

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)

Social Work Scotland Ltd

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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

The questions below cover the outcomes, commitments, themes and next steps set out in the delivery plan.

You can respond to these questions online at the consultation [webpage](#). Or you can complete this questionnaire and email or post it to Cathy Hewit. Please let Cathy know if you would like to respond to the consultation in an alternative format (email: catherine.hewit@scotland.gsi.gov.uk, tel: 0300 244 4000). Further details about the consultation are on p3 of the delivery plan.

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

Social Work Scotland is in agreement with the four outcomes and is committed to working with partners to create the optimal environment for supporting disabled people to participate fully in society and live their life with control, freedom, choice and dignity. The statements fit with Article 8 of the European Convention on Human Rights- ie " ..the right to private and family life...to work...to live with

dignity..”.Achieving the ambitions within the ‘Delivery Plan’ will involve making change to physical environments as well as to the way systems and policies operate. Local governance is required to ensure that the best local solutions are found to meet the outcomes.

Social Work Scotland agrees with the statement in COSLA’s document on strengthening local democracy ‘Local Matters’, that human rights must be respected and cannot vary from locality to locality. Furthermore that a strengthened local democracy, ‘supported by appropriate aggregation and sharing’ will provide the best environment for delivering on ambitions for tackling inequality.

Social Work Scotland is of the view that the outcomes, as with Single Outcome Agreement’s and the findings within the Christie Commission report, 2011, can only be effectively delivered through such inclusive, locally-based democratic decision making. Engaging people who use services as ‘equal and experts’ within the local context will lead to better informed planning and general decision making. The need for an increased focus on community planning is enshrined in ‘The Community Empowerment (Scotland) Bill.

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 do not 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 of the delivery plan 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	Social Work Scotland supports the intention to establish a group to find solutions to transport issues and for the work of that group to be informed by/to include people who have first-hand experience.
2. Design for Ageing	Social Work Scotland supports the intention to anticipate, research and plan in anticipation of increasing numbers of older people in communities –some of whom will have complex health needs. This approach also fits with Scottish Government/ COSLA's Statement of Ambition for Community Planning and SOAs which emphasises a focus on prevention in public service delivery.
3. Raising awareness of accessible design	Social Work Scotland supports the intention to focus on the design of accessible housing- both in terms of increasing the availability of suitable accommodation for people with disabilities and also to avoid the situation where people have to move from communities where they live (and may receive informal support) following a deterioration in their physical abilities.
4. Homes which are more accessible	As above. Social Work Scotland supports the view extended by the Independent Living Movement in Scotland that people with disabilities have “ the right to practical assistance and support to participate in society...” and that this does not necessarily mean living independently.
5. Accessible housing	As above
6. A new help guide aimed at boosting accessible design	As above; presumably this work will be informed by the experience of architects and other relevant professions.
7. A new help guide to assist tourism businesses	Agreed.
8. A new help guide setting out key accessibility hints and tips	Agreed
9. Access statement online tool builder	Agreed
10. Widening access and increasing	Agreed

opportunities for disabled people to engage in culture, heritage and the arts	
11. Recording and reporting of workforce diversity information	Agreed –although we would ask that reporting on new standards dovetails with existing reporting mechanisms.*
12. Improving access to the historic environment and collections relating to the historic environment	Agreed. Existing sites on line, set up by individuals with disabilities, which provide information on accessible venues, have proven to be well used. The expertise of these individuals should be sought in this matter.
13. Disability Inclusion in Sport	Agreed.
14. Action plan to promote disabled people’s participation in sport and physical activity	Agreed.
15. Sportscotland investments	Agreed. Presumably the discussions include and reflect the wider community interest –eg Local Authorities; Health Boards etc. The success of the programme will depend upon maximizing the contribution that each part of the democratic system can make.
16. One Scotland awareness raising campaign	Agreed. Presumably the cross cutting activities listed will be effectively co ordinated.

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?

No further comments.

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

Q6: Do you agree or disagree that the commitments (17-35) described at Section 2.2 of the delivery plan 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	Agreed.
18. Advocacy	Agreed.
19. The New framework for Hearing the Citizen Voice	Agreed.
20. Routes to Inclusion – ‘Engaging disabled people and their organisations’	Agreed – it is important to take account of the excellent work already undertaken in local areas.
21. Allied Health Professionals and Independent Living – delivery plan	Agreed – we also feel it is essential that the expertise of AHPs is included throughout this delivery programme.
22. NHS - 2 year internship for disabled graduates in partnership with NHSScotland and Glasgow Centre for Inclusive Living Equality Academy	Agreed but obviously if outcomes are to be met then the focus needs more to be on employment of people with disabilities across Scotland’s workforce.
23. NHS Scotland Learning Disability Employment Programme	As above.
24. Disability Inclusion Promotional Campaign	Agreed but a wider view is essential.
25. Measure compliance of NHS Boards on embracing equality diversity and human rights in the NHS in Scotland	As with * (11).
26. Child Rights and Wellbeing Impact Assessment (CRWIA) for all policy development affecting children	Agreed.
27. Fund for projects to support disabled children and their families	Agreed.
28. Information Hub	Agreed.
29. Transitions Test of Change Project	
30. Child Internet Safety stakeholder group	Agreed.
31. Review of inclusion of people with learning disabilities or autistic spectrum disorders under the Mental Health (Care and Treatment) (Scotland) Act 2003.	Agreed.
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.	Agreed. The Adults with Incapacity Act is 15 years old and, whilst a modern piece of legislation based upon human rights, there has been many significant changes since this time in policy – such as ‘Self Directed Support’ legislation and it seems reasonable to consult on the Scottish Law Commission’s

