

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

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

### SCOTTISH GOVERNMENT CONSULTATION

#### SUMMARY

**The consultation starts on 8 September 2015.**

**Closing date is 4 January 2016**

**The Scottish Government would welcome your views** on this draft delivery plan, which sets out our approach to implementing the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

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If you are responding by email or post, please where possible use the **questionnaire** available in Word on the consultation [webpage](#) and please do not forget to complete and return a **respondent information form** (see Annex A. A pdf version with audio assistance is also available on the consultation [webpage](#)).

**The Scottish Government will respond to the consultation in April 2016 and will publish their final delivery plan in the summer of 2016.**

## **Ministerial Foreword from Alex Neil – Cabinet Secretary for Social Justice, Communities and Pensioners' Rights**

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

The Scottish Government has worked closely with disabled people and their organisations, and with the Equality and Human Rights Commission, the Scottish Human Rights Commission and the Convention of Scottish Local Authorities (COSLA) to develop the outcomes we are aiming to achieve. Our draft plan is also complemented by a draft plan by COSLA on behalf of the local authorities it represents.

We want to hear your views about the commitments we have made to help us implement the UN Convention on the Rights of Persons with Disabilities (UNCRPD). We want to be the most open and accessible government Scotland has ever had and for this consultation to reach people who don't normally engage with us. We will use the responses to finalise the UNCRPD delivery plan which will be published next summer.

The delivery plan will develop over 2016-2020 and will link to other policies that put disabled people at the heart of creating a fairer Scotland. Our aim is for everyone to live in a fairer, healthier and happier country where all people are valued and able to achieve their potential.

### **1.1 The Scottish Government's aim**

The Scottish Government has a clear aim that disabled people will have the same equality and human rights as non-disabled people. This means that disabled people will have the same freedom, dignity, choice and control over their lives as everyone else, with rights to help and support at home, at work and in the wider community. For many disabled people living in Scotland, there is still a long way to go.

We need to take practical action across all areas of government and all services to making positive change for all disabled people in Scotland.

The UNCRPD is the framework we will be using to deliver this change. We are working hard to build stronger relationships between government policy makers and disabled people so that we will have a better understanding of what disabled people need from our policies.

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

At the heart of the Scottish approach is our ambition to build a fairer Scotland. Our new activity will build further on the foundations and progress we have already achieved. In this section we give a few examples of work already underway.

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

- **We are supporting disabled children and young people and their families from birth, through school and in to the world of work**

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

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

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

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

### **Social Security**

- **We are helping disabled people who are disproportionately affected by welfare changes and cuts**

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

We are taking decisive action with the resources and powers that we currently have to help disabled people, such as investing almost £300 million over the period 2013-16 to limit the damaging effects of the cuts and charges being imposed by Westminster. Since 2013, we have provided £90 million to local authorities to mitigate the bedroom tax which disproportionately affects disabled people – an estimated 80% of households affected by the bedroom tax contain a disabled adult.

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

## **Healthcare and Support**

We have established a new Scottish Independent Living Fund, which from July 2015 will make payments to all 2900 existing Scottish Fund users. And we have committed an additional funding of £5 million to open up the scheme to new users for the first time in 2015-2016. Other new legislation will make a real difference in improving the provision of services to disabled people including:

- The Social Care (Self Directed Support) Scotland Act 2013 which gives disabled people greater control over the provision of their care and support needs and gives them as much control as they want of their individual budget. The Act and Self Directed Support strategy has been backed by £46.2 million over five years (2011-2015).
- The Public Bodies (Joint Working) (Scotland) Bill 2014 which will result in more joined-up and seamless health and social care provision, and will ensure that people get the right care, in the right place, at the right time. The full integration of services across Scotland is expected by April 2016.

## **Carers**

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

## **Access to transport and housing**

- **We are taking action to remove barriers and improve access to housing and transport**

The freedom of many disabled people living in Scotland is often restricted by buildings and transport systems which are difficult to access. Housing adaptations make a vital contribution to supporting disabled people and older people to live safely, comfortably and independently at home. We have committed to implementing the recommendations of the independent adaptations working group, and five pilot sites will run until 2017. We will issue new good practice guidance on housing adaptations after the pilot has been evaluated.

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

And we are investing heavily in making transport more accessible. Earlier this year Transport Scotland hosted a Transport Accessibility Summit for disabled people and transport providers to discuss transport issues. The Summit highlighted the need to work together in partnership to improve journeys for disabled people on public transport.

