continuous improvement.
- 4.3 With such a significant workforce and the range of roles available, it is clear that Local Authorities can play a key role in directly supporting disabled people to live independent lives by ensuring that there is a commitment to recruiting disabled people and to supporting those disabled people who are already within our employment.
- 4.4 Scottish Councils have a strong track record in promoting equalities in the workplace, as demonstrated by participation in the Double Tick Scheme. Councils also utilise other schemes such as Access to Work which allow for the costs of aids and adaptations to be met. However it is important, to overcome misunderstanding and prejudice, that our workforce is as representative as it can be of all groups within our communities and we recognise that we do not yet employ a representative number of disabled people.

Action 9: Each local authority will review existing recruitment policies to ensure that we are supporting disabled people to work within local authorities – and this might include considering Positive Action. As part of this review, each local authority will offer a paid internship for a disabled person and will work with managers, trade unions and DPOs to ensure that the workplace is adapted to meet that person's requirements and that support is provided as well as training and development opportunities.

- 4.5 As well as improving our recruitment outcomes in relation to disabled people, Scottish Local Authorities will also work with representatives of the various recognised Trade Unions and with representatives of Disabled Peoples' Organisations to ensure that our overall employment policies are not discriminatory (either directly or indirectly) and, wherever possible, that our policies are improved to support the needs and requirement of existing employees who have disabilities. This may include such matters as learning and development opportunities, career development or flexible working practices.

Action 10: COSLA Employers and our Trade Union Colleagues will work with Disabled Persons' Organisations to get feedback on where our employment policies could be improved and will agree an action plan to address those areas for improvement with all agencies.

Action 11: Consideration should be given to how best local authority staff can gain access to Disability Equality Training.

Supported Employment and Supported Businesses

- 4.6 Supported employment services aim to provide a personalised approach to support people with significant disabilities, including people with learning disabilities and autism, to access and retain open employment. In Scotland, Supported Employment services have evolved without any overarching Framework or consistent funding arrangement. Work undertaken in 2010 established that some services have tended to be fragmented and uncoordinated, driven by a variety of funding arrangements with no consistent standards being adopted by organisations or staff.
- 4.7 A scoping exercise carried out in Scotland's 32 local authority areas in 2010 confirmed that considerable variation exists in how services were implemented. Some providers were delivering voluntary work, 'permitted' work or work placements while others provide training for work. Few providers, however, were found to be offering jobs or holding consistently to a defined Supported Employment model.
- 4.8 In 2010 COSLA and the Scottish Government published *A Working Life for All Disabled People - Supported Employment Framework for Scotland*. The framework was intended as a positive step towards better coordinated supported employment services in Scotland and made a number of recommendations in terms of funding, standards, quality and coordination, in order to delivery improved outcomes for service users.
- 4.9 Since the framework was published there have been changes in national UK policies and work programmes which help support supported employment and it is evident that outcomes might have suffered as a result. It is appropriate as part of this delivery plan that an assessment is made of the progress and impact these factors have had on our ambitions for supported employment.

Action 12: COSLA will assess the impact that has been made toward the outcomes set out in the Supported Employment Framework for Scotland – *A Working Life for All Disabled People* and will consider, with DPOs, the need for further work on progressing this issue.

- 4.10 The purchasing power of local authorities can also be brought to bear on the sustainability and value of supported businesses. While recognising the role that supported businesses play within our economy, choice and flexibility in terms of the award of contracts is key, and local authorities need to continue to have the choice about whether certain contracts could be reserved for supported businesses. COSLA does not believe that procuring authorities should be compelled to have a specific number of contracts with supported businesses or for specific goods or services to be procured from supported businesses, as this could be counter-productive for both the local authority and supported business across Scotland. The need for responsive local decision-making and flexibility will be a crucial part of our future success.
- 4.11 While we recognise that supported businesses can play a vital role in enabling people with disabilities to participate in the labour market, with the renewed focus on tackling inequality in Scotland's Economic Strategy, COSLA would argue that now is the time for a discussion about the involvement of people with disabilities in the economy more widely.
- 4.12 As part of the Smith Commission "heads of agreement", DWP contracted employability programmes have been recommended for devolution. Included in this is the "Work Choice"

programme, which seeks to support disabled people into employment. While the scope of devolution is still to be determined, COSLA has recognised the opportunity this could provide to provide more integrated local services and is seeking to ensure that devolved powers rest at LA/ CPP level, rather than national government.

