



**The Scottish Government's Draft Delivery Plan 2016-2020: United Nations  
Convention on the Rights of Persons with Disabilities**

**15th January 2015**

**1 About Disability Agenda Scotland (DAS):**

**1.1 *Disability Agenda Scotland (DAS) is a campaigning alliance of Scotland's major disability organisations: Action on Hearing Loss (Scotland), Capability Scotland, ENABLE Scotland, RNIB Scotland, SAMH (Scottish Association for Mental Health) and Sense Scotland. Together, our collective pan-disability policy expertise and interests cover physical disability, sensory impairment, learning disability, communication support needs and mental health.***

**1.2 *We believe it is our role to combine the lived-experience of our individual membership networks with our collective policy expertise to deliver effective, solution-focused, policy analysis to effect positive change with and for disabled people across Scotland.***

**2 About this response:**

**2.1 *This should be considered a collective response informed and endorsed by the six member organisations on the key issues commonly identified across the DAS network. Member organisations may also submit individual response focusing on their individual areas of interest. DAS has welcomed earlier opportunities to engage with the process, including a meeting which the DAS CEOs had with the civil servant team in late 2015 to discuss the draft Plan and its intent. This response complements that dialogue.***

**2.2 **Disability Agenda Scotland** welcomes this opportunity to respond to the consultation on the Scottish Government's Draft Disability Delivery Plan 2016-2020, and to engage with the Scottish Government in shaping our shared agenda of improving the quality of life for all disabled people in Scotland.**

**2.3 DAS members broadly welcome the Scottish Government's intention to protect and promote the rights of disabled people in Scotland.**

**2.4** DAS believe the Disability Delivery Plan provides a real opportunity for the Scottish Governments to cohesively articulate the action Scotland is taking to deliver on our UNCRPD Commitments.

**2.5** However, DAS is keen to engage further with the Scottish Government to ensure that the opportunities offered by such a plan are realised through improvements in infrastructure strategy and planning across the public and third sectors to truly realise this ambition.

**2.6** Our response therefore will not focus on the detail; rather, we present a collective opinion that there are some key areas which require further focus; where the plan, and critically the strategic infrastructure supporting the delivery of the Plan across Government, could be strengthened to provide a more holistic approach and deliver more positive outcomes for disabled people across Scotland.

### **3 In General:**

**3.1 Disabled People's Organisations (DPOs):** DAS supports the Scottish Government's assertion of the importance of Disabled People's Organisations (DPOs) in this agenda, and in the delivery of the Plan. It is crucial that Scottish Government recognises the important voice of disabled people in this process and the myriad of groups and organisations that involve them. The DAS collective is very willing and open to work alongside the DPOs to engage in this process of further analysis and delivery, and looks forward to doing so. Within this spirit of partnership working, we would encourage the Scottish Government to broaden its approach to purposefully recognise the role of DAS in this agenda, in also providing considerable insight into the lived experiences of disabled people, and their carers, as well as wider insight into the policy impacts and the role of the third and public sectors in removing barriers to independent living for disabled people.

**3.2 Vision and Cohesion:** Disability Agenda Scotland recognises the Draft Disability Delivery Plan as a list of work or planned work that is taking place, or indeed has taken place, in various government departments, and across existing published disability specific strategies, such as the Keys to Life (2013), the See Hear Strategy (2014), the Mental Health Strategy (2012) and the Autism Strategy (2011). Whilst this has the potential to be a useful exercise, DAS members are concerned that the process of pulling this information together to present it in the plan does not appear to have influenced or resulted in clear ownership of the plan outcomes within one Scottish Government portfolio. DAS understands that the challenge for a document such as this is working across Government to capture all of the planned work across a variety of policy areas. As a stand-alone exercise, this is indeed valuable, but we would have liked the process to lead to a strengthened infrastructure supporting cross departmental priorities to deliver against a cohesive and strategic cross-government action plan within agreed timelines and with clear milestones.

**3.2.1** DAS members also note with initial caution the decision for the Scottish Local Government Delivery Plan (2015-2018) to sit independently, and with a distinct time-frame, to the Scottish Government's Delivery Plan (2016-2020).

**3.3 Evaluation:** Disability Agenda Scotland notes with disappointment that there is an absence of a robust and uniform monitoring and evaluation framework; ensuring the various plans and initiatives commissioned by various Government departments, fit together and collectively deliver the ultimate vision contained in the plan; and giving a clear picture of progress towards the commitments throughout the life of the plan. We are concerned that without this approach, this plan could present a missed opportunity to take a holistic and shared learning approach across Government to realising disabled peoples' rights contained in the UNCRPD.

**3.4 Accountability:** Whilst we are pleased with the stated objective<sup>1</sup> that Disabled People and their organisations will provide accountability in terms of progress on delivering against the plan, we are concerned that the lack of a cohesive overview of objectives and timelines will make this a challenging task. Critically, due to the fact that the Plan mainly pulls together existing commitments, accountability and ultimate ownership of all of the deliverables is not clear at all. Further, as stated above, DAS believes that there is a role for non DPOs in this process, and we would welcome consideration of the systems for organisations to engage in this.