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

## **Inclusive communication**

- **We are determined to address specific inequalities experienced by particular groups**

Disabled people need to be able to access information and services in a way that suits their needs so that they can enjoy other rights and reduce the risk of exclusion and discrimination. In April 2013 the Scottish Government set eight equality outcomes to be delivered by April 2017 (as required by The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012). One of the outcomes that we've set is called "Equality and Diversity Matters". The outcome focuses on raising staff confidence levels on equality and diversity issues, including raising awareness levels on inclusive communication. With Sense Scotland we have started delivering a series of inclusive communication seminars for staff, and we are in the process of appointing Easy Read champions across the organisation.

We are also funding a range of work through partners to improve inclusive communication across and beyond the Scottish Government:

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

## **British Sign Language**

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

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

## **Our commitment to human rights**

- **We are implementing the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**

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

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

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

### **1.3 Defining disability**

#### **The social model of disability**

This draft delivery plan supports the social model of disability, which was developed by disabled activists. The social model works on the basis that disability is the relationship between the individual and society, because it sees the barriers created by society as the cause of disadvantage and exclusion. The aim is to remove the barriers that isolate, exclude and so disable the person.

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

Some Disabled People's Organisations (DPOs) are run by disabled people for disabled people and don't provide services but they:

- advocate for the rights of disabled people,
- highlight disabled people's needs and priorities, and
- help to ensure that the voice of disabled people is included in policy development and service delivery.

### **1.4 UNCRPD and Independent living**

Independent living means "disabled people have the same **freedom, choice, dignity and control** as other people at home, at work, and in the community. It does not mean living by yourself or looking after yourself on your own. It means the person has rights to practical assistance and support to participate in society and live an ordinary life." Our definition covers most of the articles in the UNCRPD such as a right to housing, education, employment, access to justice and equal recognition in law.



## 2. Outcomes and commitments

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

### The four outcomes

The Scottish Government wants a Scotland where disabled people, including disabled children, have equal and inclusive access to:

1. The physical and cultural environment, transport and suitable, affordable housing
2. Healthcare provision and support for independent living. Disabled people will have control over the best use of resources. There will be good quality support for disabled children.
3. Education, paid employment and an appropriate income and support whether in or out of work
4. The justice system without fear of being unfairly judged or punished, and with protection of personal and private rights.

### Themes or ways of working

Supporting these four key outcomes will be three ways of working which we must include in the work we do. They will help us deliver the change that we want to see in of the outcomes. The ways of working are:

5. Disabled people are empowered to participate fully
6. Communication is inclusive and is accessible
7. The barriers facing disabled people are known, understood and addressed

## CONSULTATION QUESTIONS

If you want to respond to the consultation, please follow the instructions at the start of this summary document.

**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: Do you have any comments on the outcomes?**

## **Background to developing the commitments**

We hosted a “Disability Symposium” in March last year to discuss how we would develop this draft delivery plan, to explore priority action areas and encourage the active involvement of the disability sector. We also held a series of events co-produced with other organisations for senior Scottish Government policy officials with responsibility for specific UNCRPD articles.

We have funded disability-led organisations to make sure that a wide range of disabled people could have their say on the draft delivery plan.

These commitments have been produced by the Scottish Government. The focus of this consultation is just on the commitments. It provides an opportunity for disabled people and others to comment on whether they think the commitments will help us achieve the four outcomes we have set out.

The commitments will help us to implement disabled people’s rights in for the following articles in the UNCRPD.

### **The relevant UNCRPD Articles:**

- Article 5 – Equality and non-discrimination
- Article 6 – Disabled women
- Article 7 – Disabled children
- Article 8 – Awareness-raising
- Article 9 – Accessibility
- Article 12 – Equal recognition before the law
- Article 13 – Access to justice
- Article 14 – Liberty and Security of the Person
- Article 16 – Freedom from exploitation, violence and abuse
- Article 17 – Protecting the integrity of the person
- Article 18 – Freedom of movement and nationality
- Article 19 – Living independently and being included in the community
- Article 20 – Personal mobility
- Article 21 – Freedom of expression and opinion, and access to information
- Article 23 – Respect for the home and family
- Article 24 – Education
- Article 25 – Health
- Article 26 – Habilitation and rehabilitation
- Article 27 – Work and employment
- Article 28 – Adequate standard of living and social protection
- Article 29 – Participation in political and public life
- Article 30 – Participation in cultural life, recreation, leisure and sport
- Article 31 – Statistics and data collection.