- 4.13 Indeed, Scottish Local Authorities work with a range of partner organisations to support employability services for people who are out of work. While these services are offered to the population as a whole, consideration could be given to specific employability measures that support disabled people. For instance, there is strong evidence which suggests that when an employability service is run by a DPO (the Glasgow Centre for Inclusive Living is a good example of this) the employability outcomes for disabled people are much better than many mainstream services. DPO run employability services support disabled people into mainstream employment, and the added value comes from peer support, joined-up support which takes into account housing and social needs. Local authorities are therefore encouraged to consider the potential of DPOs in assisting with employability programmes.

Action 13: COSLA will work with stakeholders to investigate the potential role of DPOs in supporting employability services for disabled people.

- 4.14 Likewise in terms of community benefits stemming from procurement, these can also be beneficial for people with disabilities, particularly when there is effective stakeholder engagement with relevant groups and individuals.
- 4.15 COSLA previously welcomed the emphasis on community benefit and the need for procurement to encourage local jobs and business opportunities where appropriate. However, the process for considering community benefit clauses should not be onerously prescribed in guidance and will need to reflect local circumstances. While the guidance will draw lessons learned by those who have used community benefit in procurement clauses, and this may be useful background information, it is crucial to emphasise that a one size fits all approach to community benefit is unworkable. Local authorities need flexibility to decide what types of community benefit would be appropriate for the types and sizes of contracts advertised and their local areas, which will in turn empower local democracy, and help improve outcomes locally.

Enterprise

- 4.16 The ScotlandCanDo initiative promoted by the Scottish Government and COSLA is a collaborative approach to supporting entrepreneurship and innovation. As part of this work, consideration is being given to the level of support being provided to and/or needed by disabled entrepreneurs.
- 4.17 Initial work indicates that Local Authorities are already providing support to disabled entrepreneurs through the Business Gateway service. For example, the Business Gateway service in Dundee City Council's area reported that disabled clients received a high level of service, with specialist support being provided as required. Dundee had also been proactive and had previously worked with Disabled People's Organisations to try and promote and deliver a large scale event aimed at potential entrepreneurs with disabilities. However, it is clear that there is more to do.

Action 14: Business Gateway and COSLA will liaise with Disabled Persons' Organisations and service users to get feedback on how to strengthen business support mechanisms to disabled people in business, or who want to develop a business. This information will then be shared with local Business Gateway units across Scotland.

Education

- 4.18 The rights of disabled children and young people in Scotland are rooted in statute. Scottish local authorities already have a duty to have regard for the provision of the relevant support and infrastructure needs in respect of individual children. This can cover issues such as teaching support, transport, access to school buildings and personal assistance during the school day.
- 4.19 The most recent legalisation - the Children and Young People (Scotland) Act 2014 - places a responsibility on a range of public agencies, including councils, to have regard to the health and well-being of all children and young people. While the Act does not make specific provisions for disabled children and young people, it is nonetheless clear that the legislation encompasses all children. It also includes duties in terms of the rights of the child and young person, in relation to decisions about individual service provision made with their involvement and agreement.
- 4.20 Within this context, and drawing more generally on the GIRFEC model, local authorities have become accustomed to building support around disabled children. For some disabled children, it will be right to be supported within mainstream educational provision. For others, a more specialist and tailored educational establishment may be best. Local authorities will work with all disabled children and their parents or guardians to support decisions that best advance the interests of the child or young person. This will include ensuring that support from other local authority services such as social care is joined up with education support, to ensure that no disabled child is unnecessarily taken out of mainstream education.
- 4.21 In addition to tailored support outline above, consideration also needs to be given to the range of approaches that local authorities might consider to educate all children and young people about disability equality. Local authorities could build into the Curriculum for Excellence classroom work on to what is meant by disability, and how society should respond to and interact with disabled people. This will be important to ensure that young disabled people are not subject to bullying and that Scotland's young people emerge from their educational experience with a mature perspective on disability. Schools can seek guidance from Education Scotland and from DPOs to gain insight into how best to approach this sensitive issue.