**3.4.1** In order for this to provide genuine accountability it will be necessary for the Delivery Plan to be treated as a live process, with opportunities to key stakeholders to be regularly updated with the outcomes and commitments that arise through the various plans and initiatives that the Delivery Plan seeks to bring together. DAS welcomes this recognition by Scottish Government on page 45: "we anticipate that during the lifetime of the delivery plan, further commitments will be proposed and it is likely that some may evolve as new opportunities and funding becomes available. DAS members would suggest that the Ministerial Advisory Group would be an obvious place for key stakeholders to monitor delivery and impact of the outcomes of the Plan. DAS is represented on this Advisory group, and would be happy to input into the design of any such monitoring system.

**3.4.2** In the meantime, and in line with our view that the Disability Delivery Plan provides a real opportunity for the Scottish Governments to cohesively articulate the action Scotland is taking to deliver on our UNCRPD Commitments, Disability Agenda Scotland suggests it may be worthwhile re-visiting the commitments with relevant policy leads to ensure the plan reflects all of the current or planned work taking place. Later in this response, DAS offers a number of examples of relevant Scottish Government work and relevant legislative/policy changes that will require to be implemented during the period covered by the plan, and should arguably therefore be reflected within it.

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<sup>1</sup> Measuring Our Progress, p.45

#### **4 Disability Agenda Scotland has some further specific comment and suggestions for improvement and are keen to work with Scottish Government in the following particular areas:**

**4.1 Mental Health and Disability:** Disability Agenda Scotland members note with concern the distinct absence of mental health commitments from the Disability Delivery Plan. This is despite the Scottish Government's Mental Health Strategy 2012-2015 making a clear commitment to increase the focus on rights as a key component of mental health care, and the subsequent report<sup>2</sup> of the Scottish Human Rights Commission and the Mental Welfare Commission which makes recommendations for the Scottish Government to fulfil this commitment. It is disappointing that these recommendations, which have been accepted by the Scottish Government, do not form commitments included in the draft delivery plan.

**4.1.1** Whilst welcoming commitment 31 - *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* – DAS urges that this cannot be the only mental health commitment Scottish Government includes in this four-year Disability Delivery Plan. DAS members query why, for example, the implementation of legislative changes, included in the Mental Health Act 2015, are not reflected, despite the requirement for these to take place over the period covered by the Draft Disability Delivery Plan.

**4.1.2** In general, DAS members are concerned about what this absence reveals about the status and recognition of people who have mental health issues, as recognised as a disability under the terms of the Equality Act 2010, within the Scottish Government's vision for equality for disabled people. We would urge the Scottish Government to reconsider the status of commitments to improve the quality of life for people who have mental health problems within the deliverables of the Draft Plan as a matter of urgency.

**4.2 Children and Young People:** Disability Agenda Scotland also notes with some concern the absence of significant reference to improved outcomes for disabled children and young people. The Scottish Government's Play Strategy, for example, is not referenced. Therefore we query whether the Disability Delivery Plan can be considered to be reflective of the holistic policy landscape that applies in regards to disabled children and young people.

#### **4.3 Outcome 1 and commitments 1-16 (Environment, Transport and Housing)**

**4.3.1 Transport:** Disability Agenda Scotland is an active member of the Scottish Government's Transport Accessibility Steering Group cited in **commitment 1** as taking forward work to develop a Plan for Accessible Transport. As the work of this

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<sup>2</sup> Human rights in mental health care in Scotland: A REPORT ON PROGRESS TOWARDS MEETING COMMITMENT 5 OF THE MENTAL HEALTH STRATEGY FOR SCOTLAND: 2012-2015 (2015)  
<http://www.scottishhumanrights.com/application/resources/documents/Commitment%205%20report.pdf>

steering group progresses it would be helpful to update the Disability Deliver Plan to reflect more contemporary commitments emerging from the Accessible Transport plan.

- 4.3.2** Disability Agenda Scotland notes that some of the commitments could be strengthened to take the form of ‘actions’ as opposed to ‘considerations’.

**Commitment 2**, *The Scottish Government will look if there should be research into how the rising numbers of older people will have an effect on design and planning and how this may also have a positive effect for disabled people. (2016)*, and **Commitment 5**, *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)*, are two examples of commitments that could be strengthened in this regard.

- 4.3.3 Involvement of Disabled People:** Disability Agenda Scotland note Creative Scotland’s Review (**commitment 10**) and the development of Sports Scotland’s Action Plan (**commitment 14**), and would emphasise the need to ensure these are led and informed by the voices and experiences of Disabled People and Disability Organisations. DAS would also highlight that these actions should seek to address all barriers to participation for all disabled people, including those who have mental health issues or learning disabilities, and not just physical accessibility considerations.