## Environment, Transport & Housing

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

#### Key objectives

We want to see a Scotland where there is:

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

#### Where we want to be

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

### The Scottish Government's commitment to Scotland's disabled people:

#### Transport

**1. Transport Accessibility** – Transport Scotland has been engaging with DPOs, policy colleagues, transport providers and local authorities to discuss issues raised by disabled people. The issues will be taken forward by a steering group in a Plan for Accessible Travel. (2016 ongoing)

#### Planning and Architecture

**2. Design for Ageing** – The Scottish Government will consider if there should be research into how the rising numbers of older people will have an effect on design and planning and if this may also have a positive effect for disabled people. (2016)

**3. Raising Awareness of Accessible Design** – The Scottish Awards for Quality in Planning take place each year. Next year, the judging will look at accessibility for disabled people. (2016)

#### Building Standards

**4. Homes which are more accessible** – by working with house builders and the local authority who check that companies work to building standards, concessions for sites where there have been long drawn-out development will stop, and homes will be more accessible and will be built to more recent standards. (2016)

#### Housing and Independent Living

**5. Accessible Housing** – The Scottish Government will look more closely at the issues raised by DPOs about the availability of accessible housing for disabled people in the existing planning system, and consider what further actions may be necessary. (2016)

## Tourism and Business

**6. A new help guide on accessible design will be published** for the 2016 Year of Innovation, Architecture & Design. This guide will help architects design accessible buildings which fully meet the needs of disabled people.

**7. A new help guide to create more accessible websites to assist tourism businesses** will be provided helping businesses show what they can do for disabled visitors.

**8. A new help guide setting out key accessibility** hints and tips to meet the needs of disabled people attending events will be developed for tourism businesses and visitor attractions. (2016)

**9. Access Statement online Tool Builder** for tourism businesses will be updated.

## Culture

**10. Creative Scotland is widening access and increasing opportunities for disabled people to engage in culture and heritage and the arts.** Creative Scotland is carrying out a review.

**11. Recording and reporting of workforce diversity information** to improve the evidence collected and measure the success of policies. (2017)

**12. Improving access to historic buildings, monuments and collections** including online access to collections, services and community programmes. (2016-19)

## Sport and Physical Activity

**13. Disability Inclusion in Sport.** Disabled people will have greater opportunities to participate in sport as a new parasport centre will be built in Inverclyde. (opens in 2016)

**14. An action Plan for disabled people.** We will work with **sportscotland** and disabled people to promote disabled people's participation at all levels of sports and physical activity. (2016-2019)

**15. sportscotland** will make sure that the needs of disabled people and athletes are dealt with by investment in major national and international sporting events. (Ongoing)

## Awareness raising Campaign

**16. One Scotland Campaign** a future phase will focus on raising awareness of the barriers that disabled people face in society.

## CONSULTATION QUESTIONS

If you want to respond to the consultation, please follow the instructions at the start of this summary document.

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

Agree

Disagree

Neither agree nor disagree

**Q4: Would you like to comment on these commitments?**

**Q5: Is there anything else that could be added to the commitments? If yes, what do you suggest?**

## Health, Support and Disabled Children

### 2.2 Outcome 2

**Equal and inclusive access to healthcare and support for independent living, with personal control over the best use of resources, including support for disabled children.**

#### Key objectives

We want to see a Scotland where there is:

- More support for independent living for all disabled people who will have more say about how their support will be managed and provided
- Health, social care and other support services working together to remove the barriers faced by all disabled people
- Increased opportunities for disabled people to be involved in community development and service delivery

#### Where we want to be

The Scottish Government wants to shape a joined-up health and support system that has independent living at its core. This system will value what disabled people say and actively create opportunities for involvement in the design and delivery of services.