Action 15: Local authorities should build on existing work to educate children and young people about disability, using the opportunities provided through the Curriculum for Excellence to ensure that young people leave education with a full understanding on to what is meant by disability, and how society should respond to and interact with disabled people.

- 4.22 In respect of the physical infrastructure of schools, all public buildings in Scotland are subject to the Equality Act 2010. The Schools for the Future Programme will take account of that legislation in funding for new schools or refurbishment of existing buildings. This will be taken into account by councils in making plans for any new school.

4.23 However, there are existing school buildings across the country, designed and built prior to the Equality Act, which do not take account of some access needs. Short of a full overhaul of the school estate, councils have explored the potential of introducing adaptations to existing school buildings which are not compliant with the Equality Act.

Section 5 – Communities, transport and building capacity

- 5.1 Local authorities have a critical role in enabling local citizens, including disabled people and people with long term conditions, to individually or collectively participate in and contribute to the local community. This enabling or facilitating role can be proactively applied through supporting user-led and community led organisations build the capacity of individual and groups, and promote self-empowerment.

Action 16: COSLA will work with ILiS and others to promote awareness of the added value of DPOs and identify best practice in supporting these organisations.

Housing and Planning

- 5.2 The Local Housing Strategy (LHS) is a council's sole strategic document for housing in its area. A council's Housing Need and Demand Assessment (HNDA) evidences the people living locally and their likely needs. This evidence is used to inform the LHS, alongside other local evidence and intelligence. This evidence informs operational planning and housing delivery.
- 5.3 The Local Housing Strategy has an *Equalities Statement* and statements on independent living and supported accommodation. The LHS states,

'Independent living is about freedom, choice, dignity and control for those with a disability or long-term health condition, those who have become frail or those in need of support. People should be able to live safely and as independently as possible, in appropriate housing with control over their care and support. A requirement for support for what may be complex care and health support needs, can occur at any age.'

Action 17: COSLA will work with partner organisations, including DPOs, to monitor the effectiveness of the HNDA and LHS in meeting disabled people's needs.

- 5.4 It is also important to consider the role of housing adaptations in supporting disabled people to live independently. Local authorities are often very well sighted on the potential value of adapted houses to support of disabled people with social care needs. Indeed, in recognition of this, COSLA and the local government community supported measures which ensure the budget for aids and adaptations pass through to Health and Social Care Partnerships, to ensure a fully integrated service offer to disabled people.
- 5.5 At the same time, we can improve our use of adapted houses. Disabled people often comment, following the end of a specific tenancy, on the inefficiency of not maintaining adapted houses for use by another disabled person. To that extent, integration authorities may want to work with housing associations and others to consider reviewing the potential of maintaining adapted houses.
- 5.6 Furthermore, in respect of the new build agenda, the concept of 'homes for life' will be increasingly important for local authorities to consider when undertaking housing need and demand assessments. Homes for life can be adapted with the changing needs of the resident.