	review/ consider a wider review.
33. Review of policies on guardianship and consider circumstances in which supported decision making can be promoted	<p>The policies on Guardianship already promote advocacy as a means of supporting decision making by those people who are unable to protect themselves. However, this proposal seems reasonable as part of the wider review.</p> <p>The Mental Health (Care and Treatment) (Scotland) Act 2003 has been recognized as a ground breaking piece of modern statute. However, it is essential that all those working within the systems that may have contact with people with mental health problems are informed about the way the illness may present – police, courts, solicitors etc.</p>
34. An integrated children's rights and equalities impact assessment for the Scottish Children's Reporter Administration	<p>Social Work Scotland supports the intention to integrate this work within the Getting it Right for Every Child approach.</p> <p>An area that requires particular consideration in our view is the difficult problems that young people can face at the point of transition from child to adult services. An example is the number of young people under 18 years who are admitted to adult psychiatric units or are placed away from family and community-issues that has caused concern for the Mental Welfare Commission over a period of time.</p>
35. Enhanced learning and development framework for foster carers	Agreed. See above.

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?

No further comment.

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 at Section 2.3 of the delivery plan 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	Agreed.
37. Anti-Bullying –respectme and review and refresh of the ‘National Approach to Anti-bullying for Scotland’s Children and Young’	Agreed. Scotland’s focus on anti –bullying is an important element of the ambitious programme for improving mental health in children and young people.
38. Overarching commitment from Fair Work Directorate	Agreed. Self Directed Support legislation and strategy has re focused planning on how support is provided for individuals with disabilities with a more asset based, personalized approach.
39. Investment in Developing the Young Workforce and further investment to support young people with barriers to employment including disability	Agreed. The ‘Equality Act’, 2010 permits positive action to improve participation of all groups in society – this area requires better understanding by employers.
40. Supported Employment Model	Agreed.
41. Supported Businesses	Agreed – also their potential as mentors for other businesses.
42. Establishment of a Fair Work Convention	Agreed. As previously stated, the effective co-ordination of these cross cutting activities will be essential.
43. Disability Employment Services in Scotland	Agreed but local determination is essential if outcomes are to be achieved.
44. Ensuring flexible and integrated support is put in place to support individuals with particular needs, including disabled people into work	Agreed.
45. Abolish fees for employment tribunals and consultation re barriers that disabled people face when raising a claim at an Employment Tribunal.	Consultation on the barriers experienced should precede change, not vice versa.
46. Disability Benefits Advocacy Support	Agreed. 20% of families with a disabled adult live in relative poverty (versus 14% of families with no disabled adults) (SG stats).

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

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?

Only 45% of disabled people are in work compared to 70% of non –disabled people (fig. Inclusion Scotland, 2014) with 0.2% of Modern Apprenticeships being filled by young people with disabilities (fig. Skill Development Scotland, 2014)

We think it is important to find the correct balance in this work - focusing on assets and the contribution that disabled people make to the work place and education as well as on the barriers they face. Without their contribution the achievements of Scotland will be less.

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 of the delivery plan 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	Approximately 47.5% of disabled people live in poverty, bearing additional expenses as a result of their disability (Demos report, 2010). A review would be supported by Social Work Scotland.
50. Encourage reporting of hate crimes against disabled people	Agreed. Social Work Scotland welcomed the introduction of the Offences (Aggravation by Prejudice)(Scotland) Act 2009 . Attention needs to be given, however, to educating the public and ongoing work around reducing the stigma attached to certain disabilities – eg mental health problems which are not so easily recognisable both by the public and by professionals.
51. Accessible information	Agreed.
52. Accessibility of sites and services	Agreed.
53. Develop and deliver a ‘pilot’ improvement project focusing on preventing and removing disability hate crime from society	Agreed.
54. Engage with DPOs to explore extent of violence against disabled women and girls, in the context of our ambitions under Equally Safe	Agreed. We support the intention to explore the extent of violence against women and girls as part of a wider ambition to remove this violence from society. It is essential that a consideration of the female prisoner population is a part of this work. Scotland has one of the the fastest growing female prisoner population in Europe with a disproportionate number of female incarcerated. A study in Corton Vale showed that approximately 80% have mental health problems. Social Work Scotland welcomes the shift towards community sentencing and Community Payback Orders.

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?

No further comment.

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

No further comment.

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?

Social Work Scotland would be pleased to be involved in progressing this work.

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

Thank you very much for your response