#### **The Scottish Government's commitment to Scotland's disabled people:**

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

###### **17. Health inequalities of people with learning disabilities data collection.**

Research has indicated that people with learning disabilities die younger than other people and this can be stopped. Data collected will be used in the development of NHS action plans to improve health services. (2016-2017)

**18. Advocacy** will be developed for people with learning disabilities so that their voices are heard. (2016-2017)

**19. The new framework for Hearing the Citizen Voice** – the Scottish Government will put into place this framework which will work across health and social care. The Citizen Voice Hub, Gathering Stories and a Citizens Panel will add value at all levels supporting improvement and empowering people to be equal partners in their care by the end of 2017. (2016-2017)

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

**20. Routes to Inclusion – “Engaging disabled people and their organisations”** is funded by the Scottish Government for engagement between disabled people, their organisations, Third Sector Interfaces and Integration Partnerships. It will give evidence of how disabled people can fully participate in locality and strategic planning groups.

**21. Allied Health Professionals** – an updated delivery plan will aim to find new ways to help people with illness, disability or injury lead healthy lives and stay in their own homes. Three advisers will be appointed for Scotland and we will hold events with the NHS Scotland and others involved including disabled people.

**22. NHS Disabled Graduates** – a two year internship will be developed with the NHS Scotland and the Glasgow Centre for Inclusive Living Equality Academy (2016-2018)

**23. Learning Disability Employment Programme** will be taken forward by the Scottish Government and the NHS Scotland with tools and guidance to increase the number of people with learning disabilities employed by Health Boards. (2106)

**24. Disability Inclusion Promotional Campaign** – we will raise awareness of disability inclusion through a promotional campaign with NHS Scotland Human Resource leads, service managers and staff. (2016)

**25. Equality and Human Rights in NHS Scotland** – The Scottish Government will measure the compliance of NHS Boards on equality diversity and human rights in the NHS Scotland.

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

**26. The Children and Young People (Scotland) Act 2014** means Scottish Ministers have a duty to think about what they are doing to comply with the UN Convention on the Rights of the Child (UNCRC).

From June 2015, the Scottish Government is using the Child Rights and Wellbeing Impact Assessment (CRWIA) in the development of all policies and services that affect children. This will improve participation and engagement with children and young people including those who are disabled.

**27. Funding for Projects to support disabled children and their families** will be through a new early intervention fund. The Disabled Children and Young People Advisory Group (DCYPAG) will continue to advise Ministers with a particular focus on the implementation of the Children and Young People (Scotland) Act 2014.

**28. Information hub** – The Scottish Government will start to develop better information for parents and carers of disabled children and young people by finding out what information they need. (2016 and ongoing)

**29. Transitions Test of Change Project.** This will evaluate the benefit of extending the GIRFEC principals, including the named person service, into adult services. This will help with transitions services from child to adult. (2016 ongoing)

**30. Child Internet Safety stakeholder group** will consider disabled children's perspectives. (2016 ongoing)

### **Mental Health Legislation**

**31. Learning disabilities and autism spectrum disorders** – the Scottish Government will review the inclusion of people with learning disabilities or autistic spectrum disorders under the Mental Health (Care and Treatment) (Scotland) Act 2003.

### **Adults with Incapacity Act**

**32. Deprivation of Liberty** – we will consult with the Scottish Law Commissions review on the compliance of article 5 of the European Convention of Human Rights and we will review the Adults with Incapacity legislation.

**33. Article 12 of UNCRPD** – the Scottish Government will review policies on guardianship and consider where supported decision making can be promoted.

## Care and Justice

**34. An integrated children’s rights and equalities impact assessment for the Scottish Children’s Reporter Administration** is a rights focus to key decisions and will be rolled out to national and local decision makers within the hearings system. (2016)

**35. Improving the support for “all looked after” children, including disabled children through an improved learning and development framework for foster carers.** Foster carers will have more awareness of learning and development opportunities including those to support them to care for disabled children in their care.

## CONSULTATION QUESTIONS

If you want to respond to the consultation, please follow the instructions at the start of this summary document.

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

Agree

Disagree

Neither agree nor disagree

**Q7: Would you like to comment on these commitments?**

**Q8: Is there anything else that could be added to the commitments? If yes, what do you suggest?**

## Education, Employment and Income

### 2.3 Outcome 3

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

#### Key objectives

The Scottish Government wants to see

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

#### Where we want to be

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

#### The Scottish Government's commitment to Scotland's disabled people:

##### Additional Support for Learning

**36. Continued commitment to implement additional support for learning** with stakeholders on the Advisory Group for Additional Support for Learning. Children will be able to directly influence the additional support that is provided for them. (Ongoing and reviewed annually)

##### Strategy and Performance

**37. Anti-Bullying** – the Scottish Government will continue to support Scotland's national anti-bullying service *respectme*. They will review and develop the *National Approach to Anti-bullying for Scotland's Children and Young People*. A priority for this service will be to look at bullying based on the protected characteristics, including disability.