Transport

- 5.7 Over the past year Transport Scotland have been engaging with a range of stakeholders including local government, DPOs and transport providers, to explore the current state of transport accessibility in Scotland.
- 5.8 This work culminated in a summit held in Edinburgh on 24 March 2015 which was attended by more than 150 people including disabled people, government officials and transport providers. The aim of the summit was to bring these groups together to discuss issues and solutions. This summit was organised and supported by a working group with representation from Central and Local Government (including COSLA), DPOs and transport providers.
- 5.9 The main issues discussed at the summit were sorted in to 4 key themes:
- Deliverability – affordability, safety, comfort and availability of accessible transport
 - Connectivity – getting to, from and between transport options.
 - Information and Assistance – getting information in accessible formats, assistance during the journey and when things go wrong
 - Training and Customer Service – consistency in customer service and involvement in service development.
- 5.10 The issues raised at the summit will be taken forward in partnership with the Scottish Government, with the summit working group becoming a steering group agreeing the management, delivery and monitoring of the plan. The plan will include proposals for:
- Improved disability awareness training for transport staff, including taxi drivers;
 - Better publicity of good practice and the support for accessible journeys available from transport operators; and
 - The introduction of a Scotland wide assistance card which can be used across all modes of transport to highlight to transport staff any issue or assistance needed when travelling.
- 5.11 Transport Scotland will work with Transport Analytical Services to ensure any improvement to transport accessibility arising from the plan is accurately recorded, and will also look to disabled people themselves and DPOs to provide feedback which could be shared as good practice.
- Action 18: COSLA will play an active role in developing a joint vision statement for transport accessibility which will be co-signed by the Minister for Transport and COSLA Spokesperson. This will be finalised in the summer.**
- 5.12 Through the Civic Government (Scotland) Act 1982, local authorities have the power to license taxis and private hire vehicles for their area. The terms of the Act provide that a local authority shall not grant or renew a taxi or private hire car licence unless it is satisfied that the vehicle is suitable in type, size and design. This allows local authorities to specify whether all or part of the taxi and/or private hire fleet operating in their area must be wheelchair accessible.
- 5.13 Local authorities across Scotland have taken different approaches as to how many conditions they place on their fleet depending on local circumstances. Several local

authorities require that all taxi vehicles be wheelchair accessible - the City of Edinburgh was the first local authority to do this in 1995. Some require a percentage of their fleet to be wheelchair accessible. For example, one local authority requires 60% to be accessible with 40% remaining saloon cars, which was a position agreed in response to consultation with the public whereby older members of the community expressed a preference for saloon cars as being easier to enter and exit. Other local authorities do not set a fixed level for wheelchair accessible vehicles, however they provide financial incentives (such as waiving licence fees) to encourage an increase in the number of accessible vehicles. Some local authorities will require taxis to meet further conditions to improve access for disabled people, such a requirement to have a loop hearing system within the vehicle.

- 5.14 It is also recognised that some local authorities face significant difficulties in introducing a policy regarding accessible vehicles due to the size and nature of their area. All local authorities need to consider the business impact of policies designed to improve accessibility. Often this is addressed by allowing a significant lead in time to the start of the policy to assist operators in updating their vehicles.

Action 19: COSLA will work with member councils and DPOs to consider how best local taxi and private hire policies can support accessibility within their local area.

Digital

- 5.15 Digital inclusion, if successfully addressed, provides a major opportunity to empower disabled people. Scotland is currently undergoing transformational change in respect of its digital infrastructure. The Scottish Government has recognised that BT's commercial investment and two phases of nearly half a billion pounds of public investment in broadband will not on its own deliver a world class digital infrastructure for Scotland. Further public investment will be required and the Scottish Government is currently working with Scottish Futures Trust (SFT), key public sector stakeholders and industry to develop the World Class Digital Infrastructure Programme, first proposed in the Infrastructure Action Plan in 2012 and repeated in last year's Digital Participation Strategy.

- 5.16 The World Class Digital Infrastructure Programme involves an assessment of:

- how far current projects will deliver on the infrastructure elements of the 2020 vision, what the gaps are and how these can be addressed (including financial and non-financial interventions).
- alternative financing, commercial and delivery structures that could allow the public sector to stimulate the market in a more sustainable and cost effective way.
- the wider social and economic impacts and benefits from world class infrastructure.
- how the various non-financial levers could play a role in supporting the programme, including those available to Scottish Government, to UK Government and to the European Commission.