- 4.3.4 Awareness Raising:** Disability Agenda Scotland welcomes Scottish Government’s commitment to a nation-wide awareness raising campaign. We would suggest that this should be informed and led by a steering group of disabled people and disability organisations, and builds on the awareness-raising campaigning work already happening across the disability sector and disabled peoples’ movement. Again, we would expect that that Ministerial Advisory Group should have a significant role in guiding and shaping the approach to such a campaign, and monitoring effectiveness.

#### **4.4 Outcome 2 and Commitments 17-35 (Health, Support and Disabled Children)**

Disability Agenda Scotland broadly welcomes the commitments made by Scottish Government in relation to Health, Support and Disabled Children.

- 4.4.1 Advocacy:** In relation to **commitment 18**, in line with our earlier point on the status of mental health within the plan, we would suggest that the advocacy commitment is significantly broadened to include the voices of people with mental health problems, in addition to those with learning disabilities. We would also advocate the need for a commitment to ensure the availability and provision of advocacy, as current advocacy provision levels often facilitate only interventions at crisis point rather than positive and pro-active advocacy in line with the commitment to ensure peoples’ voices are heard by Scottish Government.

#### **4.5 Outcome 3 and Commitments 36-48 (Education, Employment and Income)**

- 4.5.1 Education:** The Scottish Government’s renewed focus on the educational attainment gap, and focus on multi disciplinary working via the Children and Young

People (Scotland) Act 2014, provides a timely opportunity look at education for disabled children and young people; and consider a progressive approach to delivering a truly inclusive education system.

- 4.5.2** Many DAS partners would welcome the opportunity to discuss this with Scottish Government and other key stakeholder to inform the delivery of the plan.
- 4.5.3** Many of the individual DAS member organisations have proposals and resources that can support the commitments made by Scottish Government in this part of the plan. ENABLE Scotland, for example, have worked with Strathclyde University and Glasgow University to produce a suite of school lesson plans that would support the realisation of **Commitment 37**.
- 4.5.4 Income:** Disability Agenda Scotland welcomes Scottish Government's **commitment 48** to co-produce policy and delivery options of a social security system that treats people with dignity and respect (2016-17). Disability Agenda Scotland is actively participating in conversations with Scottish Government to this end.
- 4.5.5** Disability Agenda Scotland also seeks to highlight that as a direct result of the welfare reform agenda to date:
- Households with disabled adults and children have faced a total reduction of £1,900 per year in annual income.<sup>3</sup>
  - This is three times the reduction experienced by non-disabled households.
- 4.5.6** As the UK Government Welfare reform agenda continues; with further cuts and losses of entitlements expected to both social security arrangements to be devolved and to those that will remain reserved, DAS believes that there is a need therefore for the Disability Delivery Plan to reflect actions Scottish Government intends to take to mitigate the impact of welfare reform for disabled people in Scotland during and after the process of devolution. Disability Agenda Scotland recommends that, among other things, this should include the provision of specialist welfare and income maximisation advice; currently being delivered by a number of DAS member organisations, and funded by the Scottish Government. We would be keen to engage in discussions with civil servants on this important point.

#### **4.6 Outcome 4 and Commitments 49-54 (Justice)**

- 4.6.1** Equal access to justice is a fundamental human right. DAS is clear that this right should not be inhibited or diminished in any way by disability, whether the person is a victim, witness, accused or juror. All justice sector organisations including the police, courts, prisons, legal representatives have a role in ensuring the rights of disabled people are upheld within the legal system as reflected in Article 13 of the United Nations Convention on the Rights of Disabled People (UNCPRD)<sup>4</sup>

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<sup>3</sup> Financial Impact of Welfare Reforms on Disabled People in Scotland, Scottish Government, 2014

<sup>4</sup> <https://www.un.org/disabilities/convention/conventionfull.shtml>

**4.6.2** Current barriers to equal access include physical, information, communication and attitudinal barriers. In terms of physical barriers, justice sector organisations need to recognise the full range of access barriers experienced by disabled people, not just those faced by wheelchair-users.

**4.6.3** Disability Agenda Scotland therefore welcomes **commitment 51** that criminal justice organisations will publish accessible information in various formats. We would suggest, however, that **commitment 52**, site audits to determine *physical* accessibility of sites and services, does not go far enough and should seek to identify all access barriers including communication and attitudinal barriers. For example, DAS would suggest a progressive new commitment within the Delivery Plan which considered staff training and provision of appropriate adult services; particularly in the context of the implementation of Criminal Justice Act 2015, would be a helpful addition, and would complement the existing work of the Criminal Justice Disability Advisory Group.

**5 In Conclusion**, Disability Agenda Scotland is keen to work with Scottish Government in the further development and delivery of the Disability Delivery Plan. We have met with representatives from the Equality Unit to discuss our initial thoughts via our CEO Group, and we welcome opportunity to engage further on this. Please contact Disability Agenda Scotland via our Policy Group Chair in the first instance to arrange to continue this important dialogue.

**On behalf of DAS:**

**Billy Watson, Chief Executive, SAMH**

**Chair, CEO Group, Disability Agenda Scotland**

**For more detail on any part of this briefing paper, please contact:**

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