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

**38. Overarching commitment from Fair Work Directorate** – the Scottish Government's aim is that disabled people, including young disabled people, get the opportunities and support they need to progress towards, enter and keep employment suitable to their needs and skills.

**39. Developing the Young Workforce** – the Scottish Government will invest £16.6 million to deliver our commitments to Scotland's Youth Employment Strategy. They will reduce inequality and improve learning options for young people, including young disabled people prepare for work. We are also investing a further £16.3 million to support young people, including young disabled people with barriers to accessing work in the third sector and with small employers. In particular we will increase the take up of modern apprenticeships by young disabled people.



**40. Supported Employment Model** – the Scottish Government will continue to support and promote this model for disabled people to learn on the job with support from colleagues and a job coach. We have developed a Personal Development Award and are working with partners, including local authorities, to promote using this to increase the quality of the workforce and delivery of supported employment.

**41. Supported Businesses** – These are businesses where at least 30% of the staff are disabled. About 20 of these employ 600 people. Supported businesses will be offered support for start up and to look at their ability to continue.

**42. Establishment of a Fair Work Convention** – This is an independent body supported by the Scottish Government which provides advice on how workplaces can be made fairer and more productive. It will provide a practical plan for promoting a new kind of partnership between employers, employees and trade unions, public bodies and the Scottish Government. (ongoing until 2020)

**43. Disability Employment Services in Scotland** –The Smith Commission recommended that the Scottish Parliament should have all the powers over support for unemployed people that are contracted out by the DWP. This includes specialist employment services which may need to be in place by 1 April 2017.

**44.** Scottish Government ministers are committed to make sure that flexible and integrated support is put in place to support individuals with particular needs, including disabled people into work. A consultation will be launched in July 2017 (2017 onwards)

### **Employment Tribunals**

**45.** The Scottish Government will abolish fees for employment tribunals and will consult with disabled people and their organisations to identify the particular barriers that disabled people face when raising a claim at an Employment Tribunal (2016)

### **Social Justice and Regeneration**

**46. Disability Benefits Advocacy Support** – the Scottish Government will fund the Health and Social Care Alliance (The ALLIANCE) to co-produce an advocacy project in four pilot areas. It will focus on disabled people and those with health conditions who are being assessed for welfare benefits including Employment Support Allowance (ESA) and Personal Independence Payment (PIP) (2016)

### **Reform of local taxation**

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

### **Social Security Policy and Delivery**

**48. Social Security for Disabled People** – the Scottish Government will have an engagement and participation programme with disabled people and organisations that will be affected by the new social security powers through the Scotland Bill. We are committed to establishing a social security system that treats people with dignity and respect. We will co-produce policy and delivery options. (2016-17)

## CONSULTATION QUESTIONS

If you want to respond to the consultation, please follow the instructions at the start of this summary document.

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

Agree

Disagree

Neither agree nor disagree

**Q10: Would you like to comment on these commitments?**

**Q11: Is there anything else that could be added to the commitments? If yes, what do you suggest?**

## Justice

### 2.4 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

#### Key objectives

We want to see a Scotland where:

- Disabled people can report a crime or discrimination without fear of being unfairly judged or punished in any way

Disabled people are treated as equal citizens within the justice system, whether as the victim or the person who is committing the crime.

#### Where we want to be

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

The Scottish Government needs to consider the physical environment, advocacy and support, information and advice, and communication support.

### The Scottish Government's commitment to Scotland's disabled people:

#### Civil Law and Legal System

**49. Review of legal aid contributions for disabled people** – The Scottish Government will work with partners to identify negative impacts on disabled people of the current legal aid framework and will look at possible changes. (2016 onwards)

#### Criminal Justice

**50. Encourage reporting of hate crimes against disabled people** – The seven main criminal justice organisations have committed to work together for future publicity campaigns and to encourage disabled people to report hate crimes and provide reassurance that these reports will be taken seriously. (2016 onwards)

**51. Accessible information** – the seven main criminal justice organisations will publish their most important pieces of information and their publication in alternative formats. An online secure website will be developed to provide case information for victims and witnesses. (2016 onwards)

**52. Accessibility of sites and services** – the seven main criminal justice organisations will do site audits of their buildings to identify any physical access barriers. This information will be available on each organisation's website. (2016 onwards)

#### Disability Hate Crime

**53.** The Scottish Government will work with a local authority to do a pilot project on preventing and removing disability hate crime from society. Lessons learned will inform practice in other parts of Scotland. (2016-2020)

#### Violence against disabled women and girls

**54.** The Scottish Government will engage with disabled people's organisations to explore the extent of violence against disabled women and girls in the context of Equally Safe – Scotland's strategy to prevent and remove from society all forms of violence against women.