- 5.17 Of specific interest to the UNCRPD agenda, the Scottish Government is also currently developing an Assisted Digital Policy for Scotland. The current working definition for Assisted Digital is *"the means by which we put information into digital systems at the earliest stage possible on behalf of those who cannot engage digitally for whatever reason."*

- 5.18 Initially this is being broken down as those who will need assistance indefinitely, those who need assistance/support for some services or need support for a period of time, and those who do not require assistance. The delivery of an Assisted Digital Policy for Scotland will address the first two of these, and the approaches being taken will enable people to use digital public services where they lack the access, skills, confidence or inclination.
- 5.19 While generally supportive of this work, COSLA would like to see a greater profile given to adaptive software or hardware to support people with communication support needs. Indeed, we do not see this activity primarily as a service delivery issue; it is as much about taking an equalities perspective. COSLA has previously scrutinised the emerging proposals and highlighted concerns about the lack of user engagement in developing these proposals. The potential outcome is that assisted users could struggle in an increasingly digital world to access the same quality of service and will instead have to accept a reasonable alternative but not equivalent offering.

Action 20: COSLA will continue to lobby for user groups' involvement in discussions on the future of Digital Assistance and Inclusion to ensure equality of access to digital services.

Consumer Protection

- 5.20 Trading Standards Scotland (TSS) is the national trading standards team for Scotland funded by the Department of Business Innovation and Skills (BIS) and is delivered by COSLA. The national team is responsible for coordinating trading standards activity in relation to cross border and national casework as well as coordination of activity in response to national enforcement priorities. To this end, TSS has established four strategic working groups to focus on the identified priority areas: mass marketing scams, doorstep crime, illicit trade and new psychoactive substances and these strategic groups are responsible for developing strategy and best practice in relation to the national enforcement priorities which can be shared with local authorities.
- 5.21 Preventing consumer detriment through education, awareness raising and early detection/intervention achieves better outcomes than relying simply on reactive enforcement. In recognition of this, the Improvement Service's Critical Evaluation of Trading Standards recommended that TSS, working in partnership with local authorities, should create a Prevention Strategy. The Strategy was created in 2014 and it will be implemented over the course of 2015/16. TSS will on an on-going basis seek to update the Strategy by identifying emerging good practice in preventative action seeking to promote it across all local authority services. TSS will also seek to work in partnership with Citizens Advice Scotland, the consumer advocacy and advice champions to promote the education and advice elements of the Prevention Strategy.

Action 21: TSS will engage with Disabled Persons' Organisations when updating the prevention strategy to identify areas of improvement, reflecting the needs of consumers in the refresh and agreeing what meaningful outcomes can be demonstrated.

- 5.22 This year, TSS will be developing a communications strategy which will reflect the national campaigns identified for the year ahead. The strategy will highlight joint working with other parties allowing the sharing of evaluation outcomes to produce a comprehensive picture of achievements in addressing consumer detriment.

Action 22: When developing campaign work, TSS will engage with Disabled Persons' Organisations to ensure that any materials produced are accessible to all, in turn, meaning that the campaign is as far reaching as possible.

Action 23: TSS will work with Disabled Persons' Organisations to evaluate previous campaign materials developed, utilising this feedback to improve awareness raising in the future.