## CONSULTATION QUESTIONS

If you want to respond to the consultation, please follow the instructions at the start of this summary document.

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

Agree

Disagree

Neither agree nor disagree

**Q13: If you would like to comment on these commitments please do so. If not skip to the next question.**

**Q14: Is there anything else that could be added to the commitments? If yes, what do you suggest?**

### **3. Delivering change**

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

It's important that we do everything they can to ensure that these three themes are embedded into all that we do:

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

#### **Participation – Disabled people are empowered to participate more fully**

For disabled people to be able to participate fully in all areas of daily and public life the right conditions must exist which are:

- Safe, equal access to the physical environment and the provision of advice and support when it is needed
- A society where politics, people and service providers support the social model of disability and recognise the value of removing disabling barriers.

If we achieve these conditions, disabled people will have more choice and control over their own lives.

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

Accessible communication is just as important as an accessible physical environment, and more than one million people in Scotland experience a communication barrier.

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

Making sure that information is accessible is a critical first step to accessing other rights. Plain English is a positive step, helping to communicate information in the clearest, most direct way possible. The provision of information in British Sign Language (BSL) means that BSL users can have full access to necessary information.

Inclusive communication goes beyond this and includes all communication support needs. These range from the provision of Palantypists and audio assistance, and use of alternative formats such as Easy Read and Braille.

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

#### **Raising awareness**

A key element of this draft delivery plan, and required by UNCRPD itself, is raising awareness of the UN Convention and the barriers which prevent disabled people from enjoying their human rights. The commitments set out in this draft delivery plan represent a significant step towards this.

The UNCRPD aims to protect and promote disabled people's human rights in all areas of life in Scotland. The Scottish Government will continue to raise awareness of disabled people's human rights and promote the UNCRPD.

## CONSULTATION QUESTIONS

If you want to respond to the consultation, please follow the instructions at the start of this summary document.

**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 on your response or if you have any further comment on the themes.**

#### **4. Measuring our progress**

As with any delivery plan it's important that progress can be measured at regular intervals to identify what's working and if anything needs to be change so that we make a positive difference to the lives of disabled people living in Scotland.

Responsibility for measuring progress of these commitments will be with Scottish Government officials.

The Scottish Government will work with Disabled People's Organisations (DPOs) and the United Kingdom Independent mechanism (UKIM) to continue to gather and share information about priority need.

#### **5. Taking Next steps**

This delivery plan shows how we will move forward to make UNCRPD a reality for disabled people in Scotland. It shows the Scottish Government's planned approach, our key outcomes and the commitments which will help us make progress towards these outcomes.

The Scottish Government is determined to make real, long term progress towards making sure disabled people enjoy the same human rights as other people.

We are committed to working with disabled people and their organisations, and with services now and in the future, so that the Government can meet disabled people's needs.

The Scottish Government will reduce the inequalities and social injustice experienced by disabled people; it will support them to be active citizens in Scotland.

#### **CONSULTATION QUESTIONS**

If you want to respond to the consultation, please follow the instructions at the start of this summary document.

**Q17: Do you have any comments on this section, or anything additional you would like to see added here?**

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



## ANNEX G - RESPONDENT INFORMATION FORM

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

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



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

### 1. Name/Organisation

Organisation Name (if applicable)

Title Mr  Ms  Mrs  Miss  Dr

(Please tick as appropriate)

Surname

Forename

### 2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<b>Postcode</b>	<b>Phone</b>	<b>Email</b>

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

Individual / Group/Organisation

Please tick as appropriate

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

Please tick as appropriate

Yes  No

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

Please tick **ONE** of the following boxes

Yes, make my response, name and address all available

or

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

or

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

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

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

Please tick as appropriate

Yes  No

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

Please tick as appropriate

Yes

No