Section 6 – Health Care, Social Care & Social Security

- 6.1 One of the most important services that local authorities and partners deliver to disabled people is health and social care. Social care is essential for the equality and human rights of disabled people. It supports them to get up out of bed, to eat, to wash, to access employment or leisure, to get around, to be an active member of the community, to fully realise their potential contribution to society. Without adequate care and support disabled people cannot participate in society. Indeed, small packages of support can often be the foundation of disabled people's lives and the means to more inclusive communities. In this context, we recognise the crucial role that local authorities have to play in supporting disabled people.
- 6.2 The health and social care system is currently subject to significant public service reform. Over the course of the last two years, COSLA has supported an integration agenda, which will create formal partnerships led by a single officer who is accountable to a joint board, made up of NHS non-executive directors and local authority elected members. That chief officer will be responsible for leading the development of a strategic commissioning plan, which will set out how local health, social care, housing and third sector support and services will be redesigned to meet changing population needs. The partnership will have an integrated budget which will be significant in size and reach. Crucially, it will include resource from the secondary care sector, thereby maximising the potential for service redesign.
- 6.3 Health and social care can often be the underpinning element to equality and human rights for disabled people. It is therefore crucial that the integration process aims to achieve and enhance the equality and human rights of disabled people. This means including disabled people meaningfully in the integration process to ensure that outcomes are working for everyone. These provisions are set out in the Public Bodies (Joint Working) (Scotland) Act and supporting regulations and guidance.¹⁵
- 6.4 While COSLA has supported measures to integrate health and social care services as a means to improving outcomes for the people who use these services, we have consistently argued that the reforms will not be sufficient to meet the demands of a changing population. Not only is our population ageing, complexity of need is also increasing, with greater levels of multi-morbidity and disability. To that extent, further thought will need to be given to how an increase in demand can be met from within the public finances. This suggests the need for a national discussion about the funding of health and social care.

Action 24: COSLA will lobby for a national discussion on the future of health and social care funding.

Charging for social care

- 6.5 Given the constraints on local authorities in terms of raising funds, the income generated from charges to support the services that disabled people often require, helps to meet the cost of operating these services. However, COSLA and our member councils recognise that

¹⁵ <http://www.gov.scot/Topics/Health/Policy/Adult-Health-SocialCare-Integration/Implementation/ImplementationGuidance>.

many disabled people object to being charged for the care and support services that they receive – and need.

- 6.6 In order to navigate through these challenging issues, COSLA has worked to help make charges fairer and more consistent, including through the development of charging guidance for local authorities. The COSLA Charging Guidance is subject to ongoing review in order to keep pace with developments in social care policy. Annual revisions are also made to accommodate changes in certain DWP benefits which are used to determine a minimum income thresholds. These are used to ensure that people whose income falls below the minimum do not need to pay for the non-residential social care services they use.
- 6.7 Current policy is based on a principle of co-payment where, through state funding, local authorities provide free personal care for those aged over 65 and other additional services including day care, lunch clubs, meals on wheels, domiciliary services, laundry services, are paid for jointly by the local authority and, if affordable, by people who use care services.
- 6.8 COSLA has sought to improve the consistency of charging policies across Scottish councils through improvements to the COSLA Charging Guidance for Non-residential Social Care Services. Work is taken forward by the Charging Guidance Working Group which seeks to work co-productively with the range of stakeholders and disabled peoples organisations.
- 6.9 There are several areas which COSLA Leaders have agreed merit further work and which we are interested in progressing with stakeholders. One of which concerns a fundamental issue expressed by disabled people relating to the additional cost of living which comes with having a disability. Drawing on the principles outlined earlier of empowerment and non-discrimination and equality, if a disabled person is to have the same access to opportunity and independence as a non-disabled person, the costs of securing that equality of opportunity needs to be met.

Action 25: COSLA will encourage further the involvement of DPOs and other stakeholder representatives in the ongoing revision of the COSLA Charging Guidance.

Action 26: COSLA will examine alternative local authority approaches to the consideration of DRE and make recommendations about future policy in this area.

Action 27: COSLA will publish an annual consistency report on the progress councils are making toward improved consistency of charging policies.

Social Security

- 6.10 COSLA recognises the need for an effective system of social security benefits to:
- Replace earned income for those unable to work due to sickness or disability
 - Compensate individuals for the additional costs of living with a disability
- 6.11 The state social security system therefore plays an important role in enabling people with disabilities to achieve their rights under the UNCRPD and is complimented by access to health and social care services. Significant changes to either the social security system or access to health and social care can therefore impact upon the outcomes for people with disabilities.

- 6.12 COSLA has been disappointed by the disproportionate impact of welfare cuts on people with disabilities in recent years, both in respect of the pressures this places on people with disabilities and on local authority services which provide support.
- 6.13 Equally, COSLA recognises that with the proposed devolution of more welfare powers to the Scottish Parliament, there could be a real opportunity to ensure that benefits for carers, disabled people and people who have chronic health conditions are properly aligned with the health and social care system, which is itself undergoing a process of integration.
- 6.14 The Smith Commission was tasked with providing recommendations on potential financial, welfare and taxation powers that could be devolved to Scotland, following the independence referendum. The Heads of Agreement, published on 27 November 2014, detailed a number of recommendations in relation to social security. These included the recommendation that the Scottish Parliament be given complete autonomy to determine the structure and value of a range of powers over disability, and devolution of the components of the Regulated Social Fund. In addition, the Scottish Parliament should be given the power to make administrative changes to Universal Credit and to vary the housing cost element. The Commission also made clear recommendations that the Scottish Parliament be given powers to create new benefits in areas of devolved responsibility, and top-up reserved ones.
- 6.15 The quantum of expenditure on each benefit to be devolved varies considerably. Nearly £1.5 billion was spent on Disability Living Allowance in 2013/14, accounting for almost 60% of total expenditure on the benefits to be devolved. This is in comparison to the £1 million spent on Cold Weather Payments in 2013/14.
- 6.16 The devolution of these welfare benefits represents a major legislative and operational change, not least because the welfare system in the UK is historically based on a common system of benefit rules, operational design and delivery.
- 6.17 With the devolution of a range of welfare benefits to the Scottish Parliament, we have an historic opportunity in Scotland to respond to the question: 'what do we want the welfare system to achieve?' – and then to design a system that delivers on our answer.
- 6.18 The COSLA Convention has already provided a framework for us to build a local government position around the welfare state: it should be focused on outcomes, not inputs; it should support the integration of services, as opposed to aggregation or centralisation; it should be framed in such a way that connects with and deepens local democracy; and it should strengthen systems of accountability. Running through all of these themes are the traditional local government values of best value and efficiency.
- 6.19 The focus on outcomes is important for any welfare provision because it gets to the heart of what we hope to achieve. For us, the purpose of a welfare state is to ensure all citizens have the right and opportunity to live purposeful and productive lives, irrespective of their social circumstance. This will normally involve participating in the labour market but not always.
- 6.20 A criticism often levelled at the current welfare system is that its administrators narrow-in on a small number of output or capability measures (e.g. number of job applications made, or a demonstration of mobility) as a means of rationing who receives benefits rather than taking a more rounded outcomes focus (e.g. a focus on sustainable employment or

education or participation in community). We believe that the devolution of the additional welfare powers to Scotland could allow us to develop practices that align with the latter – especially in respect of those benefits which are paid to carers, disabled people and people who have chronic health conditions. Assessors should be engaging with people as people, allowing them to reflect on what matters to them in their life, and also why these are important. This approach and philosophy is currently being embedded in social work practice in Scotland within the context of Self-directed Support.

6.21 Indeed, there is an historic opportunity to ensure that benefits for carers, disabled people and people who have chronic health conditions are properly aligned with the health and social care system, which is itself undergoing a process of integration. We are interested in exploring the concept of a single gateway administered by local authorities, which would allow people to access appropriate levels of financial support based on need and agreed personal outcomes.

Action 28: Local authorities will continue to provide information, advice and support either directly or with partners to disabled people to mitigate the adverse impact of welfare changes and support disabled people to claim benefits to which they are entitled.

Action 29: COSLA will work with Scottish Government and DPOs to develop opportunities for benefits for carers, disabled people and with chronic health conditions, which are being devolved to the Scottish Parliament, to be properly aligned with integrated Scottish Health and Social Care services to optimise outcomes for disabled people.

Section 7 – Conclusion

Next Steps

7.1 COSLA's UNCRPD Local Government Delivery Plan is intended to focus on the period from 2015/16 to 2018/19. During that period, it will be important for us to reflect on the level of progress being made against the actions set out in this document. We must always hold to the question about whether we are actively making progress on the fundamental tenets of the UNCRPD.

Action 30: COSLA will work with national partners and DPOs to assess progress each year, and produce a report to Council Leaders. This report will be a publicly available document. The first progress report will be for 2016/17.